



# Medical Advisory Service

Occupational and Environmental Medicine, Public Health, and Toxicology Consultants

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## Impairment Assessment for Non-Occupational Injuries

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From time to time I am asked about systems that rate levels of impairment outside of workers' compensation. This is usually for the purpose of assessing disability for purpose of awards in civil cases. Of course, impairment assessment, while critically important, is only one input into the assessment of disability and the calculation of an award. The usual occupation, skill level, job market, retraining potential, and actuarial issues are also important factors.

Benefit or insurance programs that provide income replacement after disability that does not arise from work usually do not rate impairment as is done in workers' compensation. Rather, they are based on capacity to work at a regular job and decisions are based on a judgment of employability.

Such programs include the following (see following web-sites for more information):

- Social Security Administration (SSA) disability insurance  
<http://www.ssa.gov/disability/professionals/greenbook/ce-adult.htm>  
<http://www.ssa.gov/pubs/10029.html#part5>
- Canada Pension Plan (CPP) disability benefits  
<https://catalogue.servicecanada.gc.ca/LauncherES/LaunchES>
- State temporary disability plans, for example California

SSA and CPP are social insurance programs designed to prevent catastrophic loss of income. They require demonstration of eligibility, applying a set of criteria that assess whether the applicant is working; if not, whether the applicant has the capacity to perform the activities required to work; if so, at what level; and given that level whether employment is likely to be available. SSA and CPP determinations are both highly individualized, taking into account age, education, training prospects, and the local job market for any jobs (not the applicant's previous job). Thus, the outcome may be very different for two applicants with identical impairments.

Social insurance programs are predicated on loss of employability, not under-employment or work with accommodation, and therefore recognize disability as simply present or absent. For this purpose, the impairment is not rated by degrees, as in workers' compensation. Social insurance programs assume that the disability is long term, if not permanent, but require periodic reevaluation to determine whether there has been improvement and if so whether the recipient's functional status is such that benefits can be terminated.

Some US states, such as California, provide temporary disability benefits. They are designed to support the income a person may lose because of either a period of illness or recovery from an injury that is not work related. However I am not aware that these state plans do not actually rate impairment. Some states do have their own rating system for occupational injuries, most prominently Utah, which has promoted its simplified system as a model for other jurisdictions.