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### **PA Supreme Court Opinion on Impairment Rating Evaluations (IRE's):**

The Supreme Court held that a physician performing an Impairment Rating Evaluation (IRE) “must exercise independent professional judgement to make a whole-body assessment of ‘the degree of impairment due to the compensable injury,’ which discernment cannot be withheld on the basis that the physician believes the undertaking is a more limited one.” Therefore, the physician must consider *all* conditions that the physician believes are related to the work-related injury, not just those that are designated in the Notice of Compensation Payable (NCP).

In this case, the NCP indicated that the “body part(s) affected” were “bilateral hands”; the type of injury was “electrical burn”; and the mechanism of injury was “stripping some electrical wire.” According to the physician, his IRE did not take into account the alleged work-related psychological disorders as he did not have the appropriate skills to conduct such an assessment. The Claimant then filed a Review Petition attacking the validity of the IRE, arguing that the physician had failed to rate the full range of work-related injuries, since the Claimant suffered from psychological injuries, in addition to his hands, as a result of his work injury. The Court found that the IRE was invalid because the physician did not consider the alleged psychological injuries. In rendering such a decision, the Court relied on “straightforward statutory interpretation.” The Court explained that Section 306(a.2) explicitly provides a physician with the obligation to “determine the degree of impairment due to the compensable injury.” Accordingly, the physician must consider and determine causality in terms of whether any particular impairment is “due to” the compensable injury. In doing so, a physician must exercise professional judgement to render appropriate decisions concerning both causality and apportionment. Duffey v. WCAB (Trola-Dyne, Inc.), (Pa. 2017) January 19, 2017.