

October 17, 2013

Dr. Edward J. O.
INSERT ADDRESS

RE: PATIENT: H, MILDRED
DATE OF EVALUATION: 5/4/12

Dear Dr. O.:

Thank you for your report of 5/4/12.

We have had your report reviewed by Phil Walker, a national expert on the AMA Guides, Fifth Edition.

Below, please see Mr. Walker's comments regarding your report. Please review these. Please indicate with which conclusions you disagree, if any. If you disagree, please provide the page and line quote from the AMA *Guides*, Fifth Edition, which you believe supports your conclusion.

If there are conclusions reached by Mr. Walker with which you do not disagree and provide the basis for such disagreement, we will then assume you are in agreement with Mr. Walker's analysis.

We will look forward to receiving your supplemental report.

ANALYSIS BY MR. WALKER:

8. Dr. O. then provided a series of AMA ratings:
 - a. GI Complaints: p. 121, Table 6-3: Class I: 7% WPI
 - 1) This rating is incorrect for the following reasons:
 - a) Per Table 6-3, p. 121, in order to qualify for a Class I rating, the patient must have

the following:

- (1) Symptoms or signs of upper digestive tract disease, or anatomic loss or alteration

PRESENT HERE

AND

- (2) Continuous treatment not required.

NOT PRESENT HERE. PATIENT IS ALLEGEDLY TAKING PRILOSEC AND GAVISCON FOR GASTROESOPHAGEAL REFLUX DISEASE

AND

- (3) Maintains weight at desirable level.

She is 62 inches and weighs 134 pounds.

Table 6-2 on p. 120 specifies that the desirable weight for a 62 inch female runs from 106 to 140.

PRESENT HERE.

Therefore, she does not qualify for Class 1 because she is taking medication.

- b) She also would not qualify for Class 2 as she does not have a weight loss up to 10% below her desirable weight per Table 6-2.
- c) As she does not qualify for Class 1 or 2, the correct rating is 0% WPI.
- d) Further, even if she were a Class 1, 0 to 9% WPI, in order for Dr. O. to move her above 0% WPI, he would need to indicate which Activities of Daily Living were affected by the upper gi disease per p. 5 of the *Guides*. He does not do this. Without that information, her correct rating is 0% WPI.

- b. Constipation: p. 128, Table 6-4: Class 1: 3% WPI

1) This rating is incorrect for the following reasons:

- a) Please see example 6-8 on p. 128. This is similar to the subject case. Patient diagnosed with irritable bowel syndrome and diverticulosis coli. Patient had several years of alternating constipation and diarrhea.

The impairment rating was 0% WPI as the symptoms, while occasionally annoying, do not interfere with the performance of daily activities. The patient needed only minor dietary adjustment.

- b) Dr. O. makes no report of any interference with activities of daily living. Therefore, the patient would be a Class I under Table 6-4, p. 128, which is 0% WPI to 9% WPI.

(1) Per p. 5 of the Guides, the physician places the patient within a Class based upon the impact of the condition on the list of Activities of Daily Living on p. 4 of the Guides.

(2) As Dr. O. does not report any impact on ADL's from the constipation or diarrhea, the correct rating is 0% WPI per p. 128.

c. Sleep disorder: p. 317, Table 13-4: Class 2: 15% WPI

1) This rating is incorrect for the following reasons:

- a) In order to have a rating for a sleep disorder, p. 317 specifies that there must be a diagnosis of excessive daytime sleepiness which has been supported by formal studies in a sleep laboratory.

(1) **NOT PRESENT HERE.**

Dr. O. indicates that a sleep study has been done. He has not reviewed it. He has **NOT** indicated that there is a sleep study documenting a diagnosis of excessive daytime sleepiness.

- b) Further, Sleep Disorder is rated in the neurology chapter. Per p. 305, the patient must have a

proven neurological condition causing the sleep disorder.

(1) **NOT PRESENT HERE.**

c) Further, the neurological disorders which are associated with increased daytime sleepiness are listed on p. 317.

(1) **NOT PRESENT HERE.**

Dr. O. has not diagnosed the patient with any of the neurological conditions listed on p. 317 which produce increased daytime sleepiness.

d) Therefore, as the patient does not meet the criteria for a sleep disorder on p. 317, Table 13-4, the correct rating here is 0% WPI.

e) Further, even if the Class II impairment were correct, which it is not, Class II runs from 10% to 29% WPI. In order to increase the WPI above 10% WPI, per p. 5 of the *AMA Guides*, the physician must indicate which of the list of Activities of Daily Living on p. 4 of the *Guides* are affected by the sleep disorder. Dr. O. does not do this. Therefore, the maximum which this Applicant could be, if Class II were correct, is 10% WPI. However, as noted above, the correct rating is 0% WPI.

End of Mr. Walker's Analysis.

Sincerely,

YOUR SIGNATURE