

An injured worker in Nevada who has an accepted claim may be entitled to a sum of money called a permanent partial disability award (PPD award) when the treating doctor reports that no additional treatment is necessary, and the patient may have a “ratable impairment”. Only those injured workers who have permanent injuries are awarded a settlement. A permanent partial disability award in Nevada is based on 3 factors: 1) the percentage of impairment reported by a rating doctor, 2) the average monthly wage of the injured worker, and 3) the age of the injured worker when the award is calculated and offered.

When the treating physician reports to the insurer that there may be a ratable impairment, the adjuster schedules an impairment examination with a rating doctor. Rating doctors are chiropractors and physicians who have passed a test on how to apply the impairment criteria in the American Medical Association Guides to Evaluation of Permanent Impairment. Current Nevada law requires that rating doctors use the 5<sup>th</sup> edition of the AMA Guide. The Division of Industrial Relations for the State of Nevada assigns a rating doctor from a rotating list, unless the insurer and the injured worker’s attorney agree to use a particular rating doctor.

The rating exam is done at the doctor’s office. The insurer sends all of the medical records before the exam. Almost all rating doctors in Las Vegas allow the injured worker’s lawyer to attend. The AMA Guide gives detailed instructions to the doctor on how to determine impairment for each injured body part. Theoretically, different rating doctors should find the same percentage of impairment. However, there are often significant differences in percentages depending on which doctor is doing the exam.

An injured worker or her attorney must be very knowledgeable about the criteria in the AMA Guide in order to intelligently question whether the rating is correct or is the highest possible percentage. An injured worker can challenge the percentage of impairment by filing an appeal, and by paying to obtain a second rating with another assigned rating physician. The fee for a rating of up to two injured body parts, effective through 1/31/10, is \$630.80. If the second rating doctor finds a higher percentage of impairment, a hearing officer may, or may not, award the higher percentage, or may order the insurer to schedule a third rating exam. It is a waste of time and money for an injured worker to appeal a PPD offer solely for the reason that the money offered by the insurer is not enough.

Many injuries are rated under the AMA Guide by measuring loss of range of motion in the injured joint. Pain is not ratable, but injuries to particular nerves may be ratable based on sensory loss and motor loss. An injured worker’s ability to return to work does not determine the percentage of impairment. Many injured workers are able to return to their jobs without any limitations, but they may still be entitled to a PPD award. Even though the PPD percentage is not based on an ability to return to the same job, the PPD percentage does govern the length of a vocational retraining program that may be offered if the injured worker cannot return to his old occupation.

The PPD award is calculated by a mathematical formula that uses the percentage of impairment, the average monthly wage of the injured worker, and the injured worker’s chronological age. The actuarial tables and the statutory formula used to calculate the award are in the regulations at NAC 616C. An injured worker is offered the award in either a lump sum or in installments paid until the injured worker is age 70. Awards offered in a lump sum are reduced to present value. If the impairment is greater than 25% whole person, only the equivalent of a 25% PPD can be taken in a lump sum, with the remaining percentage paid in installments until the injured worker is age 70. Many workers’ compensation attorneys in Las Vegas will offer a free review of a PPD award for signs of obvious errors by the rating doctor.