

**ADVISORY NO. 313**

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**TOPIC: CHANGES TO CERTIFYING MMI AND EVALUATING PERMANENT  
IMPAIRMENT – NEW TWCC-69**

Please see the attached TWCC Advisory 2001-13 regarding Changes to Certifying Maximum Medical Improvement and Evaluating Permanent Impairment - New TWCC-69 Report of Medical Evaluation.

For your convenience, we have attached a copy of the revised TWCC-69 form to this advisory. If you have any questions regarding this TWCC advisory or the attached and newly revised TWCC-69 form, please feel free to contact our office

FLAHIVE, OGDEN AND LATSON

# TWCC

## Advisory 2001-13

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### Changes to Certifying Maximum Medical Improvement and Evaluating Permanent Impairment - New TWCC-69 - Report of Medical Evaluation

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House Bill 2600 (HB-2600) passed by the 77<sup>th</sup> Texas Legislature made numerous changes relating to the Commission's Approved Doctor List. One of the key changes requires the Commission to specify training requirements for doctors in the system. Other changes relates to the way the Designated Doctors are requested and assigned when there is a question relating to Maximum Medical Improvement (MMI) or permanent impairment and how and when an insurance carrier can request an examination by a doctor of its choice relating to MMI and/or impairment. In response to these legislative mandates, the Commission recently made changes to rules 130.1 through 130.6, which govern issues relating to MMI and impairment and has developed a new form [TWCC-69](#) - Report of Medical Evaluation (which is attached). The statutory changes are effective January 1, 2002. The new form is for immediate use and will be mandatory for examination conducted on or after March 1, 2002.

#### Key Changes:

- Prior to assigning an impairment rating, doctors are to evaluate the employee's condition to determine whether there is any permanent impairment as a result of the compensable injury. If the doctor finds that there isn't any permanent impairment, the doctor is to indicate such on the TWCC-69 form which has been revised to capture this information. A finding of "no permanent impairment" is different than a 0% impairment rating. A doctor can only assign an impairment rating if the doctor performed the examination/testing required by the AMA Guides. If a doctor finds that there is permanent impairment as a result of the compensable injury, the AMA Guides are used to measure the amount of impairment the employee has.
- Only an authorized doctor may determine whether there is permanent impairment, assign an impairment rating if there is permanent impairment, and certify MMI. Only the treating doctor, a doctor selected by the treating doctor, a designated doctor, or a carrier-selected RME doctor approved by the Commission to evaluate MMI and/or permanent impairment after a Designated Doctor examination may be authorized. A certification of MMI and/or a finding related to permanent impairment that is assigned by an unauthorized doctor is invalid and has no effect on

the payment of benefits. In addition, the unauthorized doctor shall not be paid for the examination or the report.

Complete text of the statutory and rules changes as well as electronic copies of the new form [TWCC-69](#) are available on the Commission's website at [www.twcc.state.tx.us](http://www.twcc.state.tx.us).

Signed this 21<sup>st</sup> day of December, 2001

Richard F. Reynolds, Executive Director