

## State-by-State Use of AMA Guides

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AMA Guides, 6th Edition	14 states
AMA Guides, 5th Edition	10 states
AMA Guides, 4th Edition	6 states
AMA Guides, 3rd Edition Revised	2 states
State-specific guide used instead	16 states (although 15 states say AMA Guides may be consulted)

State	Edition used	Statute/Code	Comment
Alabama	4th	Ala. Admin. Code § 480-5-5.35 Impairment Rating Guide	Ala. Admin. Code § 480-5-5-.35 states that the AMA Guides, 4th ed. shall be the recommended guide
Alaska	6th	Alaska Stat. § 23.30.190, Alaska Admin. Code tit. 8 § 45.122(b)	8 Alaska Admin. Code § 45.122(b) presumes that AMA Guides address injury. Alaska Stat. § 23.30.190(d) provides that new edition is to be adopted by board within 90 days of the last day of the month when the new edition is published.
Arizona	6th	Ariz. Admin. Code § 23-1044; § 23-1065; Rule R20-5-113(B) of the Workers' Compensation Practice and Procedure	Ariz. Admin. Code § R20-5-113B provides that physician should rate according to most recent edition of AMA Guides.

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Arkansas	4th	Ark. Work. Comp. Commission Rule 34	Pursuant to A.C.A. § 11-9-519, Rule 34 provides that AMA Guides 4th ed. shall be used, exclusive of any sections that refer to pain and exclusive of straight leg raising or range of motion tests, when making physical or anatomical impairment ratings to the spine.
California	5th	Cal. Lab. Code § 4660; 8 Cal. Code Regs. § 9805	Cal. Lab. Code § 4660 and 8 Cal. Code Regs. § 9805 (passed as part of SB 899), eff. 1/1/05 for all cases, regardless of date of injury, require use of AMA Guides 5th ed. for evaluations and ratings of permanent disability.
Colorado	3rd Revised	Colo. Rev. Stat. § 8-42-101, § 8-42-107	Colo. Revised Stat. §§ 8-42-101 and 8-42-107 provide for use of AMA Guides 3rd ed. revised.
Connecticut	State Specific	Conn. Gen. Stat. § 31-308	Generally, PD ratings are state scheduled, pursuant to Ct. Gen. Stat. § 31-308. For non-scheduled conditions, AMA Guides are persuasive but not presumptive. See, e.g., <i>Safford v. Brookway</i> , 262 Conn. 526, 816 A.2d 556 (2003).

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Delaware	State specific	19 Del. C. §§ 2325, 2326	Generally, PD ratings are state scheduled, pursuant to 19 Del. C. § 2326. For non-scheduled conditions, AMA Guides are persuasive but not presumptive. 19 Del. C. § 2325. AMA Guides 5th recently utilized and reviewed. <i>Abrahams v. Chrysler Group, LLC</i> , 44 A.3d 921 (Del. 2012).
Florida	State specific	Fla. Stat. § 440.15; Fla. Admin. Code § 69L-7.604	Fla. Stat. § 440.15 and Fla. Admin. Code § 69L-7.604 require use of Florida Uniform Permanent Impairment Rating Schedule.
Georgia	5th	Ga. Code § 34-9-263(d)	Ga. Code § 34-9-263(d) (adopted as of 7/1/01) provides that percentages of disability shall be based on AMA Guides 5th.
Hawaii	5th	Haw. Admin. Rule 12-10-21(a)	Haw. Admin. Rule 12-10-21(a) provides that AMA Guides, and any other guides deemed appropriate by director may be used to determine level of disability. AMA Guides 5th adopted in 2002.

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Idaho	State specific	Idaho Code § 72-424	Idaho Code § 72-424 states that evaluation (rating) of permanent impairment is a medical appraisal of the nature and extent of the injury or disease as it affects an injured employee's personal efficiency in the activities of daily living, such as self-care, communication, normal living postures, ambulation, elevation, traveling, and nonspecialized activities of bodily members. No specific mention of AMA Guides. AMA Guides are given weight, but are not binding. <i>Soto v. Simplot</i> , 126 Idaho 546, 887 P. 2d 1043, (1994).
Illinois	6th	820 Ill. Rev. Stat. § 305/8.1b	Effective Sept. 1, 2011, 820 ILCS 305/8.1b requires the "most current edition" of the AMA Guides to be used by the physician in determining the level of impairment [see 2011 Illinois House Bill 1698]. Prior to that date, the Guides could be considered. <i>Cropmate v. Industrial Commission</i> , 313 Ill. App. 3d 290, 728 N.E.2d 841 (2000).

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Indiana	State specific	Ind. Code § 22-3-3-10	Ind. Code § 22-3-3-10 makes no reference to AMA Guides. However, latest edition of Guides may be used to evaluate nonscheduled impairment. <i>Dial X-Automated Equipment v. Caskey</i> , 826 N.E.2d 642 (2005).
Iowa	5th	Iowa Admin. Code § 876-2.4(85); Iowa Code § 85.34(2)(a)-(s)	Iowa Admin. Code § 876-2.4(85) adopts AMA Guides 5th ed. <u>as a guide for determining</u> all conditions listed in Iowa Code § 85.34(2)(a)-(s). AMA Guides create presumptive value of impairment that may be overcome by presentation of other medical opinion or medical guides or other material evidence.
Kansas	6th	K.S.A. § 44-510(d); K.S.A. § 44-510e	K.S.A. §§ 44–510d and 44–510e provide that for injuries occurring on or after 1/1/2015, the evaluation of permanent impairment shall be based upon the AMA Guides 6th Ed. In the <i>Johnson</i> case [see § 111.03], the Kansas Court of Appeals held the use of the 6th Ed. Unconstitutional. Review has been accepted.

State	Edition used	Statute/Code	Comment
Kentucky	5th	KY Rev. Stat. Ann. §§ 342.0011 and 342.730	House Bill 38 (2010 KY H.B. 38), enacted by the Kentucky legislature and signed by the Governor on April 8, 2010, amends, inter alia, KY Rev. Stat. §§ 342.0011(37) and 342.730 to retain and require the use of the Fifth Edition of the AMA Guides.
Louisiana	6th	La. Rev. Stat. Ann. § 23:1221	LA Rev. Stat. Ann. § 23:1221(4)(q) provides that no benefits shall be awarded unless the percentage of anatomical loss of use or amputation is as established in the most recent edition of the AMA Guides.
Maine	4th	Me. Rev. Stat. tit. 39-A § 153; Code of Maine Rules 90-351-007 § 6.	Me. Rev. Stat., tit. 39-A § 153, para 8, and Code of Maine Rules 90-351-006 § 6 provide that permanent impairment shall be determined by AMA Guides, 4th ed.
Maryland	4th	Md. Admin. Code, tit. 14 § 09.04.09 and .02; Md. Lab. & Empl. Code § 9-721	Md. Admin. Code, tit. 14 § 09.04.09 provides that AMA Guides 4th ed. are incorporated by reference and that physicians must use format and numerical ratings set forth therein.

State	Edition used	Statute/Code	Comment
Massachusetts	5th	Ann. Laws of Mass., ch. 152, §§ 35 and 36	ALM, Ch. 152 §§ 35 and 36 provide that levels of impairment shall be determined in accordance with AMA Guides. Edition not specified.
Michigan	State specific	Mich. Admin. Code Rev. § 418.361	No statutory mention of AMA Guides. They may be considered. <i>Cane v. Michigan Beverage Co.</i> , 11 MIWCLR (LRP) 1163, 1998 MIWCLR (LRP) LEXIS 155 (1998).
Minnesota	State specific	Minn. Stat. § 176.105; Minn. Admin. Code § 5223.0010	Minn. Stat. § 176.015 requires commissioner of labor and industry to establish permanent disability schedule. Minn. Admin. Code § 5223.0010 incorporates AMA Guides, 2nd ed., for reference only.
Mississippi	State specific	Miss. Code Ann. § 71-3-17	Miss. Code Ann. § 71-3-17 does not mention AMA Guides in schedule. Physicians may use AMA Guides to make findings.
Missouri	State specific	Mo. Rev. Stat. § 287.190	No mention of AMA Guides in statutory schedule. Legislature rejected mandatory use of AMA Guides in 2004.
Montana	6th	Mont. Code Ann. §§ 39-71-116(27)(a), 39-71-711(1)(b)	Mont. Code Ann. § 39-71-711(1)(b) provides that impairment ratings must be based on the 6th ed. of AMA Guides.

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Nebraska	State specific	Neb. Rev. Stat. Ann. § 48-121	Neb. Rev. Stat. Ann. § 48-121 does not mention Guides in schedule. Case law states Guides may be considered, but need not be followed.
Nevada	5th	Neb. Rev. Stat. § 616C.110	Neb. Rev. Stat. § 616C.110(a) requires use of AMA Guides, 5th ed. Subdiv. (b) requires use of 6th edition within 18 months of publication.
New Hampshire	5th	NH Rev. Stat. Ann. § 281-A:32; N.H. Admin. Rules, Labor 508.01(d)	NH Rev. Stat. Ann. § 281-A:32; N.H. Admin. Rules, Labor 508.01(d) specified "most recent edition" legislation in July 2008 deleted "most recent" language and substituted the 5th edition. An exception exists, however, for workers who achieved MMI between January 1 and June 25, 2008. They will be evaluated by the 6th edition.
New Jersey	State specific	NJ Stat. Ann. § 34:15-12	NJ Stat. Ann. § 34:15-12 does not mention AMA Guides in schedule. Judge determines nonscheduled disabilities on basis of medical evidence.

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New Mexico	6th	NM Stat. Ann. § 52-1-24	NM Stat. Ann. § 52-1-24 provides that most recent edition of AMA Guides shall be used to determine whether there is impairment. NM Stat. Ann. § 52-1-26.4 provides that the level is to be determined by other factors and by the weight of medical evidence.
New York	State specific	New York CLS Work Comp Law § 15	NY must use the schedule of the New York State Workers' Compensation Board. It does not follow AMA Guides.
North Carolina	State specific	NC Gen. Stats. § 97-31	North Carolina uses state guides as presented in the NC Workers' Compensation Manual.
North Dakota	6th	ND Cent. Code § 65-05-12.2, para. 5	ND Cent. Code § 65-05-12.2, para 5 requires use of AMA Guides 6th.
Ohio	State specific	OH Rev. Code § 4123.57	OH Rev. Code § 4123.57 does not make reference to AMA Guides. Although use of AMA Guides is not mandatory, physicians may use them to make their findings. Beginning 1-1-2002, the Bureau has advised examining physicians to use the AMA Guides 5th.

State	Edition used	Statute/Code	Comment
Oklahoma	6th	85A Okl. St. § 45(c)	85A Okl. St. § 45(c) provides that physicians shall only evaluate impairment in accordance with the current edition of AMA Guides in effect at the time of the injury.
Oregon	3rd Revised	ORS § 656.214	ORS § 656.214 requires "impairment" to be determined in accordance with the standards provided under ORS § 656.726, expressed as a percentage of the whole person. Or. Admin. R. 436-035-007 provides additional principles based, in large part, on the AMA Guides 3rd Ed. (1990).
Pennsylvania	6th		Section 306(a.2) of the state's Workers' Compensation Act [77 P.S. § 511.3], now requires physicians to apply the methodology set forth in "the 6th edition" of the AMA Guides [see <i>Protz</i> decision by PA Supreme Court, § 124.04, <i>below</i> ].

<b>State</b>	<b>Edition used</b>	<b>Statute/Code</b>	<b>Comment</b>
Rhode Island	6th	RI Gen. Laws §§ 28-29-2 and 28-33-18	RI Gen. Laws §§ 28-29-2((3)(ii) and 28-33-18(c)(i) require use of AMA Guides 6th Ed.
South Carolina	State specific	SC Code Ann. §§ 42-9-10 and 42-9-20; SC Code Regs. § 67-1101	SC Code Regs. §§ 42-9-10 and 42-9-20 provide state schedule of disabilities. SC Code Regs. § 67-011 provides that unscheduled disabilities may be determined by AMA Guides, edition not specified, or other accepted medical authority. It's recognized that the medical community generally uses the AMA Guides, and the findings based on them are generally accepted. See, e.g., Whetstone v. Federal Mogul, 2003 SC Work. Comp. LEXIS 907.
South Dakota	6th	SD Codified Law 62-1-1.2	Eff. 7-1-2013, SD Codified Law 62-1-1.2 requires use of AMA Guides, 6th ed.
Tennessee	6th	Tenn. Code Ann. § 50-6-102	Tenn. Code Ann. § 50-6-102 provides for the use of AMA Guides 6th ed. Note that the edition of the AMA Guides in effect on the date employee is injured is the edition that shall be applicable to the claim.

<b>State</b>	<b>Edition used</b>	<b>Statute/Code</b>	<b>Comment</b>
Texas	4th	Tex. Lab. Code Ann. § 408.124; Tex. Admin. Code tit. 28 §130.1	Tex. Lab. Code § 408.125 provides that commissioner may adopt AMA Guides, 4th ed. 28 T.A.C. § 130.1(c)(2)(B)(i) adopts AMA Guides, 4th ed. for required use by evaluating physicians. See informal working draft rule for 28 T.A.C. § 130.1.
Utah	State specific	Utah Admin. Rule 612-300-9	Utah Admin. Rule 300-9 provides that any impairments not listed in Rule 34A-2-412 or the 2002 Utah Impairment Guide shall be evaluated in accordance with the AMA Guides, 5th ed.
Vermont	5th	Vt. Stat. Ann. tit. 21, § 648	Vt. Stat. Ann. tit. 21, § 648 requires use of the 5th edition of AMA Guides.
Virginia	State specific	Va. Code § 6.5.2-503	AMA Guides not mentioned in statutes or regulations. However, Guides are frequently used by physicians; their reports followed by the courts.
Washington	5th	Wash. Rev. Code Ann. § 51.32.080 and Wash. Admin. Code § 296-20-2010	Wash. Rev. Code Ann. § 51.32.080(3)(a) and Wash. Admin. Code § 296-20-2010(e) require use of a nationally recognized medical standard or guide, with specific mention of AMA Guides as appropriate. AMA Guides are generally employed in evaluating impairments.

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West Virginia	4th	W. Va. Code § 23-4-6. 85 W. Va. Code Stat. Reg. § 16-4	W. Va. Code § 23-4-6 does not specifically mention AMA Guides. Commission Rule 85 W. Va. Code Stat. Reg. § 16-4 requires use of AMA Guides, 4th ed. In a split decision, the Supreme Court of Appeals held that the Commission did not have the power to require use of the AMA Guides. <i>Repass v. Workers' Comp. Div.</i> , 212 W. Va. 86, 569 S.E.2d 162 (2002). Nevertheless, evaluation reports are routinely sent to the Commissioner's Office for review to determine if the rating physician complied with the AMA guidelines. <i>Wampler Food, Inc. v. Workers' Comp. Div.</i> , 602 S.E.2d 805, 828-829 (2004) (concurring opinion).
Wisconsin	State specific	Wis. Adm. Code DWD §§ 80.32, 80.33; Wis. Stat. § 102.44, Commission Rule WKC-7761	Wis. Adm. Code DWD §§ 80.32, 80.33 and Wis. Stat. § 102.44 do not mention AMA Guides. Commission Rule WKC-7761 specifically provides that AMA Guides may be consulted, but are <i>not</i> to be the basis for evaluation.
Wyoming	6th	Wyo. Stat. § 27-14-405	Wyo. Stat. § 27-14-405(g) requires use of most recent edition of AMA Guides.