

WORKPLACE SAFETY AND INSURANCE BOARD

Effect of a Pre-
Existing Condition | **2016 Revised**

A document to assist WSIB PI decision makers in the offset of PI
impairment ratings for pre-existing conditions using Policy 18-
05-03

**Permanent
Impairment
Branch**

Guiding Authority

The American Medical Association Guides to the Evaluation of Permanent Impairment, Third Edition Revised (AMA Guides) is the prescribed rating schedule for rating permanent impairment as a result of work related injuries.

When calculating NEL benefits for workers who have a pre-existing condition, Policy document 18-05-03 (Determining the Degree of Permanent Impairment) does allow the Workplace Safety and Insurance Board (WSIB) to adjust a NEL benefit by an appropriate amount to reflect the extent of the pre-existing condition. A pre-existing condition is "measurable" or non-measurable" depending on whether it can be rated using the AMA Guides.

General Principles/Guidelines

Pre-existing condition affecting the same body area:

When determining the degree of permanent impairment for workers who have a pre-existing condition, or a prior work-related permanent impairment, the WSIB factors out pre-existing conditions and prior-work-related permanent impairments affecting the same area of the body.

To factor out a pre-existing condition/impairment, it must be established that it is contributing to or enhancing the degree of impairment to the same area of the body as the work-related permanent impairment.

The pre-existing existing condition does not need to have produced periods of impairment or disease requiring health care, or have caused a disruption in employment, in order to factor out its rating from the total impairment rating.

NEL Redeterminations:

In cases where the effects of a pre-existing condition were not factored into the initial NEL determination, and a redetermination of the NEL is requested, these principles/guidelines will be applied to the redetermination calculation to determine if there has been a measurable work-related deterioration in the worker's condition below the previous NEL rating percentage.

If by reducing the NEL for a pre-existing condition, the redetermination decision calculates to less or equal to the last PI decision in the claim, the standard process applies:

1. If the RIN is < last decision, the file is returned to claims with the advisement that the RIN is less than the last decision (RIN < previous DIN). A decision letter is sent from NEL to all WPP's with the appeal directives and there is no payment authorization.
2. If the RIN = the last NEL decision, a decision letter is sent to all WPP's, with the appeal directives there is a payment authorization of RIN + 0% and claims is advised of no increase.

Exceptions

A PI rating will not be reduced for the effects of a pre-existing condition, including degenerative changes in cases where the medical significance of the pre-existing condition is assessed to be minor in nature.

In cases involving measurable pre-existing degenerative changes where the application of the impairment values associated with these conditions, as provided by the AMA Guides will result in a zero WPI rating, a non-measurable reduction will be used based on the medical significance of the pre-existing condition.

Calculating Measurable and Non-Measurable Pre-existing Conditions for Musculoskeletal (MSK) Injuries

A pre-existing condition is "measurable" or non-measurable" depending on whether it can be rated using the AMA Guides. If the AMA Guides allow for a rating value, the condition is considered "measurable". If the AMA Guides do not allow a rating value, the condition is considered "non-measurable".

Measurable Pre-existing Conditions (Degenerative)

The AMA Guides provide specific rating values for degeneration in only three areas: the spine, the wrist and the knee. The degeneration in these three areas is rated using the appropriate tables respectively.

In those cases where the pre-existing range of motion measurements and/or neurological deficits related to the pre-existing condition/impairment are absent, the impairment value of the pre-existing condition is solely derived from the rating values in the AMA Guides. The pre-existing impairment value is rated, reduced to whole person and then is subtracted from the overall impairment rating to determine the whole person impairment rating for the work-related impairment.

***Special note: in spine cases where there is no clear evidence of 6 months or more of documented pain and rigidity prior to the workplace injury, any reduction must be non-measurable.** (updated Oct. 2016)*

Other Measurable Pre-existing Conditions (Non-degenerative)

If there are measurable pre-existing conditions, other than degeneration, that carry a rating value in the AMA Guides, the condition should be rated, reduced to the whole person and subtracted from the overall impairment rating to determine the whole person impairment rating for the work-related impairment. Examples of non-degenerative pre-existing conditions are prior surgeries or congenital deformities impacting the work related area of impairment.

Non-Measurable Pre-existing Conditions

For pre-existing degenerative conditions involving body areas other than those described above, the AMA Guides do not provide a specific percentage value for the rating of these conditions, and, therefore are considered non-measurable. In these cases, the medical

significance of the pre-existing condition is determined based on the clinical findings and the WSIB reduces the total condition rating of the area according to that determination. If the significance of the pre-existing condition is:

- minor, there is no reduction to the impairment rating
- moderate, there is a 25% reduction to the impairment rating
- major, there is a 50% reduction to the impairment rating

Pre-existing Conditions by Body System: Spine and Upper Extremities

Spine Conditions (only if measureable criteria met – see previous special note)

Pre-existing conditions of the spine may be reduced by straight subtraction using information from the AMA Guides. The pre-existing conditions must be clearly evident through diagnostic imaging and be well documented in the claim file. The following table provides the type of pre-existing condition and the appropriate reduction to be subtracted from the overall condition rating.

If the measureable criteria is not met, non-measureable criteria is to be used (moderate/major).

Pre Existing Condition	Measureable Reduction to Overall Percentage
Moderate or severe degenerative disc disease	Table 53
Multilevel disc herniation	Table 53
Intervertebral disc surgery	Table 53 (with adjustment for the number of levels and the number of surgeries)
Spondylolysis and spondylolisthesis unoperated	Table 53
Spinal stenosis, segmental instability or spondylolisthesis operated	Table 53 (with adjustment for the number of levels and the number of surgeries)

Upper Extremity Conditions

Upper extremity conditions involve shoulders, elbows, wrists and /or hands. The only one of these joints in which the AMA Guides rate deterioration is for arthritis in the wrist. Therefore the wrist is, in most cases, the only area which can be reduced for a measurable degenerative pre-existing condition.

A measurable pre-existing reduction may be applied to any upper extremity joint that has undergone joint surgery prior to the work related accident or has any pre-accident condition that carries a rating value in the AMA Guides.

Shoulders

Pre-existing shoulder degeneration may involve the AC joint or the GH joint. The pre-existing condition must be either moderate or severe for the PI to be reduced and must be identified through diagnostic imaging and/or direct visualization at the time of surgery.

Examples of pre-existing conditions in the shoulder are:

- AC or GH joint arthritis
- Recurrent shoulder dislocations
- Pre accident surgery involving the AC or GH joint

Pre-existing Condition	Measurable or Non Measurable	Reduction to Overall Percentage
Moderate or severe AC joint hypertrophy or arthritis	Non measurable	25%
Moderate GH joint hypertrophy or arthritis or labrum degen.	Non measurable	25%
Severe GH joint hypertrophy or arthritis or labrum degen.	Non measurable	50%
Acromioplasty	Measurable	See Adjudicative Advice Document
GH joint resection arthroplasty	Measurable	Depends on severity
Any AMA disorders	Measurable	Depends on severity
Peripheral Nervous System Disorders	Measurable	Depends on severity

Elbows

Pre-existing elbow degeneration is less common than the shoulder. Reductions to the PI in the elbow are considered measurable or non-measurable as described in the following table.

Pre-existing Elbow Condition	Measurable or Non Measurable	Reduction to Overall Percentage
Prior non work related surgeries	Measurable	Calculate using appropriate tables in the AMA Guides
Other AMA Disorders	Measurable	Depends on specific AMA disorder
Degeneration	Non-measurable	Moderate 25% reduction Severe 50% reduction
Peripheral Nervous System Disorders	Measurable	Depends on severity

Wrists

Pre-existing wrist conditions, including degeneration, are considered as measurable as they carry an AMA Guides value. Reductions to the PI in the wrist are considered measurable as described in the following table.

Pre-existing Wrist Condition	Measurable or Non Measurable	Reduction to overall percentage
Degeneration	Measurable	Calculate using appropriate tables in the AMA Guides
Prior non work related surgeries	Measurable	Calculate using appropriate tables in the AMA Guides
Other AMA Disorders	Measurable	Depends on specific AMA disorder
Peripheral Nervous System Disorders	Measurable	Depends on severity

Hands

Pre-existing conditions to the hand are considered measurable or non-measurable as described in the following table.

Pre-existing Hand Condition	Measurable or Non Measurable	Reduction to overall percentage
Prior non work related surgeries	Measurable	Calculate using appropriate tables in the AMA Guides
Other AMA Disorders	Measurable	Depends on specific AMA disorder
Other degenerative conditions	Non-measurable	Moderate 25% reduction Severe 50% reduction
Peripheral Nervous System Disorders	Measurable	Depends on severity

Repetitive Strain Injuries (Upper)

In those cases where the rater has deferred to the RSI practice document to determine the level of PI, Policy 18-05-03 is not to be applied to the decision.

Pre-existing Conditions by Body System: Lower Extremities

Hips

Pre-existing conditions to the hips are considered measurable if they fall into any of the categories described in the AMA Guides. All other pre-existing conditions, including degeneration, are considered non-measurable, and the overall condition rating is reduced by 25% for moderate and 50% for severe pre-existing.

Pre-existing Hi Condition	Measurable or Non Measurable	Reduction to overall percentage
Other disorders of the Hip Joint	Measurable	Calculate using appropriate tables in the AMA Guides
Leg length discrepancy	Measurable	Calculate using appropriate tables in the AMA Guides
Other degenerative conditions	Non-measurable	Moderate 25% reduction Severe 50% reduction
Peripheral Nervous System Disorders	Measurable	Depends on severity

Knees

Almost all non-work related disorders, including degeneration to the knee may be rated using the AMA Guides and are therefore considered measurable. In addition, there are certain disorders that are to be included in the measurable pre-existing category. The following Table provides information regarding measurable pre-existing conditions to the knee.

Pre-existing Knee Disorder	Measurable or Non Measurable	Reduction to overall percentage
Arthritis; chondromalacia	Measurable	Depends on severity
Meniscal tears or surgery	Measurable	Depends on severity
Other disorders	Measurable	Depends on severity
Patella fracture	Measurable	Calculate using appropriate tables in the AMA Guides
Recurrent Knee dislocation	Measurable	Calculate using appropriate tables in the AMA Guides
Tibial Osteotomy	Measurable	Calculate using appropriate tables in the AMA Guides
Peripheral Nervous System Disorders	Measurable	Depends on severity

Ankles

As there are no AMA tables allowing for specific ankle disorders, most pre-existing conditions of the ankle would be considered non-measurable. The following table provides information for pre-existing measurable and non-measurable conditions.

Pre-existing Ankle Disorders	Measurable or Non Measurable	Reduction to overall percentage
Ankle arthroplasty	Measurable	Calculate using appropriate tables in the AMA Guides
Ankle Instability due to lateral collateral ligament loss	Measurable	Calculate using appropriate tables in the AMA Guides
Ankle Instability due to medial collateral ligament loss	Measurable	Calculate using appropriate tables in the AMA Guides
Degeneration	Non-measurable	Moderate 25% reduction Severe 50% reduction
Peripheral Nervous System Disorders	Measurable	Depends on severity

Foot/Toes

There are no specific AMA Tables for rating the foot or the toes other than the range of motion tables for the toes and the nerve condition table affecting the lower extremity. Measurable conditions may be applied if any of these disorders are pre-existing. Otherwise, any pre-existing conditions are considered non-measurable and are to be applied to the overall PI rating at a 25% or 50% reduction.

Repetitive Strain Injuries (Lower)

In those cases where the rater has deferred to the RSI practice document to determine the level of PI, Policy 18-05-03 is not to be applied to the decision.

Mental and Behavioural Disorders

A measurable pre-existing reduction may be applied through straight subtraction of a psychiatric rating if:

1. There is information in the claim file regarding pre-accident status in the four key areas of functioning: areas of activities of daily living, social functioning, concentration, persistence and pace and adaptation to stress
2. The information in the four key areas of functioning can be applied to WSIB Operational Policy 18-05-11 "Assessing Permanent condition Due to Mental and Behavioural Disorders"

If there is insufficient information with which to rate the pre-existing condition specifically in the 4 categories, a non-measurable percentage of 25% or 50% may be applied to the overall percentage based on the health care information on the file.

Occupational Disease

If there has been entitlement given for an occupational disease and there is a pre-existing disease to the same body system that could be impacting the work-related impairment (based on the health care information on the file), consideration should be given for subtraction of that pre-existing condition from the overall PI rating.