

DWD 80.32 Permanent disabilities. Minimum percentages of loss of use for amputation levels, losses of motion, sensory losses and surgical procedures.

(1) (a) The disabilities set forth in this section are the minimums for the described conditions.

However, findings of additional disabling elements shall result in an estimate higher than the minimum. The minimum also assumes that the member, the back, etc., was previously without disability. Appropriate reduction shall be made for any preexisting disability.

(b) For a surgical procedure, the minimum assumes an excellent or optimal outcome. A suboptimal outcome shall result in an estimate higher than the minimum.

Note: An example would be where in addition to a described loss of motion, pain and circulatory disturbance further limits the use of an arm or a leg. A meniscectomy in a knee with less than a good result would call for an estimate higher than 5% loss of use of the leg at the knee. The same principle would apply to surgical procedures on the back. The schedule of minimum disabilities contained in this section was adopted upon the advice of a worker's compensation advisory council subcommittee after a survey of doctors experienced in treating industrial injuries.

(2) Amputations, upper or lower extremities

At functional level

Equivalent to amputation at midpoint

Stump unsuitable to accommodate prosthesis

Equivalent to amputation at next most proximal joint

Stump not functional

Grade upward

All ranges of joint motion or degrees of ankylosis not listed below are to be interpolated from existing percent of disability listed.

(3) Hip

Ankylosis, optimum position, generally 15° to 30° flexion

50%

~~Mal position~~ Malposition

Grade upward

To compute disabilities for loss of motion relate % of motion lost to average range

Shortening of leg (no posterior or lateral angulation)

No disability for shortening less than 3/4 inch

3/4 inch

5%

1 inch

7%

1-1/2 inches

14%

2 inches

22%

Greater than 2 inches of shortening results in greater proportionate rating than above

Labral repair

5%

Prosthesis Total	Minimum of 40%
Partial	35%
<u>Joint resurfacing</u>	<u>30%</u>

(4) Knee

Ankylosis, optimum position, ~~170~~ 10° 40 50%

Loss of flexion (normal flexion 135°)

~~Remaining range, 180° – 135°~~

Severe limitation 90° loss 25%

~~Remaining range, 180° – 90°~~

Moderate limitation 45° loss 10%

Mild limitation 30° loss 5%

Loss of extension (normal extension 0°)

Severe limitation 30° loss 30%

Moderate limitation 20° loss 15%

Mild limitation 10° loss 5%

Prosthesis Total 50 40%

Prosthesis Partial 45 35%

Joint resurfacing 30%

Removal of patella ~~To be based on functional impairment~~ 20%

Repair of recurrent patellar dislocation 10%

Total or partial meniscectomy (open or closed procedure), per meniscus

~~Excellent to good result~~ 5%

Removal of 50% or more of meniscus 8%

Removal of up to 50% of meniscus or if percentage removed not specified 5%

Meniscus repair with incidental debridement 3%

Anterior cruciate ligament repair ~~Minimum of 10%~~

Posterior cruciate ligament repair 10%

Anterior or posterior cruciate ligament
debridement including cyclops lesion removal 5%

Tibial osteotomy good result 10%

(5) Ankle

Total ankylosis, optimum position,
(total loss of motion) ~~40~~ 50%

Talocrural Ankylosis, ankle joint
(~~Loss of dorsi and plantar flexion~~) ~~30~~ 35%

Subtalar ankylosis, (loss of
inversion and eversion) 15%

Prosthesis total 40%

Prosthesis partial 35%

(6) Toes

Ankylosis great toe at proximal joint 50%

All other toes at proximal 40%

Ankylosis all other toes middle joint 15%

Ankylosis great toe at distal joint 15%

All other toes at any interphalangeal
joint ~~_____~~ If no deformity, no disability

All other toes at distal joint 10%

Mal position ~~Malposition~~ On merits

Loss of motion ~~_____~~ No disability

(7) Shoulder

Ankylosis, optimum position, scapula free 55%
In ~~mal position~~ malposition Grade upward

Limitation of active elevation in flexion
and abduction to 45° but otherwise
normal ~~30~~ 40%

Limitation of active elevation in flexion and abduction to 90° but otherwise normal	20%
Limitation of active elevation in flexion and abduction to 135° but otherwise normal	5 10%
<u>Loss of external rotation limited to 10° (severe)</u>	9%
<u>Loss of external rotation limited to 20° (moderate)</u>	6%
<u>Loss of external rotation limited to 45° (mild)</u>	3%
<u>Loss of internal rotation limited to 10° (severe)</u>	6%
<u>Loss of internal rotation limited to 20° (moderate)</u>	4%
<u>Loss of internal rotation limited to 45° (mild)</u>	2%
<u>Distal clavicle excision, complete</u>	3%
<u>Labral repair, superior, anterior, or posterior</u>	5%
<u>Proximal biceps tendon repair</u>	3%
<u>Rotator cuff repair</u>	10%
<u>Prosthesis total</u>	50%
<u>Prosthesis partial</u>	45%
<u>Joint resurfacing</u>	40%

(8) Elbow

Ankylosis, optimum position, 45° angle

With ~~radio-ulnar~~ rotational motion destroyed 60%

With ~~radio-ulnar~~ rotational motion ~~in tact~~ intact 45%

Rotational ankylosis in neutral position 20 25%

Any ~~mal position~~ malposition Grade upward

~~Limitation of motion elbow joint, radio-ulnar motion unaffected~~

Remaining range 180° – 135°	35%
Remaining range 135° – 90°	20%
Remaining range 180° – 90°	10%

Limitation of elbow joint motion with 0° as full extension and 140° as full flexion

<u>Loss of flexion, limited to 30° (severe)</u>	<u>30%</u>
<u>Loss of flexion, limited to 70° (moderate)</u>	<u>20%</u>
<u>Loss of flexion, limited to 110° (mild)</u>	<u>5%</u>
<u>Loss of extension, limited to 30° (severe)</u>	<u>30%</u>
<u>Loss of extension, limited to 70° (moderate)</u>	<u>20%</u>
<u>Loss of extension, limited to 110° (mild)</u>	<u>5%</u>
Rotation at elbow joint	
Neutral to full <u>Loss of pronation, limited to 10° (severe)</u>	10 15%
<u>Loss of pronation, limited to 30° (moderate)</u>	<u>10%</u>
<u>Loss of pronation, limited to 60° (mild)</u>	<u>3%</u>
Neutral to full <u>Loss of supination, limited to 10° (severe)</u>	15 10%
<u>Loss of supination, limited to 30° (moderate)</u>	<u>7%</u>
<u>Loss of supination, limited to 60° (mild)</u>	<u>2%</u>
<u>Distal biceps tendon repair</u>	<u>5%</u>
<u>Prosthesis Total</u>	<u>40%</u>
<u>Prosthesis Partial</u>	<u>20%</u>
<u>Repair of tendinosis or tear of common flexor tendon or extensor tendon tear</u>	<u>5%</u>

(9) Wrist

Ankylosis, optimum position 30° dorsiflexion	30%
Mal-position <u>Malposition</u>	Grade upward

Total loss dorsiflexion-extension	12-1/2 <u>15%</u>
Total loss palmar flexion	7-1/2 <u>12%</u>
Total loss inversion	5%
Total loss eversion	5%
<u>Prosthesis total</u>	<u>40%</u>
<u>Prosthesis partial</u>	<u>35%</u>

~~(10) Complete Sensory Loss Peripheral Nerve Disorders~~
~~[See Tables 80.32—1 through 80.32—4]~~

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Table 80.32—1

Complete Loss of Function of Referenced Nerves

Digital sensory loss for hand

<u>Any digit complete</u>	<u>55% at joint proximal to level of involvement</u>
<u>Any digit palmar surface</u>	<u>40% at joint proximal to level of involvement</u>
<u>Any digit dorsal surface</u>	<u>15% at joint proximal to level of involvement</u>
<u>Digital nerve</u>	<u>20% at joint proximal to level of involvement</u>

Ulnar nerve complete loss

<u>Motor and sensory involvement above mid forearm</u>	<u>50% at elbow</u>
<u>Motor involvement only above mid forearm</u>	<u>45% at elbow</u>
<u>Sensory involvement only above mid forearm</u>	<u>15% at elbow</u>
<u>Motor and sensory involvement below mid forearm</u>	<u>40% at wrist</u>
<u>Motor involvement only below mid forearm</u>	<u>35% at wrist</u>
<u>Sensory involvement only below mid forearm</u>	<u>15% at wrist</u>

Median nerve complete loss

<u>Motor and sensory involvement above mid forearm</u>	<u>65% at elbow</u>
<u>Motor involvement only above mid forearm</u>	<u>45% at elbow</u>
<u>Sensory involvement only above mid forearm</u>	<u>45% at elbow</u>
<u>Motor and sensory involvement below mid forearm</u>	<u>50% at wrist</u>
<u>Motor involvement only below mid forearm</u>	<u>15% at wrist</u>
<u>Sensory involvement only below mid forearm</u>	<u>45% at wrist</u>

Radial nerve complete loss

<u>Motor and sensory involvement including triceps</u>	<u>45% at shoulder</u>
<u>Motor involvement only including triceps</u>	<u>40% at shoulder</u>
<u>Sensory involvement only including upper arm</u>	<u>5% at shoulder</u>
<u>Motor and sensory involvement below elbow</u>	<u>40% at elbow</u>
<u>Motor involvement only below elbow</u>	<u>35% at elbow</u>
<u>Sensory involvement only below elbow</u>	<u>5% at elbow</u>

Axillary nerve complete loss

<u>Motor and sensory involvement</u>	<u>35% at shoulder</u>
<u>Motor involvement only</u>	<u>30% at shoulder</u>
<u>Sensory involvement only</u>	<u>5% at shoulder</u>

Musculocutaneous nerve complete loss

<u>Motor and sensory involvement</u>	<u>30% at shoulder</u>
<u>Motor involvement only</u>	<u>25% at shoulder</u>
<u>Sensory involvement only</u>	<u>5% at shoulder</u>

Peroneal nerve complete loss

<u>Motor and sensory involvement causing foot drop</u>	<u>40% at ankle</u>
<u>Motor involvement only causing foot drop</u>	<u>35% at ankle</u>
<u>Sensory involvement only (dorsal foot)</u>	<u>10% at ankle</u>

Plantar nerve complete loss

<u>Sensory involvement (plantar foot)</u>	<u>15% at ankle</u>
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Table 80.32—2

<u>Characterization of Sensory Deficit or Pain Due to Specific Upper or Lower Extremity Peripheral Nerve Injury*</u>	<u>% of Total Loss</u>
<u>Normal sensation and no pain</u>	<u>0%</u>
<u>Altered (decreased) sensation +/- minimal pain forgotten during activity</u> <u>- Diminished light touch</u>	<u>1-25%</u>
<u>Altered (decreased) sensation +/- mild pain that interferes with some activity</u> <u>- Diminished light touch, 2-Point discrimination</u>	<u>26-60%</u>
<u>Altered (decreased) sensation +/- moderate pain that prevents many activities</u> <u>- Diminished protective sensation (pain, temperature or pressure can cause damage before being perceived)</u>	<u>61-80%</u>
<u>Absent superficial sensation +/- abnormal sensation or severe pain that prevents most activity</u> <u>- Absent protective sensation</u>	<u>81-99%</u>
<u>Absence of all sensation or severe pain that prevents all activity</u>	<u>100%</u>

*For combined sensory and motor deficits (See Table 80.32-3), average the percentages rated for each component alone then multiply that percentage by the value for the specified nerve.

Table 80.32—3

<u>Characterization of Motor Deficit Due to Specific Upper or Lower Extremity Peripheral Nerve Injury*</u>	<u>% of Total Loss</u>
<u>Full strength (5/5) and full active range of motion for muscles innervated by specified nerve</u> <u>- No activity limitations</u>	<u>0%</u>
<u>Mildly decreased strength against resistance (5- or 4+/5), but full active range of motion</u> <u>- Mildly diminished endurance or ability to perform activities</u>	<u>1-25%</u>
<u>Moderately decreased strength against resistance (4 or 4-/5), but full active range of motion</u> <u>- Moderately diminished endurance and ability to perform activities</u>	<u>26-60%</u>
<u>Decreased strength (3/5) full active range of motion against gravity, but not against resistance</u> <u>- Substantial activity deficits</u>	<u>61-80%</u>
<u>Decreased strength (2/5) full active range of motion with gravity eliminated</u> <u>- Inability to perform most activities for muscles innervated by specified nerve</u>	<u>81-95%</u>
<u>Severely decreased strength (1/5) slight contractility but no range even with gravity eliminated</u> <u>- No functional movement of muscles innervated by specified nerve</u>	<u>96-99%</u>
<u>Absent strength (0/5) no contractility</u> <u>- No movement of muscles innervated by specified nerve</u>	<u>100%</u>

*For combined sensory (See Table 80.32-2) and motor deficits, average the percentages rated for each component alone then multiply that percentage by the value for the specified nerve.

Table 80.32—4

<u>Common Nerve-Related Surgical Procedures</u>	<u>Minimum Disability</u>
<u>Carpal Tunnel Release</u>	<u>2% at wrist</u>
<u>Cubital Tunnel Release</u>	<u>2% at elbow</u>
<u>Ulnar Nerve Transposition</u>	<u>5% at elbow</u>

Any digit	50% Lesser involvement to be graded appropriately— 35% for palmar, 15% for dorsal surface
Total median sensory loss to hand	65–75%
Total ulnar sensory loss to hand	25%
Ulnar nerve paralysis	
Above elbow, sensory involvement	50% at wrist
Below elbow, motor and sensory involvement	45–50% at wrist
Below elbow, motor involvement only	35–45% at wrist
Below elbow, sensory involvement only	5–10% at wrist
Median nerve paralysis	
Above elbow, motor and sensory involvement	55–65% at wrist
Thenar paralysis with sensory loss	40–50% at wrist
Radial nerve paralysis	
Complete loss of extension, wrist and fingers	45–55% at wrist
Peroneal nerve paralysis	
At level below knee	25–30% at knee

(11) Back Spine

Removal of disc material, no undue symptomatic complaints or any objective findings	5%
Chymopapain injection	To be rated by doctor
Spinal fusion, good results	5 <u>7%</u> minimum per level
Implantation of an artificial spinal disc	7.5 <u>10%</u> per level
Removal of disc material and fusion	10 <u>12%</u> per level
Cervical fusion, successful	5%
Sacroiliac joint fusion	7%
Compression fractures of vertebrae of such degree to cause permanent disability may be rated 5% and graded upward	
Coccyx fracture of such degree to cause permanent disability	5%

Pelvic fracture and symphysis pubis separation
of such degree to cause permanent disability 10%

Disc herniation directly related to mechanism of
trauma and treated conservatively 2%

Implantation of permanent spinal cord stimulator 2%

Implantation of intrathecal pain pump 2%

Note: It is the subcommittee’s intention that a separate minimum 5% allowance be given for every surgical procedure (open or closed, radical or partial) that is done to relieve from the effects of a disc lesion or spinal cord pressure. Each disc treated or surgical procedure performed will qualify for a 5% rating. Due to the fact a fusion involves 2 procedures a 1) laminectomy (dissectomy) and a 2) fusion procedure, 10% permanent total disability will apply when the 2 surgical procedures are done at the same time or separately.

Examples:

Patient A	Surgery #1	Laminectomy	5% PTD
	Surgery #2	Fusion	increases to 12% PTD
Patient B	Surgery #1	Laminectomy & Fusion	12% PTD
	Surgery #2	Re-fusion	increases to 19% PTD
	Surgery #3	Laminectomy at New Level	increases to 24% PTD
	Surgery #4	Fusion at Level of Surgery #3	increases to 31% PTD
	Surgery #5	Re-fusion at Level of Surgery #4	increases to 38% PTD

These examples apply to procedures attributed to the original date of injury.

(12) Fingers

(a) Complete ankylosis

Thumb	Mid- Position	Complete Extension
Distal joint only	25%	35%
Proximal joint only	15%	20 25%
Distal and proximal joints .	35%	65%
Carpometacarpal joint only	20%	20%
Distal, proximal and carpometacarpal joints	85%	100%

Fingers

Distal joint only	25%	35%
Middle joint only	5 70%	85%
Proximal joint only	40%	50%
Distal and middle joints . . .	85%	100%
Distal, middle and proximal joints	100%	100%

(b) Loss of Motion Fingers	Loss of Flexion	Loss of Use	Loss of Extension	Loss of Use
Distal joint only . . .	10% –	1%	10% –	2%
	20% –	2%	20% –	4%
	40-30% –	3%	30% –	6%
	40% –	5%	40% –	8%
	50% –	10%	50% –	15%
	60% –	15%	60% –	20%
	70% –	20%	70% –	30%
	80% –	25%	80% –	40%
Middle joint only . .	10% –	5%	10% –	2½%
	20% –	10%	20% –	5%
	30% –	15%	30% –	10%
	40% –	25%	40% –	15%
	50% –	40%	50% –	30%
	60% –	50%	60% –	50%
	70% –	60%	70% –	70%
	80% –	70%	80% –	90%
Proximal joint only .	10% –	5%	100% –	100%
	20% –	10%	10% –	2½%
	30% –	15%	20% –	5%
	40% –	20%	30% –	15%
	50% –	25%	40% –	20%
	60% –	30%	50% –	25%
	70% –	35%	60% –	40%
	80% –	40%	70% –	75%
		80% –	85%	
		90% –	100%	

Thumb

Distal joint same as fingers

Proximal joint 40% of the loss of use indicated for fingers

(c) Prosthesis for thumb or finger joints 40%

(13) Kidney

(a) Loss of a single ~~one~~ kidney 5 10% permanent total disability.

(b) Loss of only remaining kidney 20% permanent total disability.

(14) Loss of Smell

Total loss of sense of smell ~~2-1/2~~ 5% permanent total disability.

(15) Splenectomy

Loss of the spleen 5% permanent total disability.