

EVIDENCE-BASED VOCATIONAL EVALUATION
CALIFORNIA WORKERS' COMPENSATION SYSTEM

ABSTRACT:

On January 1, 2005, Senate Bill 899 went into effect in California and substantially changed the method of determining permanent disability for California's industrially injured workers. The *AMA Guides to the Evaluation of Permanent Disability*, 5th Edition, is now the basis of medical evaluation for permanent disability awards for the California Workers' Compensation system. As a result, the vocational evaluation process used prior to January 1, 2005 no longer meets the requirement of substantial medical (vocational) evidence by the workers' compensation industry. Physicians no longer determine work capacities or tolerance using medically determined work restrictions. A different approach and structure is needed to meet the criteria for substantial medical evidence determined by physicians, and substantial vocational evidence as determined by vocational experts.

Vocational experts must provide a reasonable factual basis for their work and conclusions. They must be able to understand and apply Workers' Compensation Appeals Board rules and regulations, case law, and critical analyses such as causality and apportionment as defined by the California Labor Code Sections 4663 and 4664 or be at risk for having their vocational evaluations rejected by the triers of fact.

This paper addresses the structure and purpose of forensic vocational evaluations as pertains to the California Workers' Compensation process for evaluation of vocational disability. In addition, an analysis of medical impairments and work restrictions based upon the *AMA Guides for the Evaluation of Permanent Disability*, 5th Edition is offered to assist vocational experts. A comprehensive structure of the forensic vocational evaluation process, successfully utilized by the authors, is offered for consideration. Finally, the authors offer a review of case law regarding causation and apportionment, including a suggested process for the vocational evaluator to utilize.