

### Multiple Interchangeable Indexes of Permanent Disability

- √ The Schedule allows the use of “multiple interchangeable indexes” to express permanent disability due to the impairments manifestations caused by an industrial injury. Multiple disability factors will have some redundancy in how they affect specific abilities or overall function. By simply adding factors together, an unrealistic result will be achieved. Hence, multiple factors are compacted (scaled down) to avoid duplication and pyramiding.
- √ The Schedule addresses the spine as a unit - not as separate ratable segments.
- √ It is DEU ‘Policy’ not to set values outside of The Schedule for Rating Permanent Disabilities or The Rule Making Process - California Office of Administrative Law
- √ ‘Consensus of The Raters’ is a valid forum for clarification of un-scheduled values. But it is not valid for changing major rating principles addressed by The Schedule. Consensus Opinion Among The State Raters cannot change the ‘scheduled’ rating principle that spinal disability is to be addressed as a unit. Schedule - Introduction & Instructions
- √ The Schedule allows the use of “multiple interchangeable indexes” to express permanent disability due to the impairments manifestations caused by an industrial injury. The fundamental ruling guide is that they are never aggregated or combined and, ultimately, the index producing the greater rating is used.

### Abdomen/Cardiovascular/Lungs/Rib Cage/Neck, Spine or Pelvis

1. **Neck, Spine or Pelvis & Spinal Cord Injuries: Disabilities 12.1 & 12.3:**  
When supported by clear measurable & clinical impairment findings, additional factors can also be considered:
  - a. Avoidance of protracted stationary positioning,
  - b. Impairments affecting the ability to prevent the discharge of any of the excretions, and,
  - c. Manifestations of objective physical impairments in the lower extremities, affecting weight-bearing functions.
  - d. Schedule: Page 2-13 notes 31,32 & 33.
2. **Cardiovascular System-Disability (Heart Disease): Disability # 11.3: 8CCR45-Evaluation of Cardiac Disability**
  - a. Restrictions Involving emotional stress may be given consideration: Schedule: Page 2-12, note 30.
3. **Abdominal/Digestive System-Disability (Hernia): Disability #13.1:** Weakness of Abdominal Muscles resulting in constant danger of hernia on overstrain and resulting in incapacity for arduous employment.
  - a. Consideration of restrictions precluding emotional stress. Schedule: Page 2-13, note 33
4. **Respiratory System (Lungs): (Disability 11.1)-.8 CCR 44: Evaluation of Pulmonary Disability**
  - a. Chronic Affections of the Pulmonary Tissue.
  - b. Consideration for restrictions involving atmospheric conditions. . Schedule: Page 2-12, note 29

**" The Schedule creates an arrangement of disabilities and values which stand in relationship to one another."**

0	03	05	08	10	13	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
Abdomen:				↑ Slight (13.12)		↑			↑ Moderate (13.14)				↑ Severe (13.16)					↑					
Heart:				↑		↑			↑		↑ 11.32 - Slight						↑ Moderate (11.34)						(11.36)-Severe ↓
Lungs:				↑ Slight (11.12)					↑		↑ Moderate - (11.12)						(11.16)-Severe ↓						(11.16)-Pronounced ↓

Ribcage/Motion	↑ 20-25% (11.52)	↑ 50% (11.54)	↑ 80%+ (11.56)
Braces	↑ Canvas with Hard Inserts	↑ Chair back Brace	↑ Taylor/Hard Molded/Laced
↑ No Repetitive Motions of The Neck/Spine: Approximately 50% loss for all (6) spinal motions.			

Neck, Back, or Pelvis Disability	↑ Slight (12.12)	↑ Moderate	18.16 – Severe ↓
Spinal Cord Injuries	↑ Catheterization: More Than Once a Year	12.32 – Incontinence of feces and urine ↓	
Incontinence – By Analogy *	↑ Catheterization: Annual or Less (10%)	12.313 - Severe Paralysis of Both Legs 12.313 ↓	
* Standard - varies according to overall level of functional loss, severity of impairment findings and/or the usage of absorbent products.			
What Is Incontinence? / American Foundation For Urologic Disease			

**Scheduled & 'By Analogy' Work Capacity Functional Loss**

**Spine/Torso 'Benchmarks' address weighted progressive levels of Work Capacity Functional Loss to perform a specific function or group of functions:**

**No Very Heavy Lifting** states that an individual has lost approximately a 25% of his pre-injury capacity for lifting.

**Limitation to Light Work** indicates the ability to work with a **minimum of demands for physical effort**.

**Limitation to Semi-Sedentary and Sedentary Work** further address limitation of weight bearing abilities once the core of physical activities (lifting, bending, stooping, etc.) has reached a level of loss as defined by a **Limitation to Light Work**. (The Lower Extremity Guidelines address parallel lower levels for weight bearing related functions).

- Guidelines for determining "loss of lifting capacity" are found under the Spine/Torso benchmark for **No Very Heavy Lifting**: Schedule: Page 2-14
- Without information about the employee's pre-injury lifting capacity, restrictions addressing a 'poundage -range' can produce multiple results.

0	03	05	08	10	13	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
<b>Residual Lifting Capacity for 76-100lbs</b>				↑ 51-75			↑ 26-50		↑ 11-25		↑ 0-10 - (Minimal Demands For Lifting)												
<b>Residual Lifting Capacity for 51-75lbs</b>				26-50 ↓	11-25 ↓		↑ 0-10																
				↑ No Very Heavy Lifting (Approximately - 25% loss of pre-injury capacity.)				↑ No Heavy Lifting (Approximately 50% loss of pre-injury capacity.)															

↑ **No Heavy Lifting Repeated Bending & Stooping:** Approximately 50% loss of pre-injury capacity for lifting bending and stooping.

↑ **No Very Heavy Work:** 25% Loss Of Pre-Injury Capacity For Performing Bending, Stooping, Lifting, pushing, pulling, climbing or other activities involving comparable physical effort

↑ **Fixed/Neck** (Non-Scheduled)

↑ **No Heavy Work:** Approximately 50% loss of pre-injury capacity for activities as bending, stooping, lifting, pushing, pulling, climbing or other activities involving comparable physical effort.

↑ **No Substantial Work:** Approximately 75% loss of pre-injury capacity for lifting and demanding physical activities.

↑ **Limitation to Light Work:** - Work in a standing or walking position with a minimum of demands for physical effort.

**Disability Resulting in a Limitation to Sedentary Work: ↓**

Work predominantly in a sitting position at a bench, desk or table with a minimum of demands for physical effort: some degree of walking and standing being permitted.

(Non-Scheduled) **Selective Semi-Sedentary Work ↓**

(Non-Scheduled) Shelter Employment ↓

**VALUES FOR ADD-ONS TO SCHEDULED RATINGS STANDARDS**

**Protracted/Stationary Positioning of the Spine/Extremities: (05% Add-On) (10% Stand-Alone Value)**

**No Emotional Stress: (10% Add-On)) (20% Stand Alone Value) Schedule: Page 2-12, note 30.**

**No Undue Emotional Stress :(05%-Add-On)**

**No Dust or Fumes. (05% Add-On) (10% Stand Alone Value). Schedule: Page 2-12, note 29**

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