

STATE OF WISCONSIN

DWD

Department of Workforce Development

Disability Ratings and Medical Reports

Chelsea Newby and Frank Salvi  
Worker's Compensation Division  
Dispute Resolution Specialists

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Program

- Introduction
- Scheduled & Unscheduled Injuries
- Amputation and 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	PPD, Advances, ADR
Cherie Goetz	PPD, Supplemental and Death Benefits, ADR
Faith Howe	PPD, Delays, ADR
Becca Marshall	PPD
Jeanie Millard	PPD, Advances
Chelsea Newby	PPD, Voc Rehab, LOEC, Internal Training
Jason Przybylo	PPD, Advances, Delays
Phil Roberts	PPD, Advances
Frank Salvi	PPD, Supplemental and Death Benefits, Voc Rehab, LOEC, ADR, Tie Breakers
Gail Wickman	PPD, Advances, Delays, ADR
Karee Williams	PPD, Delays, ADR, Internal Training
Kati Zieroth	Hearing Loss, Vision Loss

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### PTD versus PPD

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



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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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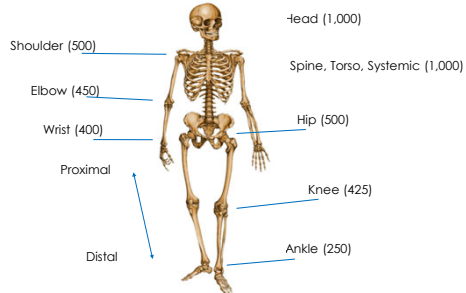
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### Body and Major Joints Weeks of Compensation



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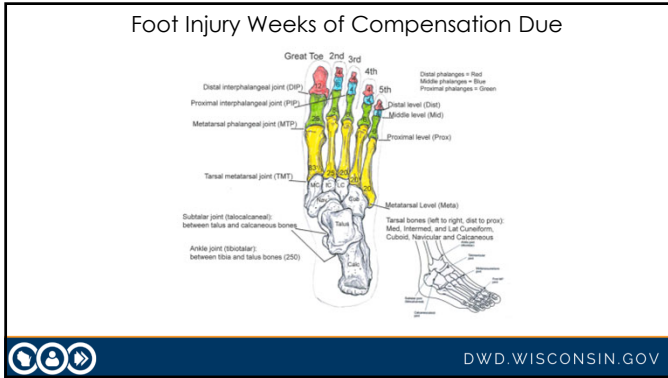
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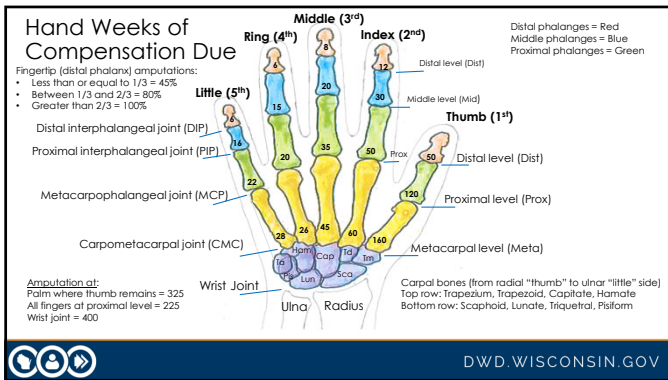
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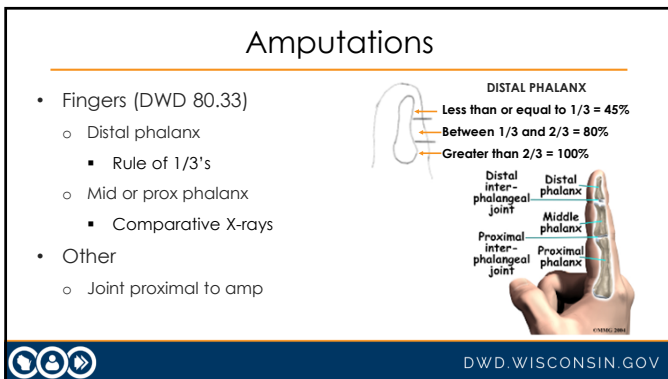
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### Loss of Use


How To Evaluate Permanent Disability



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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
  - Weakness
  - Activity limitations
  - Altered sensation
  - Unstable grafts



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### 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



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### Amputation Example

Below the knee amputation (BKA):

- If amputation cannot accommodate a prosthesis = 425 weeks (knee)
- If amputation can accommodate a prosthesis  
 $425 \text{ weeks (knee)} - 250 \text{ weeks (ankle)} = 175 \text{ weeks}$   
 $175 / 2 = 87.5 \text{ weeks}$   
 $250 \text{ weeks} + 87.5 \text{ weeks} = 337.5 \text{ weeks}$



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### 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  $\frac{3}{4}$  inch = 5%
  - Stat min increases with the amount of leg shortening



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### 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  $\frac{3}{4}$  inch leg shortening =  $35\% + 5\% = 40\%$



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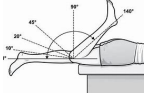
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### Knee DWD 80.32(4)

- Prosthesis
  - Total knee arthroplasty (TKA) = 50%
  - Partial knee replacement/unicompartamental knee arthroplasty (UKA) = 45%
    - Replacement of any portion of the prosthesis = partial joint replacement
- 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
  - ACL = 10% (ACL) + 5% (meniscectomy) = 15%
- Pre-existing arthritis (DJD) aggravated by injury, status post total knee replacement
  - Total knee replacement = 50%
    - No deductions for pre-existing conditions

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### 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

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### Ankle Examples

- Ankle fracture, status post open reduction internal fixation (ORIF), residual lost dorsiflexion 50%
  - Total loss of dorsiflexion =  $15\% \times 50\% = 7.5\%$
- Same ORIF, residual lost dorsiflexion =  $10^\circ$ , lost plantarflexion =  $20^\circ$ , lost inversion =  $15^\circ$ , lost eversion =  $10^\circ$ 
  - Loss of dorsiflexion =  $10/20 = 50\%$ ,  $15\%$  (total loss)  $\times 50\% = 7.5\%$
  - Loss of plantarflexion =  $20/40 = 50\%$ ,  $15\%$  (total loss)  $\times 50\% = 7.5\%$
  - Loss of inversion =  $15/30 = 50\%$ ,  $7.5\%$  (total loss)  $\times 50\% = 3.75\%$
  - Loss of eversion =  $10/20 = 50\%$ ,  $7.5\%$  (total loss)  $\times 50\% = 3.75\%$
  - Total for lost motion =  $22.5\%$



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### 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%



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### Toe Examples

- 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%



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## 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%



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## 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%



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## 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%



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### Elbow Examples

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



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### 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 =  $5\%$



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### Wrist Examples

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



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## 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



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## 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



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## 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



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### 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%



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### 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%



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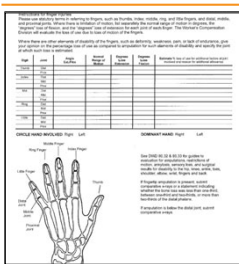
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### Fingers DWD 80.32(12)



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



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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%

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Fingers DWD 80.32(12)			
Sensory Loss - Fingers			
Any Digit	Entire Digit	Palmar	Dorsal
	50%	35%	15%

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Finger Amputations	
<ul style="list-style-type: none"><li>Fingertip (distal phalanx)<ul style="list-style-type: none"><li>Less than or equal to 1/3 = 45%</li><li>Between 1/3 and 2/3 = 80%</li><li>Greater than 2/3 = 100%</li></ul></li><li>Middle or proximal phalanx or metacarpal bone<ul style="list-style-type: none"><li>Ratio of residual bone vs. normal on comparative x-ray (rated at more proximal joint)</li></ul></li></ul>	

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## 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%



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## Additional PPD Considerations

- Multipliers
- Stacking
- Deductions
- Apportionment



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## 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%



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### 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) =  $425 \times .10 = 42.5$  weeks
  - 2% PPD for wrist =  $400 \times .02 = 8$  weeks
  - Lesser injury 20% multiplier =  $8 \times .20 = 1.6$  weeks
  - Total PPD =  $42.5 + 8 + 1.6 = 52.1$  weeks



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### 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) =  $8 \times .80 = 6.4$  weeks
  - 10% PPD for index finger MCP =  $50 \times .10 = 5$  weeks
  - 10% PPD for ring finger MCP =  $20 \times .10 = 2$  weeks
  - First lesser injury 100% multiplier =  $5 \times 1.0 = 5$  weeks
  - Second lesser injury 150% multiplier =  $2 \times 1.5 = 3$  weeks
  - Total PPD =  $6.4 + 5 + 5 + 2 + 3 = 21.4$  weeks



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### 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) =  $8 \times 1.0 = 8$  weeks
  - 10% PPD for index finger MCP =  $50 \times .10 = 5$  weeks
  - 10% PPD for ring finger MCP =  $20 \times .10 = 2$  weeks
  - Dominant hand multiplier =  $8 \times .25 = 2$  weeks
  - First lesser injury 100% multiplier =  $5 \times 1.0 = 5$  weeks
  - Second lesser injury 150% multiplier =  $2 \times 1.5 = 3$  weeks
  - Total PPD =  $8 + 2 + 5 + 5 + 2 + 3 = 25$  weeks



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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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## Stacking (cont.)

- 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) =  $425 \times .10 = 42.5$  weeks
  - 5% PPD for meniscectomy (stat min) =  $425 \times .05 = 21.25$  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) =  $425 \times .50 = 212.5$  weeks
  - Total PPD =  $42.5 + 21.25 + 212.5 = 276.25$  weeks



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## Stacking (cont.)

- 10 years later, original total knee replacement has to be replaced by a new total knee
  - 50% PPD for total knee (stat min) =  $425 \times .50 = 212.5$  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



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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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## 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 =  $50 \times 1.0 = 50$  weeks
  - Value of shoulder with distal deduction =  $500 - 50 = 450$  weeks (no multipliers considered here)
  - Total PPD =  $450 \times .05 = 22.5$  weeks



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## 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 =  $500 \times .05 = 25$  weeks
  - 10% for C5-6 decompression and fusion =  $1000 \times .10 = 100$  weeks
  - $1000 - 25 = 975$  weeks
  - $975 \times .10 = 97.5$  weeks
  - Total PPD =  $25 + 97.5 = 122.5$  weeks



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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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## Apportionment

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



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## Questions?

Please contact us



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**Wisconsin Department of Workforce Development**  
**Worker's Compensation Division**  
(608) 266-1340  
<https://dwd.wisconsin.gov/wc/>

**Frank Salvi, DRS**  
(608) 267-4327  
[Frank.Salvi@dwd.wisconsin.gov](mailto:Frank.Salvi@dwd.wisconsin.gov)

**Chelsea Newby, DRS**  
(608) 266-5303  
[ChelseaL.Newby@dwd.wisconsin.gov](mailto:ChelseaL.Newby@dwd.wisconsin.gov)



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