

Nevada
Workers' Compensation Law Blog
NEWS & UPDATES ON WORKERS' COMPENSATION LAWS & HELPFUL INFORMATION ON THE CLAIMS PROCESS

POSTED ON APRIL 6, 2011 BY **VIRGINIA HUNT**

Employers Misinformed About PPD Awards

The most recent edition of the local magazine *Nevada Business* has incorrect information from a local insurance agency on how permanent partial disability awards (PPD) are determined under Nevada law. The sidebar in the article states that Nevada has workers' compensation laws that are pro business and that favor the employer, and I agree with that overall observation. However, this sidebar also states that in Nevada the "PPD is based on work restrictions." That is incorrect. The PPD is *not* based on an injured workers' work restrictions.

Under Nevada law, the rating physician is required to use the criteria in the AMA Guides to Evaluation of Permanent Impairment, 5th edition. The Guides determine

impairment, defined as "a loss, loss of use, or derangement of any body part, organ system, or organ function." Guides, 1.2a. Ratings reflect the impact on an individual's performance of activities of daily living, **excluding work, which is not considered to be an ADL in the Fifth Edition.** Guides 1.5.

An injured worker may have a PPD percentage under the Guides, such as a 1% whole body PPD for a partial meniscectomy to the knee, but may be fully capable of returning to his preaccident job without any work restrictions. Many employers, and apparently insurers also, are under the misconception that injured workers who are released full duty by their treating physicians are not entitled to a PPD award. Whether or not an injured worker has work restrictions does not govern whether the employee is entitled to a PPD award.