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SENATE BILL 479

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO DISABILITIES; AMENDING A DEFINITION IN THE WORKERS'
COMPENSATION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 52-1-25 NMSA 1978 (being Laws 1987,
Chapter 235, Section 11, as amended) is amended to read:

"52-1-25. PERMANENT TOTAL DISABILITY. --

A. As used in the Workers' Compensation Act,
"permanent total disability" means:

(1) the permanent and total loss or loss of
use of both hands or both arms or both feet or both legs or
both eyes or any two of them; and

(2) a brain injury that results in a permanent
impairment of at least thirty percent or more as determined by
the American medical association guide to the evaluation of

1 permanent impairment or a score of fifty or below as determined
2 by the global assessment of functioning scale within the most
3 recent edition of the American psychiatric association's
4 diagnostic and statistical manual of mental disorders.

5 B. In considering a claim for total disability, a
6 workers' compensation judge shall not receive or consider the
7 testimony of a vocational rehabilitation provider offered for
8 the purpose of determining the existence or extent of
9 disability. "

10 Section 2. EFFECTIVE DATE. --The effective date of the
11 provisions of this act is July 1, 2003.

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