STATE OF WISCONSIN

DWD

Department of Workforce Development

Disability Ratings and Medical Reports

Chelsea Newby and Frank Salvi
Dispute Resolution Specialists

Topics

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

Dispute Resolution Specialists

Lisa Halsey, Section Chief	
Jasmine Decorah	PPD, Advances, ADR
Cherie Goetz	PPD, Supplemental and Death Benefits, ADR
Becca Marshall	PPD. Advances
Jeanie Millard	PPD, Advances
Chelsea Newby	PPD, Voc Rehab, LOEC, Internal Training
Jason Przybylo	PPD, Advances, Delays, Death Benefits
Phil Roberts	PPD, Advances, ADR
Frank Salvi	PPD, Supplemental and Death Benefits, Voc Rehab, LOEC, ADR, Tie Breakers
Gail Wickman	PPD, Delays, ADR
Karee Williams	PPD, Delays, ADR, Internal Training
Kati Zieroth	Hearing Loss, Vision Loss

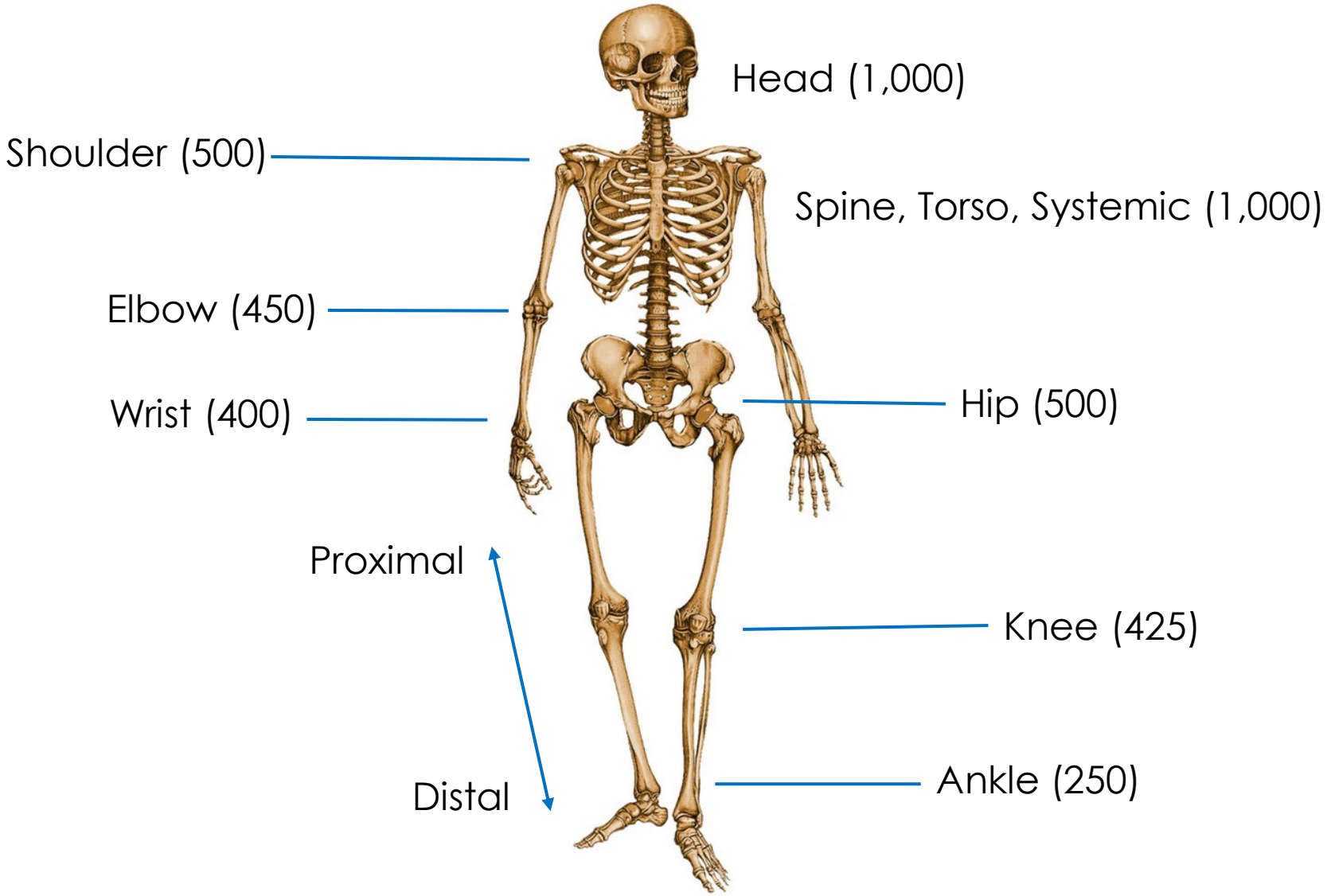
PTD versus PPD

- 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

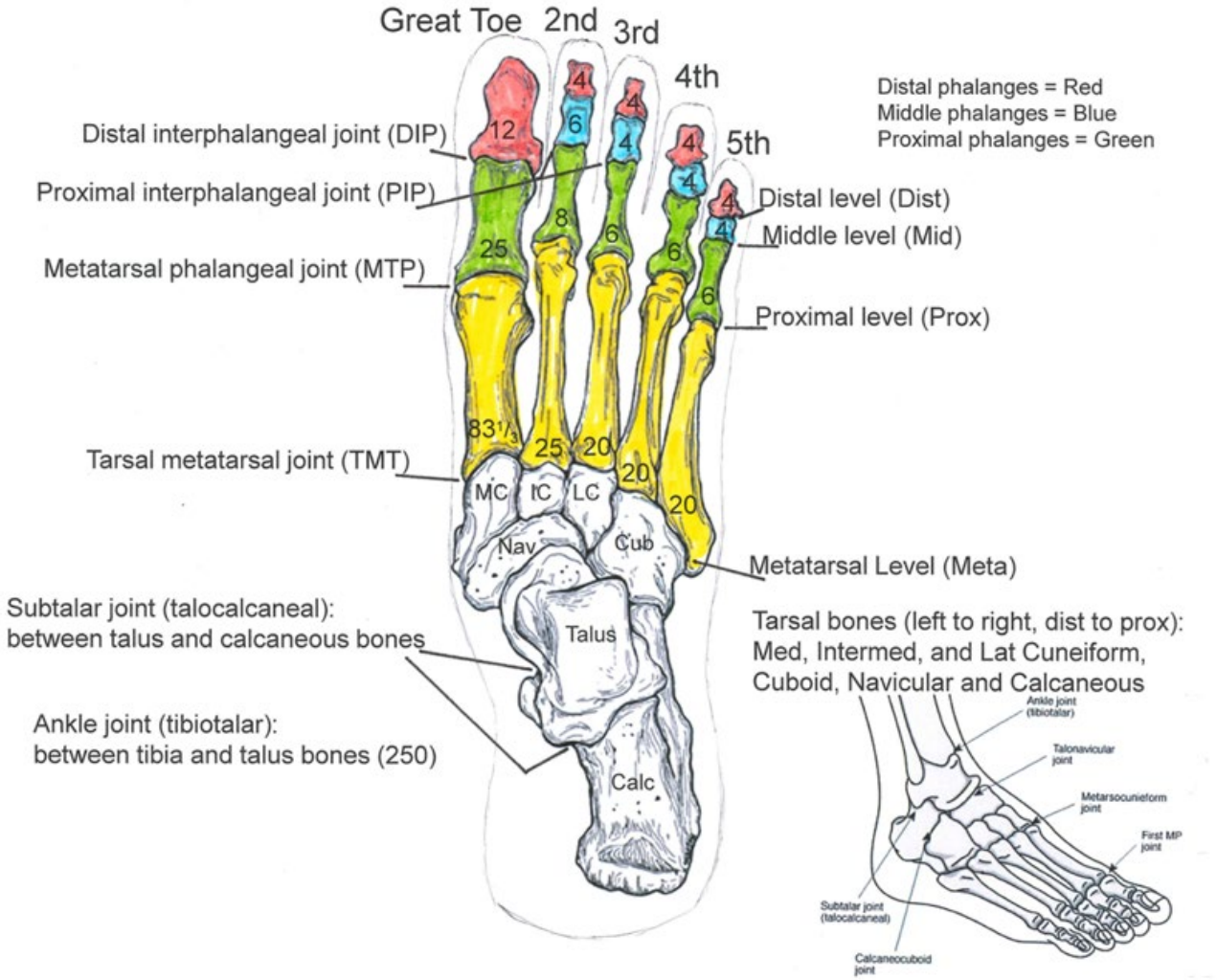
Rating Disability

- 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
- https://dwd.wisconsin.gov/wcppd

Body and Major Joints Weeks of Compensation



Foot Injury Weeks of Compensation Due

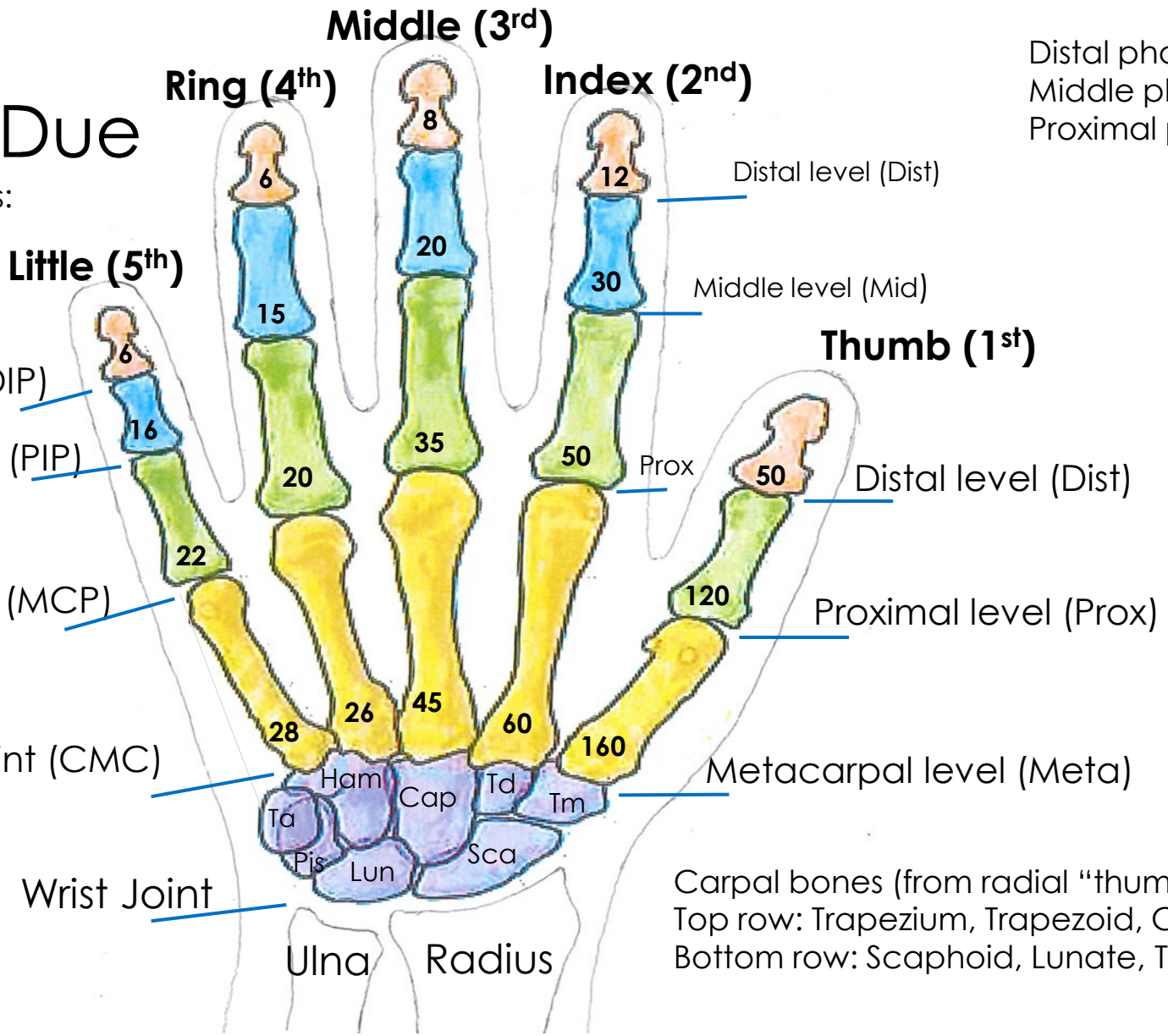


Hand Weeks of Compensation Due

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

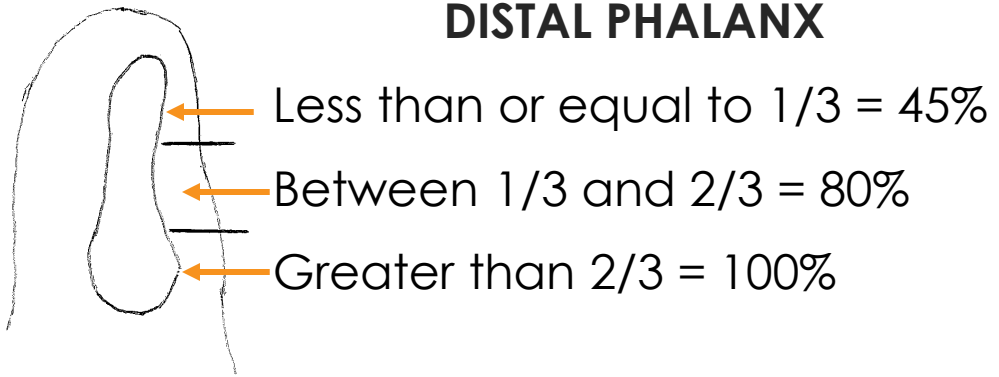


Amputation at:
Palm where thumb remains = 325
All fingers at proximal level = 225
Wrist joint = 400

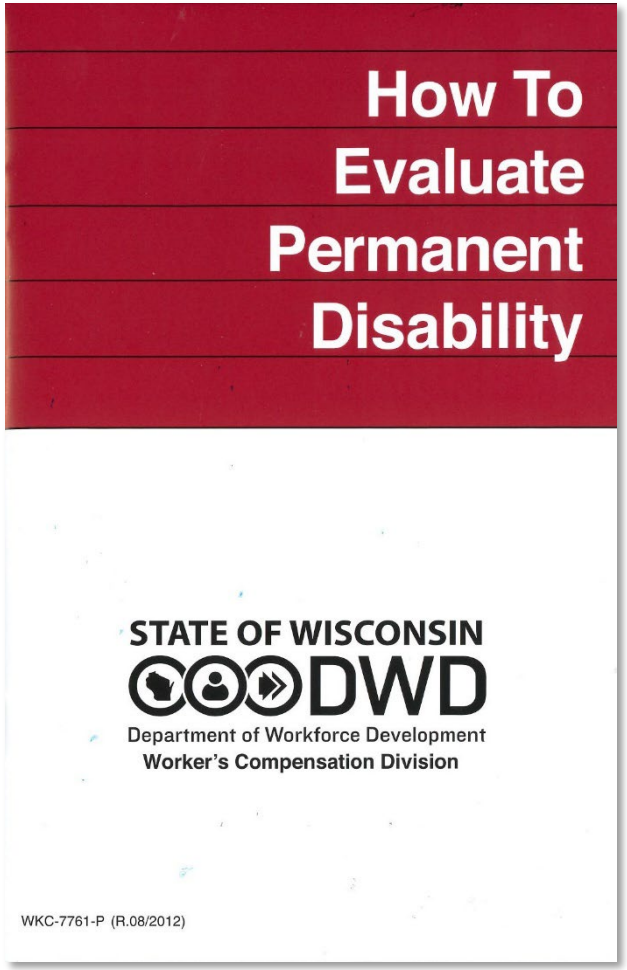
Carpal bones (from radial "thumb" to ulnar "little" side)
Top row: Trapezium, Trapezoid, Capitate, Hamate
Bottom row: Scaphoid, Lunate, Triquetral, Pisiform

Amputations

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



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

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

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 = 425 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)

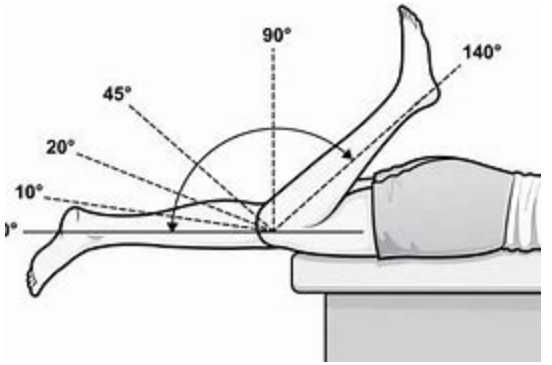
- Prosthesis
  - Total hip arthroplasty (THA) = 40%
  - Partial hip replacement/hemiarthroplasty = 35%
- Fusion, optimum position = 50%
- Lost motion of flexion, extension, internal rotation, external rotation, abduction, adduction
- Shortening of the leg by at least ¾ inch = 5%
  - Stat min increases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

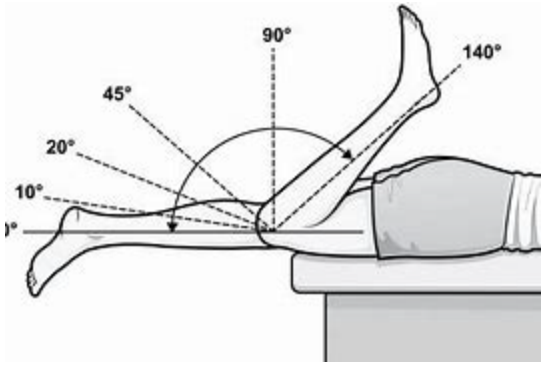
Knee DWD 80.32(4)

- Prosthesis
  - Total knee arthroplasty (TKA) = 50%
  - Partial knee replacement/unicompartmental knee arthroplasty (UKA) = 45%
    - Replacement of any portion of the prosthesis = partial joint replacement
- Fusion, optimum position = 40%



Knee DWD 80.32(4)

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



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%
- 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

Ankle DWD 80.32(5)

- 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%
- 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% @ wrist and 5% @ elbow

Complete Sensory Loss DWD 80.32(10)

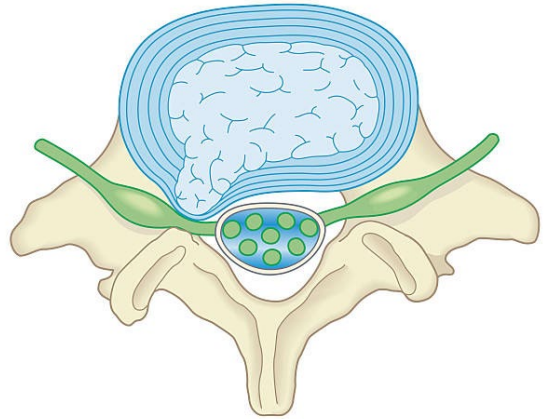
- Any digit = 50%
  - Palmar sensory loss only = 35%
  - Dorsal sensory loss only = 15%
- Median nerve thenar paralysis with sensory loss = 40 - 50% at wrist
- Peroneal nerve paralysis (foot drop) = 25 - 30% at knee

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)

Instructions for finger injuries

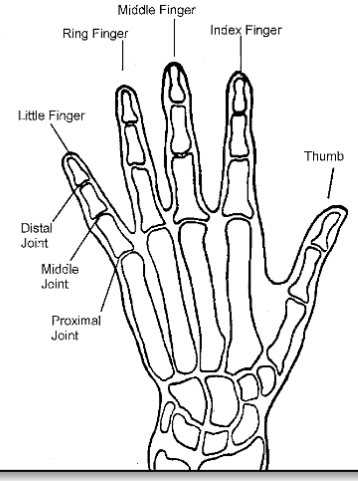
Please use statutory terms in referring to fingers, such as thumbs, index, middle, ring, and little fingers, and distal, middle, and proximal joints. Where there is limitation of motion, list separately the normal range of motion in degrees, the "degrees" loss of flexion, and the "degrees" loss of extension for each joint of each finger. The Worker's Compensation Division will evaluate the loss of use due to loss of motion of the fingers.

Where there are other elements of disability of the fingers, such as deformity, weakness, pain, or lack of endurance, give your opinion on the percentage loss of use as compared to amputation for such elements of disability and specify the joint at which such loss is estimated.

Digit	Joint	Angle Ext./Flex	Normal Range of Motion	Degrees Loss Extension	Degrees Loss Flexion	Estimate % loss of use for additional factors at joint involved and reason for additional allowance
Thumb	Dist					
	Prox					
Index	Dist					
	Mid					
	Prox					
Mid	Dist					
	Mid					
	Prox					
Ring	Dist					
	Mid					
	Prox					
Little	Dist					
	Mid					
	Prox					

CIRCLE HAND INVOLVED: Right Left

DOMINANT HAND: Right Left



See DWD 80.32 & 80.33 for guides to evaluation for amputations, restrictions of motion, ankylosis, sensory loss, and surgical results for disability to the hip, knee, ankle, toes, shoulder, elbow, wrist, fingers and back.

If fingertip amputation is present, submit comparative x-rays or a statement indicating whether the bone loss was less than one-third, between one-third and two-thirds, or more than two-thirds of the distal phalanx.

If amputation is below the distal joint, submit comparative x-rays.

- 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%
	Distal and Proximal	35%	65%
	Carpometacarpal (CMC)	20%	20%
	Distal, Proximal, and CMC	85%	100%
Fingers	Distal	25%	35%
	Middle	75%	85%
	Proximal	40%	50%
	Distal and Middle	85%	100%
	Distal, Middle and Proximal	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)

Kidney and Loss of Smell DWD 80.32(13), (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
  - For dates of injury after 4-1-26 does not apply if same procedure repeated
  - Meniscectomy with subsequent total knee replacement - Yes
  - Redo joint replacements – not after 4-1-26
  - Spinal decompression and fusion surgeries - depends
- 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 (injury prior to 4-1-26)
  - **No**, PPD for repeat total knee replacement not automatically stacked, doctor needs to assign additional disability (if any)
    Total PPD = 42.5 + 21.25 + 212.5 + ? = 276.25 weeks
    (injury after 4-1-26)

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
    Lesser injury multiplier = 25 weeks x 20% = 5 weeks
  - 1000 – 25 = 975 weeks
  - 975 x .10 = 97.5 weeks
  - Total PPD = 25 + 97.5 + 5 = 127.5 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?

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

Chelsea Newby, DRS
(608) 266-5303
ChelseaL.Newby@dwd.wisconsin.gov