



WISCONSIN
DWD

Disability Ratings and Medical Reports

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Program

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

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Dispute Resolution Specialists

| Lisa Halsey, Section Chief | |
|----------------------------|--|
| Jasmine Decorah | Advances, Delays, ADR |
| Cherie Goetz | Supplemental and Death Benefits, ADR |
| Faith Howe | Advances, Delays, ADR |
| Chelsea Newby | Delays, Voc Rehab, LOEC, Training |
| Jason Przybylo | In Training |
| Phil Roberts | Advances |
| Frank Salvi | Death Benefits, Voc Rehab, Tie Breakers, ADR |
| Gail Wickman | Advances, Delays |
| Karee Williams | Delays, ADR, LOEC |
| Kati Zieroth | Hearing Loss, Vision Loss |

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PTD versus PPD

- **Unscheduled** (body as a whole = 1000 weeks)
 - Head (including smell)
 - Spine
 - Torso (including kidneys)
 - Systemic
- **Scheduled** (compared to amputation, loss of use)
 - Peripheral joints
 - Eyes and ears



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Rating Disability

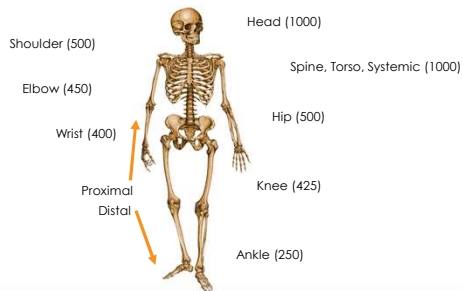
- **Amputation**
 - Anatomic level of bone loss
- **Loss of use**
 - Percentage of total loss
- **Hearing** (DWD 80.25)
 - Pre- and post-audiogram formula
- **Vision** (DWD 80.26)
 - Acuity, field of vision, other



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Body and Major Joints Weeks of Compensation



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Foot Injury Weeks of Compensation Due

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

Distal level (Dist)
Middle level (Mid)
Proximal level (Prox)

Metatarsal Level (Meta)
Tarsal bones (left to right, dist to prox): Med, Intermed, and Lat Cuneiform, Cuboid, Navicular and Calcaneous

Subtalar joint (talocalcaneal): between talus and calcaneus bones
Ankle joint (tibiotalar): between tibia and talus bones (250)

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Hand Weeks of Compensation Due

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

Distal level (Dist)
Middle level (Mid)
Proximal level (Prox)

Metacarpal level (Meta)

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, Triquetrum, Pisiform

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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%

Distal inter-phalangeal joint
Middle phalanx
Proximal inter-phalangeal joint
Proximal phalanx

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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/wkc-7761-p.htm>



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Statutory Minimum Ratings

- Assumptions
 - Excellent surgical outcome
 - No prior disability
- Other elements of disability: **if present, shall result in a higher estimate!**


| | |
|------------------------|---------------------|
| ◦ Pain | ◦ Altered sensation |
| ◦ Weakness | ◦ Unstable grafts |
| ◦ Activity limitations | |


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Statutory Minimum Ratings (cont.)

- Prosthesis and resurfacing
 - Total vs. partial joint replacement
 - Hip resurfacing = at least 35%
 - Shoulder resurfacing = 50%
- Ankle inversion and eversion = 7.5% each
- Pronation and supination at elbow
- Foot drop = peroneal nerve damage or paralysis at knee


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Statutory Minimum Ratings - Back

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



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Statutory Minimum Ratings - Fingers

| Hand | Index | Ring | Middle | Little | Thumb |
|------|-------|------|--------|--------|-------|
| 100% | 100% | 100% | 100% | 100% | 100% |
| 90% | 90% | 90% | 90% | 90% | 90% |
| 80% | 80% | 80% | 80% | 80% | 80% |
| 70% | 70% | 70% | 70% | 70% | 70% |
| 60% | 60% | 60% | 60% | 60% | 60% |
| 50% | 50% | 50% | 50% | 50% | 50% |
| 40% | 40% | 40% | 40% | 40% | 40% |
| 30% | 30% | 30% | 30% | 30% | 30% |
| 20% | 20% | 20% | 20% | 20% | 20% |
| 10% | 10% | 10% | 10% | 10% | 10% |
| 0% | 0% | 0% | 0% | 0% | 0% |

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

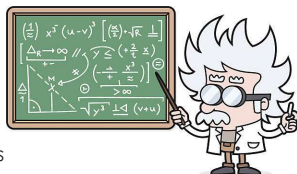


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Additional PPD Considerations

- Multipliers
- Stacking
- Deductions
- Apportionment
- Medical Report Submissions
 - Avoiding letters from the state
 - Final medical report checklist



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Multipliers

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



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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
 - Redo joint replacements
 - Spinal decompression and fusion surgeries
- Rating cannot exceed 100%
 - Madison Gas & Electric v. LIRC (2011)



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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)



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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)



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Questions

- Why not call!



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WI DWD Worker's Compensation Division (608) 266-1340

 <https://dwd.wisconsin.gov/wc/>

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