**2022 SUMMER ZOOMINAR SERIES**

**“THE QME REPORT WRITING MASTERY CLASS”**

**THE APPORTIONMENT WRITER’S SURVIVAL KIT**

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his Survival Kit accompanies Session 3 – “Apportionment to Medical Care – The Hikida Effect.” This Template is designed to help provide you with the flow chart and medical decision making algorithm you need in order to provide for accurate Apportionment approximate percentages for those examinees who suffer Permanent Impairment/Disability following industrial medical treatment.

# APPORTIONMENT OF THE PERMANENT IMPAIRMENT

The 08/01/22 Cover Letter from Attorney Smith requests:

* “Question #1”

The 08/05/22 Cover Letter from Attorney Jones requests:

* “Question #1.”

Answers:

My formulation of the Apportionment of the Permanent Impairment follows:

* Left Knee #1:
  + First Impairment: My Impairment rating is 10% Whole Person Impairment due to “abnormal motion” (fill in the Impairment – i.e. abnormal motion, gait derangement, etc.).
  + LC 4663: In my opinion and within reasonable medical probability, 80% of the Permanent Impairment is due to the 01/01/19 industrial injury, and 20 % of the Permanent Impairment is due to “other factors.” In this case, other factors include:
    - “Other Factors”:
      * Pre-existing disability
      * Disability caused by the natural progression of pre-existing disease or conditions
      * Pathology
      * Asymptomatic prior conditions
      * Retroactive prophylactic work restrictions
      * Compensable Consequence Injury due to Medical Treatment
  + Substantiating “Reasons” for this conclusion include:
    - Reasonable medical probability: My opinion on the above Apportionment “approximate percentages” (     %/     %) is predicated on “reasonable medical probability.”
    - Pertinent Facts: The facts relevant to the above Apportionment “approximate percentage” upon which I rely include:
      * + Mechanism of Injury:
        + Response to Appropriate Medical Care:
        + Pre-existing condition(s):
        + Prior Industrial Injury:
      * Adequate History:
      * Adequate Examination:
      * “How” and “Why” Reasoning:
      * No Speculation: The above opinion on the Apportionment “approximate percentages” is not based on guess, speculation, surmise, or conjecture.
    - LC 4664: In my opinion and within reasonable medical probability,      % of the Permanent Impairment is due to the       industrial injury, and       % of the Permanent Impairment is due to “other factors.” Reasons for this conclusion include:
      * Prior Permanent Disability Award:
  + Second Impairment: My Impairment rating is      % Whole Person Impairment due to “     ” (fill in the Impairment – i.e. abnormal motion, gait derangement, etc.).
  + LC 4663: In my opinion and within reasonable medical probability,      % of the Permanent Impairment is due to the       industrial injury, and       % of the Permanent Impairment is due to “other factors.” In this case, other factors include:
    - * Pre-existing disability
      * Disability caused by the natural progression of pre-existing disease or conditions
      * Pathology
      * Asymptomatic prior conditions
      * Retroactive prophylactic work restrictions
      * Compensable Consequence Injury due to Medical Treatment
  + Substantiating Reasons for this conclusion include:
    - Reasonable medical probability: My opinion on the above Apportionment “approximate percentages” (     %/     %) is predicated on “reasonable medical probability.”
    - Pertinent Facts: The facts relevant to the above Apportionment “approximate percentage” upon which I rely include:
      * + Mechanism of Injury:
        + Response to Appropriate Medical Care:
        + Pre-existing condition(s):
        + Prior Industrial Injury:
      * Adequate History:
      * Adequate Examination:
      * “How” and “Why” Reasoning:
      * No Speculation: The above opinion on the Apportionment “approximate percentages” is not based on guess, speculation, surmise, or conjecture.
  + LC 4664: In my opinion and within reasonable medical probability,      % of the Permanent Impairment is due to the       industrial injury, and       % of the Permanent Impairment is due to “other factors.” Reasons for this conclusion include:
    - * Prior Permanent Disability Award:
* Body Part #2: (Repeat Procedure above)

NOTE – FOR YOUR REFERENCE….AND COMPARE YOUR FINAL APPORTIONMENT ARGUMENT AGAINST THESE CRITERIA DESCRIBED BY *ESCOBEDO:*

According to *Escobedo,* an opinion on the Causation of the Apportionment of Permanent Impairment:

* Must be framed in terms of “reasonable medical probability.”
* Must be based on pertinent facts.
* Must be based on an adequate examination and history.
* It must set forth the reasoning in support of its conclusions.
* Must not be speculative.

Good Luck and Best of Success in Your Career as a Qualified Medical Evaluator!

EZ QME CONTINUING EDUCATION