
MEMO FROM THE WORKERS' COMPENSATION & SAFETY DIVISION

**TO: Workers' Compensation Claimants, Adjusters, Attorneys Physicians,
and Other Interested Parties**

FROM: J. Stephen Monahan, Director

DATE: Friday, March 14, 2008

SUBJECT: The Department Of Labor Delays Implementation of A.M.A. Guides 6th Edition

All permanent impairment ratings should be conducted using the AMA Guides 5th edition until further notice. The memorandum announcing an April 1, 2008 implementation date is formally withdrawn.

This morning the Senate Economic Development, housing and General Affairs Committee passed out workers' compensation bill S.345. A section of that bill provides:

* * * Evaluation of Permanent Impairment * * *

Sec. 9. EVALUATION OF PERMANENT IMPAIRMENT;

USE OF AMA GUIDES

Notwithstanding 21 V.S.A. §648(b), the department of labor shall continue to use the American Medical Association Guides to the Evaluation of Permanent Impairment fifth edition until such time the commissioner of labor has evaluated an analysis of the sixth edition performed by NCCI or other appropriate rating agency to assure that adoption of the sixth edition will not have a significantly detrimental impact on injured workers entitled to permanent disability benefits. At least 60 days before adopting the sixth edition, the department shall submit a written report to the house committee on commerce and the senate committee on economic development, housing and general affairs outlining the analysis that formed the basis for determining that use of the

sixth edition will not have a significantly detrimental impact on injured workers entitled to permanent disability benefits.

In light of this development, the Department of Labor is delaying implementation of the AMA Guides 6th edition. **All permanent impairment ratings should be conducted using the AMA Guides 5th edition until further notice.** If workers compensation bill S.345 is not enacted into law this session, the department shall re-visit the use of the 6th edition. Notice will be provided prior to that occurring. If the bill is passed, the 6TH edition will not be implemented unless the appropriate findings are made and the legislative committees have had at least 60 days to respond to the finding.

c: Commissioner Patricia Moulton Powden; Deputy Commissioner Tom Douse; W.C. Hearing Officer Jane Dimotsis; W.C. & Safety Division Staff