

**CHAPTER 89****(HB 333)**

AN ACT relating to the American Medical Association's "Guides to the Evaluation of Permanent Impairment" and declaring an emergency.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔Section 1. (1) The provisions of KRS 67A.460, 342.0011, 342.315, 342.316, 342.730, and 342.7305 requiring the usage of the latest edition of "Guides to the Evaluation of Permanent Impairment," published by the American Medical Association, to the contrary notwithstanding, until the normal effective date for legislation enacted during the 2010 Regular Session of the Kentucky General Assembly, the fifth edition of "Guides to the Evaluation of Permanent Impairment," published by the American Medical Association, shall be utilized in lieu of any later edition of that work for the purposes of those statutes.

(2) The executive director of the Office of Workers' Claims in the Department of Labor shall study the feasibility and advisability of adopting the sixth edition of "Guides to the Evaluation of Permanent Impairment," published by the American Medical Association, or of retaining the usage of the fifth edition of that publication. In conducting the study, the executive director shall seek the input of groups representing labor, industry, commerce, and the medical and legal professions. The executive director shall update and consult with the Interim Joint Committee on Labor and Industry on the content and progress of the study when requested to do so by that committee, and shall consider any recommendations of that committee or its members relating to the study. The executive director shall submit to the Legislative Research Commission a report of the executive director's findings by January 4, 2010.

(3) If, during the period of time between the effective date of this Act and the effective date of legislation enacted during the 2010 Regular Session of the Kentucky General Assembly, the executive director of the Office of Workers' Claims makes a written finding that the welfare of Kentucky's workers would be materially enhanced by the adoption of the sixth edition of "Guides to the Evaluation of Permanent Impairment," published by the American Medical Association, the executive director may by administrative regulation require the utilization of the sixth edition of that publication, notwithstanding the provisions of subsection (1) of this section. If the executive director utilizes the authority granted by this subsection, the executive director shall, contemporaneous with the promulgation of the administrative regulation, submit to the Legislative Research Commission a written report detailing the factual and policy basis for the executive director's action.

➔Section 2. Whereas the protection of the welfare of Kentucky's working citizens demands the careful and considered action of the government of the Commonwealth and its agencies and instrumentalities, and the impending automatic adoption of differing standards for permanent impairment without due consideration may lessen that protection, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by the Governor March 24, 2009.**