6th Edition of the AMA Guides to Permanent Impairment

Diana Ferriter, Bureau Chief
Workers’ Compensation Claims Assistance
Employment Relations Division
diferriter@mt.gov 444-1574

Presentation to:
Labor Management Advisory Council on Workers’ Compensation
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Why It’s on LMAC’s Work Plan?

- Tom Murphy, Attorney, Great Falls
  Spoke to you about the 6th Edition on 12/4/2008
  He requested support of LMAC for legislation to maintain status quo by mandating use of the 5th Edition
- ERD – Receiving requests for assistance and mediation of disputes over decreases
- Preliminary results from ERD Data – overall decrease in impairment ratings – not enough cases to be statistically valid
Advocates Say:

- Provides more reasonable & consistent methodology
- Doctors used to diagnosis based system
- Increases consistency of ratings among physicians
- Promotes ease of use in defining impairment v. disability
- More accurate than previous editions
What’s the Issue with the 6th Edition?

Critics Say:

- Decreased benefits due to decreased impairment rating percentages
- MT Legislature didn’t debate or endorse resulting changes to benefits
- Difficult to learn
- Takes longer to evaluate impairment
- Biased toward insurance interests
- Not evidence based
- Diagnosis does not equal function
What Have Other States Done?

- 12 states (including MT & DC) have statutory mandates to use 6\textsuperscript{th} or latest edition of the guides
  - Alaska, Alabama, District of Columbia, Indiana, Kentucky, Massachusetts, Mississippi, Montana, Nevada, New Mexico, Tennessee, and Wyoming
What Have Other States Done?

- 8 states use the 4th Edition
- 10 states use the 5th Edition
- Other states use their own or some combination
  - For example, Utah uses its own or the 5th Edition
  - Florida uses its own
Some State Studies and Survey Responses

- 2008 IOWA AMA Guides Task Force Report
  - 8 voting members of doctors, attorneys, and representatives of employees and employers
  - Comprehensive Evaluation and Report
  - 7 members did not recommend adoption of the 6th edition
Some State Studies and Survey Responses

- Kentucky
  - Legislation required study by Commissioner to adopt 6th or retain 5th Edition
  - Commissioner recommended retaining the 5th Edition until further study of the impact on income benefits
  - Commissioner recommended addressing medical benefit cost drivers before reducing income benefits
  - http://www.labor.ky.gov/NR/rdonlyres/DC046C16-F0FF-4BB5-98B8-7C1CE7E92D02/0/CommissionerReportonAMAGuides.pdf
Some State Studies and Survey Responses

- Nevada
  - NV’s legislature overrode the Governor’s veto with a 2/3 vote in both houses
  - NV rejected the 6th edition since it represented a benefit cut to injured workers
  - http://dirweb.state.nv.us/wcs/summernews.pdf
Some State Studies and Survey Responses

- Oklahoma response:
  - Uses AMA Guide in effect at time of injury

- Tennessee response:
  - Rep. West will introduce HB1574 to retain 5th Edition next year

- Texas: Conducting survey of states regarding use of 6th Edition

- Vermont response:
  - Statute recently amended to require use of 5th Edition and require legislative approval before changing to any other edition
Comparison of Evaluations Using the AMA Guides 5th and 6th Editions


- Seven surveys were sent to experienced users of the Guides, including: Board Certified in Orthopaedics, Family Medicine, and Occupational Medicine
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### Spine Impairment Examples – Dr. Melhorn

#### – IAIABC Journal Vol. 46 No. 1 – pg. 97

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SUMMARY

- 6TH Edition is controversial in MT and other states
- Will result in some decreased benefits and some increased benefits to certain impairments
- Court challenges are probable
- Changes may only occur through legislation or Court decision
Next Steps?

Next Meeting:
- Request Advocates and Critics Speak to LMAC?
- Request Dr. Douglas W. Martin present his 6th Edition Evaluation to LMAC?
- Present ERD’s Data on impairment ratings?
- Other presenters?
- Other information?
References and Sources:

- Tom Murphy’s letters to Diana Ferriter dated May 8, 2009 and June 1, 2009


- The AMA Guides to the Evaluation of Permanent Impairment – 6th Edition – Separating Fact from Fiction & Interpretation from Innuendo, Douglas W. Martin, MD, FACOEM, FAADEP, FAAFP, Medical Director at St. Luke’s COHE, Sioux City, IA
