

Has a doctor told you that you have reached maximum medical improvement but you aren't sure what that means?

Reaching maximum medical improvement and being assigned an impairment rating are part of the natural progression of a workers' compensation claim.

1-866-EZE-OIEC  
(1-866-393-6432)

www.oiec.texas.gov  
OIECInbox@oiec.texas.gov

Office of Injured Employee Counsel Central Office  
7551 Metro Center Drive, Suite 100, MS-50  
Austin, TX 78744-1609

Local field offices exist throughout the State of Texas and are staffed to assist you.



The statutory authority for the Office of Injured Employee Counsel is found in the Texas Labor Code, Chapter 404.

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## Maximum Medical Improvement and Impairment Rating



## What You Need to Know as an Injured Employee

Texas Labor Code § 408.123  
Rules 130.1 - 130.4, 130.12



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We're Here to Help**

## MAXIMUM MEDICAL IMPROVEMENT

Recovery from a work-related injury is different for each person and depends on many factors, including the type and severity of the injury. At some point, you will have recovered as much as possible. On the date when a doctor believes you have reached that point and there will be no further substantial recovery from or lasting improvement to your injury, he or she will find you have reached maximum medical improvement.

Reaching maximum medical improvement does not necessarily mean you will be able to return to regular duty work, have no pain, or no longer need medical treatment.



The maximum medical improvement date may be given by your treating doctor, a referral doctor, a designated doctor, or a required medical examination doctor. The doctor will complete a Form DWC069, *Report of Medical Evaluation*, with your maximum medical improvement date.

If an injured employee has not previously reached maximum medical improvement, then by law the injured employee automatically reaches maximum medical improvement at 104 weeks from the date benefits begin to accrue. This is known as statutory maximum medical improvement.

## IMPAIRMENT RATING

Sometimes an injured employee does not recover fully from the injury and has permanent damage. A doctor who determines that you have reached maximum medical improvement will also assign an impairment rating. Your impairment rating indicates the extent of permanent damage to your body as a result of your injury.

The doctor will examine you and use the *American Medical Association Guides to the Evaluation of Permanent Impairment* to assign the impairment rating.

## EFFECT ON BENEFITS

You may be eligible for impairment income benefits if you have an impairment rating of one percent or greater. Impairment income benefits are paid to injured employees to compensate them for the damage to their body due to a work-related injury.

Temporary income benefits end on the date of maximum medical improvement, and impairment income benefits, if any, start the day after maximum medical improvement.

An injured employee receives three weeks of impairment income benefits for each percentage point of impairment. (For example, a 5 percent impairment rating: 3 weeks x 5 percent = 15 weeks of impairment income benefits.)

The amount of weekly impairment income benefits are calculated at 70 percent x average weekly wage. (For example, \$500 average weekly wage x 70 percent = \$350 impairment income benefits rate.)

There are maximum and minimum impairment income benefit rates depending on your date of injury. The "Maximum and Minimum Weekly Benefits" table is on the Texas Department of Insurance, Division of Workers' Compensation website:

[www.tdi.texas.gov/wc/employee/maxminbens.html](http://www.tdi.texas.gov/wc/employee/maxminbens.html).

## WHAT IF I DON'T AGREE WITH THE MAXIMUM MEDICAL IMPROVEMENT DATE OR IMPAIRMENT RATING?

If you disagree with a doctor's maximum medical improvement date and/or the impairment rating assigned to you, you can dispute. This dispute must be filed with the Texas Department of Insurance, Division of Workers' Compensation. If you disagree with the date and/or rating you have been assigned, please contact OIEC as soon as you receive the Form DWC069 to help determine what type of dispute you must file.

There may be time limits for the dispute. The first impairment rating assigned becomes final within 90 days unless it is disputed.

It is possible to have maximum medical improvement dates and impairment ratings from different doctors. OIEC can help you understand the process and its impact on you.

## CONTACT US

Office of Injured Employee Counsel Customer Service Representatives or your assigned Ombudsman can answer your questions about maximum medical improvement and impairment ratings. Please call 1-866-EZE-OIEC (1-866-393-6432) for their assistance.