STATE OF WISCONSIN

DWD

Department of Workforce Development

Disability Ratings and Medical Reports

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Program

- Introduction
- Scheduled & Unscheduled Injuries
- Amputation and Loss of Use
- Statutory Minimum PPD Ratings
- Additional PPD Considerations
  - Multipliers
  - Deductions
  - Apportionment

Dispute Resolution Specialists

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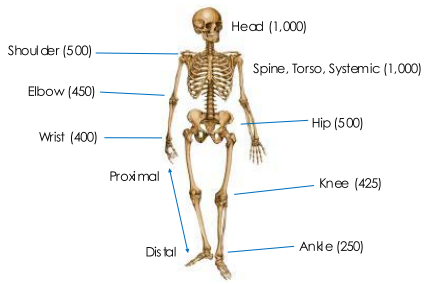
PTD versus PPD

- PTD = Unscheduled (body as a whole = 1,000 weeks)
  - Head (including smell)
  - Torso (including spine and kidneys)
  - Systemic
- PPD = Scheduled (compared to amputation, loss of use)
  - Extremities (including peripheral joints)
  - Hearing
  - Vision

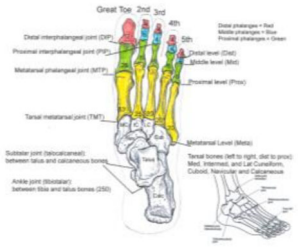
Rating Disability

- Amputation
  - Anatomic level of bone loss
- Loss of use
  - Percentage of total loss
- Hearing (DWD 80.25)
  - Pre- and post-audiogram formula
- Vision (DWD 80.26)
  - Acuity, field of vision, other

Body and Major Joints Weeks of Compensation

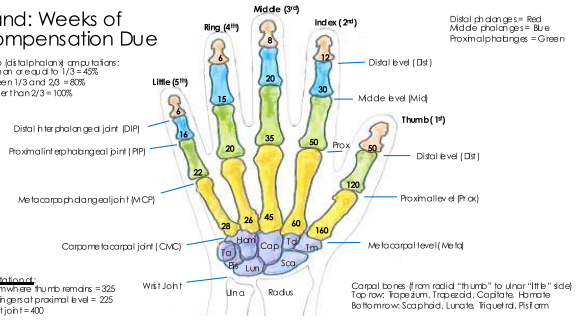


Foot Injury: Weeks of Compensation Due



Hand: Weeks of Compensation Due

Fingertip (distal phalanx) amputations:
- Less than or equal to 1/3 = 45%
- Between 1/3 and 2/3 = 80%
- Greater than 2/3 = 100%



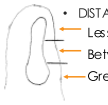
Distal phalanges = Red
Middle phalanges = Blue
Proximal phalanges = Green

Amputation at:
- Palm where thumb remains = 325
- All fingers at proximal level = 225
- Wrist joint = 400

Carpal bones (from radial "thumb" to ulnar "little" side)
Top row: Trapezium, Trapezoid, Capitate, Hamate
Bottom row: Scaphoid, Lunate, Triquetral, Pisiform

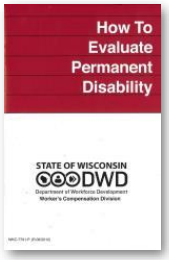
Amputations

- Fingers (DWD 80.33)
  - Distal phalanx
    - Rule of 1/3's
  - Mid or prox phalanx
    - Comparative X-rays
- Other
  - Joint proximal to amp



- DISTAL PHALANX
  - Less than or equal to 1/3 = 45%
  - Between 1/3 and 2/3 = 80%
  - Greater than 2/3 = 100%

Loss of Use



- Statutory minimum ratings (DWD 80.32)
  - Several procedures
  - Lost range of motion
  - Nerve injuries
  - Other

https://dwd.wisconsin.gov/dwd/publications/wc/wc-7761-p.htm

Statutory Minimum Ratings

- Assumptions
  - Excellent surgical outcome
  - No prior disability
- Other elements of disability, if present, shall result in a higher estimate, including:
  - Pain
  - Weakness
  - Activity limitations
  - Altered sensation
  - Unstable grafts

Amputations DWD 80.32(2)

- Involves upper extremity proximal to the wrist or lower extremity proximal to the ankle
- Stump can accommodate prosthesis
  - equals amputation at midpoint between the joints distal and proximal to injury
- Stump cannot accommodate prosthesis
  - equals amputation at the more proximal joint

Amputation Example

- Below the knee amputation (BKA):
  - If amputation cannot accommodate a prosthesis = 42.5 weeks (knee)
  - If amputation can accommodate a prosthesis
    425 weeks (knee) – 250 weeks (ankle) = 175 weeks
    175/ 2 = 87.5 weeks
    250 weeks + 87.5 weeks = 337.5 weeks

Hip DWD 80.32(3)

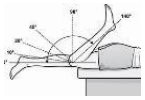
- Prosthesis
  - Total hip arthroplasty (THA) = 40%
  - Partial hip replacement/hemiarthroplasty = 35%
- Fusion, optimum position = 50%
- Lost motion of flexion, extension, internal rotation, external rotation, abduction, adduction
- Shortening of the leg by at least ¾ inch = 5%
  - Statutory minimum increases with the amount of leg shortening

Hip Examples

- Fracture of femur extending through femoral head, status post partial hip replacement
  - Partial hip replacement/hemiarthroplasty = 35%
    - Replacement of any portion of the prosthesis, including hip resurfacing, is considered a partial joint replacement
  - Partial hip replacement with residual ¾ inch leg shortening = 35% + 5% = 40%

Knee DWD 80.32(4)

- Prosthesis
  - Total knee arthroplasty (TKA) = 50%
  - Partial knee replacement/unicompartmental knee arthroplasty (UKA) = 45%
    - Replacement of any portion of the prosthesis = partial joint replacement



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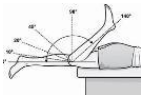
Knee DWD 80.32(4)

- Fusion, optimum position = 40%
- Remaining degrees of flexion
  - 90° = 10%
  - 45° = 25%
- Anterior cruciate ligament (ACL) repair = 10%
- Meniscectomy = 5%



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Knee Examples

- Tear of medial meniscus status post repair (without removing meniscal tissue)
  - No statutory minimum rating
- Tear of anterior cruciate ligament (ACL)and medial meniscus status post ACL repair and partial meniscectomy
  - PPD = 10% (ACL) + 5% (meniscectomy) = 15%

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Knee Examples

- Pre-existing arthritis (DJD) aggravated by injury, status post total knee replacement
  - Total knee replacement = 50%
    - No deductions for pre-existing conditions

Ankle DWD 80.32(5)

- Prosthesis – no stat min, doctors should interpolate based on minimum ratings for other joint replacements
- Fusion, optimum position = 40%
  - Total loss of motion of both the tibiotalar and subtalar joints
- Loss of dorsi and plantar flexion = 30%
  - Tibiotalar fusion
  - 15% stat min for dorsiflexion and 15% stat min for plantar flexion
- Loss of inversion and eversion = 15%
  - Triple arthrodesis
    - 7.5% stat min for inversion and 7.5% stat min for eversion

Ankle Examples

- Ankle fracture, status post open reduction internal fixation (ORIF), residual lost dorsiflexion 50%
  - Total loss of dorsiflexion = 15% x 50% = 7.5%

Ankle Examples

- Same ORIF, residual lost dorsiflexion = 10°, lost plantarflexion = 20°, lost inversion = 15°, lost eversion = 10°
  - Loss of dorsiflexion = 10/20 = 50%, 15% (total loss) x 50% = **7.5%**
  - Loss of plantarflexion = 20/40 = 50%, 15% (total loss) x 50% = **7.5%**
  - Loss of inversion = 15/30 = 50%, 7.5% (total loss) x 50% = **3.75%**
  - Loss of eversion = 10/20 = 50%, 7.5% (total loss) x 50% = **3.75%**
  - Total for lost motion = **22.5%**

Toes DWD 80.32(6)

- Fusion of great toe at proximal joint = 50%
- Fusion of all other toes at proximal joint = 40%
- Fusion of great toe at distal joint = 15%

Toe Example

- Great toe crushed, status post fusion of all great toe joints
  - Great toe fusion at proximal joint = 50%
  - Great toe fusion at distal joint = 15%

Shoulder DWD 80.32(7)

- Prosthesis = 50%
  - Includes all types of shoulder replacements: total shoulder arthroplasty (TSA), reverse shoulder arthroplasty, partial shoulder arthroplasty, shoulder resurfacing
- Fusion, optimum position = 55%
- Remaining degrees of forward flexion and abduction
  - 135° = 5%
  - 90° = 20%
  - 45° = 30%

Shoulder Examples

- Rotator cuff tear treated conservatively, forward flexion and abduction limited to 90°
  - 90° = 20%
- Rotator cuff tear treated surgically, forward flexion and abduction limited to 120°
  - Interpolate 120° = 10%
- Shoulder resurfacing with forward flexion and abduction limited to 135° (worse than expected outcome)
  - 50% + 5% = 55%

Elbow DWD 80.32(8)

- Prosthesis – no stat min; doctors should interpolate based on minimum ratings for other joint replacements
- Fusion, optimum position = 60%
- Total loss supination = 10%
- Total loss pronation = 15%
- Total loss flexion/extension = 45%
  - Extension: Degrees lost x 0.2222 = PPD%
  - Flexion: Degrees lost x 0.1666 = PPD%

Elbow Examples

- Loss supination = 45° versus 90° on uninjured side = 50%
  - 10% (for total loss) x 50% = 5%
- Lost flexion = 20° and lost supination = 30°
  - Flexion: 20° x 0.1666 = 3.3%
  - Supination: 33% loss = 10% x 33% = 3.3%
  - Total for lost motion = 6.6%
- Elbow fusion (optimum position)
  - Stat min for fusion = 60%

Wrist DWD 80.32(9)

- Prosthesis – no stat min; doctors should interpolate based on minimum ratings for other joint replacements
- Fusion, optimum position = 30%
- Total loss dorsiflexion = 12.5%
- Total loss palmar flexion = 7.5%
- Total loss inversion = 5%
- Total loss eversion = 5%

Wrist Examples

- Loss of dorsiflexion = 30° (normal range = 60°)
  - Total loss dorsiflexion = 12.5% x 50% = 6.25%
- Loss of dorsiflexion = 30° and loss of supination = 40° (normal range = 80°)
  - Dorsiflexion = 12.5% x 50% = 6.25%
  - Supination (measured at elbow) = 10% x 50% = 5%
  - Total for lost motion = 6.25% at wrist and 5% at elbow

Complete Sensory Loss DWD 80.32(10)

- Any digit = 50%
  - Palmar sensory loss only = 35%
  - Dorsal sensory loss only = 15%
- Median nerve thenar paralysis with sensory loss = 40 - 50% at wrist
- Peroneal nerve paralysis (foot drop) = 25 - 30% at knee

Sensory Loss Examples

- Severe carpal tunnel with residual weakness and sensory loss
  - Interpolate from complete paralysis = 40 - 50% at wrist
- Lateral collateral ligament (LCL) repair (at knee) with residual foot drop requiring ankle foot orthosis (AFO)
  - No stat min for LCL; foot drop = peroneal nerve paralysis = 25 - 30% at knee
- L3-4 disc herniation with residual foot drop requiring AFO
  - Foot drop = peroneal nerve paralysis = 25 - 30% at knee

Back (Spine) DWD 80.32(11)

- Surgery
  - Relieve from the effects of a disc lesion or spinal cord pressure = 5% per level
    - Laminectomy
    - Facetectomy
    - Other
  - Fusion = 5% per level
    - Instrumentation
    - Cages with bone graft
  - Artificial disc = 7.5% per level
- Compression fractures = 5% per level if symptomatic

Spine Examples

- Symptomatic lumbar disc herniation treated successfully with laminectomy
  - Surgical decompression = 5%
- T9 compression fracture, treated conservatively, requires lifting restrictions at end of healing
  - Stat min = 5%
- L3 burst fracture with L2-L4 decompression and fusion
  - Surgical decompression = 5% per level, fusion = 5% per level
  - Stat min total = 20%

Spine Examples

- Symptomatic lumbar disc herniation treated conservatively with residual sensory loss and need for lifting restrictions
  - No stat min for conservative treatment, but residual elements of disability mean that rating should be more than 0%
- Bad car crash resulting in C5-6 disc herniation treated with artificial disc and L4-5 and L5-S1 disc herniations treated with decompression and fusion
  - Artificial disc = 7.5%
  - Surgical decompression and fusion = 10% per level
  - Stat min total = 27.5%

Fingers DWD 80.32(12)

- Range of Motion
- Lost Sensation
- Amputations
- Other Elements

Fingers DWD 80.32(12)

Complete Ankylosis (surgical or non-surgical fusion)			
	Joint(s)	Mid Position	Complete Ext
Thumb	Distal	25%	35%
	Proximal	15%	20%
	Dist + Prox	35%	65%
	Carpometacarpal (CMC)	20%	20%
	Dist + Prox + CMC	85%	100%
Fingers	Distal	25%	35%
	Middle	75%	85%
	Proximal	40%	50%
	Dist + Mid	85%	100%
	Dist + Mid + Prox	100%	100%

Fingers DWD 80.32(12)

Sensory Loss - Fingers			
Any Digit	Entire Digit	Palmar	Dorsal
	50%	35%	15%

Finger Amputations

- Fingertip (distal phalanx)
  - Less than or equal to 1/3 = 45%
  - Between 1/3 and 2/3 = 80%
  - Greater than 2/3 = 100%
- Middle or proximal phalanx or metacarpal bone
  - Ratio of residual bone vs. normal on comparative x-ray (rated at more proximal joint)

Total loss of sense of smell = 2.5%

Kidney DWD 80.32(13) and Loss of Smell DWD 80.32(14)

- Loss of one kidney = 5%
- Total loss of sense of smell = 2.5%

Additional PPD Considerations

- Multipliers
- Stacking
- Deductions
- Apportionment

Multipliers

- Multiple Injuries (Wis. Stat. 102.53)
  - Equal or lesser disabled parts = 20%
  - Multiple injuries to different fingers of hand
    - First equal or lesser disability = 100%
    - Second + third equal or lesser disability = 150%
  - Both eyes = 200%
- Dominant hand (Wis. Stat. 102.54) when rating at least 100% of distal joint = 25%

Standard Multiplier

- Claimant falls on steps causing R knee and wrist pain
- R knee anterior cruciate ligament (ACL) tear repaired surgically
- Residual R wrist pain and stiffness
  - 10% PPD for knee (stat min) = 425 x .10 = 42.5 weeks
  - 2% PPD for wrist = 400 x .02 = 8 weeks
  - Lesser injury 20% multiplier = 8 x .20 = **1.6** weeks
  - Total PPD = 42.5 + 8 + **1.6** = 52.1 weeks

Hand Lesser Injury Multipliers

- R hand caught in a machine
- Amputation R middle finger 50% of distal phalanx
- Residual R index and ring finger pain and stiffness
  - 80% PPD for middle finger DIP (stat min) = 8 x .80 = 6.4 weeks
  - 10% PPD for index finger MCP = 50 x .10 = 5 weeks
  - 10% PPD for ring finger MCP = 20 x .10 = 2 weeks
  - First lesser injury 100% multiplier = 5 x 1.0 = **5** weeks
  - Second lesser injury 150% multiplier = 2 x 1.5 = **3** weeks
  - Total PPD = 6.4 + 5 + **5** + 2 + **3** = 21.4 weeks

Dominant Hand Multiplier

- R hand caught in a machine
- Amputation of R middle finger 100% of distal phalanx
- Residual R index and ring finger pain and stiffness
  - 100% PPD for middle finger DIP (stat min) = 8 x 1.0 = 8 weeks
  - 10% PPD for index finger MCP = 50 x .10 = 5 weeks
  - 10% PPD for ring finger MCP = 20 x .10 = 2 weeks
  - Dominant hand multiplier = 8 x .25 = **2** weeks
  - First lesser injury 100% multiplier = 5 x 1.0 = **5** weeks
  - Second lesser injury 150% multiplier = 2 x 1.5 = **3** weeks
  - Total PPD = 8 + **2** + 5 + **5** + 2 + **3** = 25 weeks

Stacking

- Statutory minimum surgeries related to same injury date
  - Sequential meniscectomies and ACL repairs
  - Statutory minimum knee surgery with subsequent partial or total knee replacement
  - Re-do joint replacements
  - Spinal decompression and fusion surgeries
- Rating cannot exceed 100%
  - Madison Gas & Electric v. LIRC (2011)

Stacking

- Construction worker steps in unseen hole and twists knee
- R medial meniscus tear and ACL tear treated surgically
  - 10% PPD for ACL repair (stat min) = 425 x .10 = 42.5 weeks
    5% PPD for meniscectomy (stat min) = 425 x .05 = 21.25 weeks
  - Total PPD = 42.5 + 21.25 = 63.75 weeks
- 5 years later, total knee replacement attributed to first injury
  - 50% PPD for total knee (stat min) = 425 x .50 = 212.5 weeks
  - Total PPD = 42.5 + 21.25 + 212.5 = 276.25 weeks

Stacking

- 10 years later, original total knee replacement must be replaced by a new total knee
  - 50% PPD for total knee (stat min) = 425 x .50 = 212.5 weeks
  - Total PPD = 42.5 + 21.25 + 212.5 + 212.5 = 488.75 weeks
  - **No**, PPD capped at 100% of value of knee joint = 425 weeks

Deductions

- Distal disabilities deducted from proximal disabilities before applying % rating for proximal disability
- Scheduled disabilities deducted from unscheduled disabilities
  - Pre-existing conditions do not apply
  - Multipliers are not deducted (DWD 80.50)

Distal from Proximal Disability

- Old R thumb DIP amp, new fall onto outstretched R arm
- R rotator cuff tear treated surgically
  - 5% PPD for rotator cuff repair
  - R thumb DIP 100% amputation = 50 x 1.0 = 50 weeks
  - Value of shoulder with distal deduction = 500 - 50 = 450 weeks (no multipliers considered here)
  - Total PPD = 450 x .05 = 22.5 weeks

Scheduled from Unscheduled Injury

- Fall injures neck and left shoulder
- L rotator cuff tear surgically repaired
- C5-6 disc herniation treated with decompression and fusion
  - 5% for L rotator cuff repair = 500 x .05 = 25 weeks
    10% for C5-6 decompression and fusion = 1000 x .10 = 100 weeks
  - 1000 – 25 = 975 weeks
  - 975 x .10 = 97.5 weeks
  - Total PPD = 25 + 97.5 = 122.5 weeks

Apportionment

- For two (2) or more distinct injuries, liability apportioned according to proof of relative contribution to disability from each injury
- Disability caused by other factors, before or after disabling work injury, can be deducted
- Traumatic injuries only
  - Does not apply to occupational exposures (Wis. Stat. 102.175)

Apportionment

- Injured shoulder from fall at work
- Before end of healing, non-work-related car crash aggravates shoulder injury
  - 10% disability assigned to shoulder = 500 x .10 = 50 weeks
  - Doctor attributes 50% of PPD to fall and 50% to car crash
  - Total PPD owed by insurer = 50 x .50 = 25 weeks

Questions?

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Worker's Compensation Division

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