

ARKANSAS REGISTER

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Transmittal Sheet

OCT 3 1995

SHARON PRIEST
SECRETARY OF STATE

Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094



For Office
Use Only:

Effective Date 7/1/95 Code Number 099.00.95--003

Name of Agency Arkansas Workers' Compensation Commission

Department Executive Division

Contact Person Michael Clingman, Chief Executive Off. Phone 682-3930

Statutory Authority for Promulgating Rules Ark. Code Ann. § 11-9-205

	Date
Intended Effective Date	Legal Notice Published 3-12-95
<input type="checkbox"/> Emergency	Final Date for Public Comment 5-2-95
<input type="checkbox"/> 10 Days After Filing	Filed With Legislative Council 3-17-95
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council 5-3-95
<u>7-1-95</u>	Adopted by State Agency 6-9-95

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Michael Clingman
Signature

682-3930

Phone Number

Chief Executive Officer

Title

September 29, 1995

Date

077.00.75-000
FILED

RULE 34

OCT 3 1995

IMPAIRMENT RATING GUIDE

**SHARON PRIEST
SECRETARY OF STATE**

GENERAL PROVISIONS.

BY _____

Pursuant to Ark. Code Ann. §§ 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. § 11-9-102(16).

(Adopted July 1, 1994; revised June 9, 1995, effective July 1, 1995)

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