

GENERAL PROVISIONS

Pursuant to Ark. Code Ann. Sub. Sec. 11-9-519(h), 11-9-521(h), and 11-9-522(g) (1993) the following rule is hereby established in order to implement an impairment rating guide to be used in the assessment of anatomical impairment.

Purpose.

The purpose of Rule 34 is to establish an impairment rating guide to be used in the assessment of anatomical impairment.

To accomplish this purpose, the Arkansas Workers' Compensation Commission hereby adopts Guides to the Evaluation of Permanent Impairment (4th ed. 1993) published by the American Medical Association exclusive of any sections which refer to pain and exclusive of straight leg raising tests or range of motion tests when making physical or anatomical impairment ratings to the spine. This publication is also known as the A.M.A. Guides, available from:

Order Department OP025493
American Medical Association
P. O. Box 109050
Chicago, Illinois 60610

This publication is adopted until such time as the Arkansas Workers' Compensation Commission shall develop another impairment rating guide.

Applicability of Rules.

This rule shall be adopted July 1, 1995 and shall be applicable to all services rendered for an injury occurring after July 1, 1993.

Definitions.

1. Objective findings. "Objective findings" are those findings which cannot come under the voluntary control of the patient. When determining physical or anatomical impairment, neither a physician (or any other medical provider) nor an Administrative Law Judge, the Workers' Compensation Commission or the Courts may consider complaints of pain; for the purpose of making physical or anatomical impairment ratings to the spine, straight leg raising tests or range of motion tests shall not be considered objective findings. Medical opinions addressing compensability and permanent impairment must be stated within a reasonable degree of medical certainty. Ark. Code Ann. Sec. 11-9-102(16).
(Adopted July 1, 1994; revised June 9, 1995, effective July 1, 1995)