

## GOVERNOR WOLF SIGNS BILL RESTORING IREs INTO LAW

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On October 24, 2018, Governor Tom Wolf signed House Bill 1840 (Protz Fix) that will result in the return of Impairment Rating Evaluations (IREs) in Pennsylvania workers' compensation cases. In 2017, in the case of *Protz v. WCAB (Derry Area Sch. Dist.)*, 161 A.3d A27 (Pa. 2017), the Pennsylvania Supreme Court declared the IRE provisions of the Pennsylvania Workers' Compensation Act to be unconstitutional.

With the new Bill, the threshold percentage of disability has been changed from the prior 50 percent impairment to a 35 percent impairment. The Bill also states that the Sixth Edition of the *American Medical Association's Guides to the Evaluation of Permanent Impairment* will be used for IREs. Previously, the law required the most recent edition of the AMA Guides be used. ||



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