



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Designated Doctor Program (MS-45)

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memo

To: Designated Doctors

From: Bill Defoyd, DC, Director, Designated Doctor Outreach and Oversight

Date: September 17, 2015

RE: Impairment Rating and Recent Appeals Panel Decision (APD) 151158-s

Comments: The Appeals Panel recently issued APD 151158-s that addresses the impairment rating for distal clavicle resection arthroplasty.

In summary, the APD stated: "The question in this case is whether a distal clavicle resection arthroplasty received as treatment for the compensable injury results in a 10% UE impairment under Table 27 of the AMA Guides."

APD Conclusion:

"The language contained on page 3/58 of the AMA Guides is ambiguous, whereas the language on page 3/62 provides more clear instruction regarding the rating of arthroplasty procedures. Therefore, we hold that impairment for a distal clavicle resection arthroplasty that was received as treatment for the compensable injury results in 10% UE impairment under Table 27, which is then combined with ROM impairment, if any, as provided by the AMA Guides."

Read the full Appeals Panel Decision at http://www.tdi.texas.gov/appeals/sig_cases/151158-sr.pdf.

Please consider this decision as it applies in appropriate cases.