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A MEMORIAL

REQUESTING A REVIEW AND RECONSIDERATION OF "LOSS OF USE"
COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

WHEREAS, the current law assigning a fixed time period
to a schedule of benefits under the Workers' Compensation Act
is very specific; and

WHEREAS, the compensation for loss of use of a body part
is not always considered in the assignment of impairment; and

WHEREAS, such assignment of impairment should be based
consistently upon the most recent edition of the American
medical association's *Guides to the Evaluation of Permanent
Impairment*; and

WHEREAS, the loss of use may be considered in the
evaluation in awarding benefits, but there currently is a
lack of objective criteria for such evaluation;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
STATE OF NEW MEXICO that the director of the workers'
compensation administration be requested to appoint and
convene a task force to review the current law and valuation
of "loss of use" of various parts of the body; and

BE IT FURTHER RESOLVED that the task force include
representatives of labor, business, the insurance industry
and workers' compensation attorneys; and

BE IT FURTHER RESOLVED that the task force report to an

1 appropriate interim committee of the legislature by

2 November 2007; and

3 BE IT FURTHER RESOLVED that copies of this memorial be

4 transmitted to the director of the workers' compensation

5 administration, the advisory council on workers'

6 compensation, the superintendent of insurance, the state bar

7 association and the New Mexico trial lawyers association.

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