

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1329

S.P. 456

In Senate, March 17, 2005

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**An Act To Require the Workers' Compensation Board To Use the  
5th Edition "Guides to the Evaluation of Permanent Impairment"  
in Assessing Workers' Compensation Injuries Involving the Spinal  
Column**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.  
Cosponsored by Representative SMITH of Van Buren and  
Senators: BRYANT of Oxford, President EDMONDS of Cumberland, MILLS of Somerset,  
STRIMLING of Cumberland, Representatives: HUTTON of Bowdoinham, TUTTLE of  
Sanford.

**Be it enacted by the People of the State of Maine as follows:**

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4       **Sec. 1. 39-A MRSA §153, sub-§8, ¶A**, as enacted by PL 1991, c.  
885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

6       A. In order to reduce litigation and establish more  
8       certainty and uniformity in the rating of permanent  
10       impairment, the board shall establish by rule a schedule for  
12       determining the existence and degree of permanent impairment  
14       based upon medically or scientifically demonstrable  
16       findings. The schedule must be based on generally accepted  
18       medical standards for determining impairment and may  
20       incorporate all or part of any one or more generally  
22       accepted schedules used for that purpose, such as the  
24       American Medical Association's "Guides to the Evaluation of  
Permanent Impairment." Pending the adoption of a permanent  
schedule, "Guides to the Evaluation of Permanent  
Impairment," 3rd edition, copyright 1990, by the American  
Medical Association, is the temporary schedule and must be  
used for the purposes of this subsection. Notwithstanding  
this paragraph, in assessing injuries involving the spinal  
column, the schedule is the American Medical Association's  
"Guides to the Evaluation of Permanent Impairment," 5th  
edition, copyright 2001.

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**SUMMARY**

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30       This bill requires the Workers' Compensation Board to use  
32       the 5th edition of the American Medical Association's "Guides to  
the Evaluation of Permanent Impairment" to assess impairment  
relating to injuries involving the spinal column.