

Top New York Workers' Compensation Attorney David Perecman Discusses Recent Changes to New York's Workers' Compensation Guidelines

By: David Perecman

<http://www.newyorkpersonalinjuryblog.com/>

Effective January 1, 2012, the New York State Workers' Compensation Board issued 2012 guidelines for determining levels of incapacity and wage loss from on-the-job injuries:

Maximum Medical Improvement

The 2012 guidelines have changed the baseline definition of maximum medical improvement (MMI) before determining both schedule and non-schedule disabilities. MMI will now be based on a medical judgment that a) the claimant has recovered from the work injury to the greatest extent that is expected and b) no further improvement in his or her condition is reasonably expected. The 2012 guidelines also preclude any finding of MMI for six months from the date of injury or disablement in cases that involve surgery or fractures. The parties can agree to waive this guideline.

Wage Earning Capacity

The 2012 guidelines established a three-prong analysis for determining one's loss of wage earning capacity:

1. Evaluation and ranking of medical impairment,
2. Evaluation of functional ability/loss, and
3. Determination of loss of wage earning capacity based on impairment, function and vocational factors (including education, skills, literacy, age, etc.)

The 2012 Guidelines made no changes to the scheduled loss of use awards from the 1996 Medical Impairment Guidelines.

About The Perecman Firm

The [New York Construction Accident Attorneys](#) focus on cases involving workers' compensation, employment discrimination, personal injury, and premises accidents in New York and New Jersey,

including Manhattan, Queens, Brooklyn, Westchester, the Bronx, Long Island, Harlem, and upstate New York. Contact David Perecman of [The Perecman Firm](#).