

WORKERS' COMPENSATION COURT RULE 23

PROPOSED CHANGE FOR CONSIDERATION BY THE OKLAHOMA SUPREME COURT FOLLOWING ADOPTION BY THE WORKERS' COMPENSATION COURT IN CONFERENCE ON APRIL 27, 2012

NOTE: All proposed amendments are reflected as follows: deletions are noted by strikethrough and new language is highlighted by underline.

RULE 23. EYE IMPAIRMENT

A. The criteria for measuring and calculating the percentage of eye impairment shall be pursuant to this rule. A physician may deviate from the method of evaluation provided for in this rule or may use some other recognized method of evaluation, if the deviation or the method of evaluation is fully explained.

B. Loss or loss of use of an eye is subject to the schedule of compensation provided in 85 O.S., Section 333(E). Industrial blindness (a visual acuity for distance of 20/200), in both eyes, constitutes statutory permanent total disability per 85 O.S., Section 308(36), regardless of the employee's capacity for gainful employment. Permanent impairment for loss of vision in one eye shall not be converted to the body as a whole. Permanent impairment for loss of vision in both eyes may be combined into impairment to the body as a whole only if the physician rates the loss of each eye separately and then evaluates the combination. It is not necessary to show the percentage of permanent impairment for loss of vision above industrial blindness since there can be no loss greater than one-hundred percent (100%).

C. Physicians should consult the American Medical Association's "Guides to the Evaluation of Permanent Impairment" regarding the equipment necessary to test eye function and for methods of evaluating vision loss. The following Snellen Chart may then be used to compute the percentage of visual efficiency and percentage of permanent eye impairment. Evaluation of visual impairment may be based upon visual acuity for distance and near, visual fields and ocular motility with absence of diplopia.

D. All measurements shall be based upon ~~corrected~~ uncorrected vision; provided, implantation of an intraocular lens is not a "correction" to the claimant's vision within the purview of this rule. When an artificial lens is surgically implanted to replace the removed lens, it is a permanent restorative device and determination of impairment to vision is based on anatomical or functional loss of sight remaining after the lens is implanted.

SNELLEN CHART

Snellen Notation for distance	Snellen Notation for near	Percentage of Visual Efficiency	Percentage Loss of Vision (Okla.)	Comp. Rate in Weeks (Okla.) For injuries occurring on and after 08-26-11
20/20	14/14	100.0	0.0	0.0
20/25	14/17.5	95.7	4.3	11.83

Snellen Notation for distance	Snellen Notation for near	Percentage of Visual Efficiency	Percentage Loss of Vision (Okla.)	Comp. Rate in Weeks (Okla.) For injuries occurring on and after 08-26-11
20/30	14/21	91.7	8.5	23.38
20/35	14/24.5	87.5	12.5	34.38
20/40	14/28	83.6	16.4	45.10
20/45	14/31.5	80.0	20.0	55.0
20/50	14/35	76.5	23.5	64.63
20/60	14/42	69.9	30.0	82.50
20/70	14/49	64.0	36.0	99.0
20/80	14/56	58.5	41.5	114.13
20/90	14/63	53.4	46.6	128.15
20/100	14/70	48.9	51.1	140.53
20/120	14/84	40.9	59.1	162.53
20/140	14/98	34.2	65.8	180.95
20/160	14/112	28.6	71.4	196.35
20/180	14/126	23.9	76.1	209.28
20/200	14/140	20.0	100.0 (Industrial Blindness)	275.0 ¹

¹ Source: 85 O.S. 2011, Section 333(E).