

7. 8/12/2008 Response to Mormann Analysis by Peter J. Thill, Defense Attorney**Alternate Summary**

After a thoughtful review of the 5th Edition, 6th Edition with Errata, information and writings from other states workers' compensation systems, and various commentary by medical professionals actively involved in the creation and editing of the 6th Edition, I would not support adoption of the 6th Edition at this time or a separate Iowa Guide to the Evaluation of Permanent Impairment. I would be in favor of revisiting the possibility of adopting the 6th Edition after at least two years of data is available from other states or research groups comparing a large number of injuries rated under both the 5th and 6th Editions to determine the overall impact on ratings and whether interrater reliability is actually increased under the 6th Edition as suggested in the Guide in way that is fair to both Claimant and Employer/Insurance Carrier. Increased interrater reliability would in theory drive down litigation costs and increase predictability in scheduled member cases. Everyone in the system would benefit by increased interrater reliability in a way that is fair to all parties. The first most important step in ensuring increased interrater reliability is training in the use of any new Guides adopted by Iowa in the future. Without proper and consistent training of all medical professionals that will use a new addition of the Guides, interrater reliability would be only a possibility, not a probability. The complexities of 6th Edition warrant, in my view, a serious consideration of requiring state mandated training of all medical professionals that will use the Guides. The goals of state mandated training in the use of the Guides would be to increase interrater reliability, increase predictability in scheduled member cases, and thus decrease litigation costs (including decreased IMEs and depositions).

Peter J. Thill, Attorney at Law-

12. 9/2/2008 Response and Concurrence by Peter J. Thill, Defense Attorney

I generally concur with the report and resubmit the alternate summary noted in paragraph 7 above.