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- > Subtitle 09 - WORKERS' COMPENSATION COMMISSION
- > Md. Code Regs. tit. 14, subtit. 09, ch. 14.09.09 - Guide for Evaluation of Permanent Disability;
- > **Md. Code Regs. 14.09.09.03 - Evaluation of Permanent Impairment**

# Md. Code Regs. 14.09.09.03 - Evaluation of Permanent Impairment

State Regulations      Compare

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A. Written Evaluation Required. As evidence of permanent impairment, a party shall submit:

- (1) A written evaluation of permanent impairment prepared by a physician; or
- (2) In claims where the issue concerns psychiatric impairment, a written evaluation of permanent psychiatric impairment prepared by a licensed psychologist or psychiatrist.

B. When preparing an evaluation of permanent impairment, a physician, psychologist or psychiatrist shall:

- (1) Generally conform the evaluation with the format set forth in §2.2 ("Reports") of the American Medical Association's "Guides to the Evaluation of Permanent Impairment";
- (2) Use the numerical ratings for the impairment set forth in the American Medical Association's "Guides to the Evaluation of Permanent Impairment",

provided that a physician, psychologist or psychiatrist is not required to use the inclinometer evaluation technique specified in § 3.3, but instead may use the goniometer technique specified in the "Addendum to Chapter 3";

(3) Include the items listed under the heading "Comparison of the results of analysis with the impairment criteria . . ." in §2.2 ("Reports") of the American Medical Association's "Guides to the Evaluation of Permanent Impairment"; and

(4) Include information on the items required by Labor and Employment Article, § 9-721, Annotated Code of Maryland:

(a) Loss of function, endurance, and range of motion; and

(b) Pain, weakness, and atrophy.

### C. Numerical Ratings.

(1) A physician, psychologist or psychiatrist preparing an evaluation of permanent impairment may include numerical ratings not set forth in the American Medical Association's "Guides to the Evaluation of Permanent Impairment" for the items listed in §B(4) of this regulation.

(2) If the physician, psychologist or psychiatrist uses other numerical ratings the physician shall include in the evaluation the detailed findings that support those numerical ratings.

D. When reviewing an evaluation for permanent impairment, the Commission shall consider all the items listed in §B of this regulation.

E. The Commission may not approve payment of a physician's, psychologist's or psychiatrist's fee for an evaluation that does not comply with this regulation.

F. This regulation shall apply to all evaluations prepared on or after July 1, 1990.

## Notes

Md. Code Regs. 14.09.09.03

Regulations .03, Public Information Act Requests, recodified from COMAR 14.09.09 to COMAR 14.09.16, Public Information Act Requests, effective 41:4 Md. R. 305, eff.3/3/2014