

Protz v WCAB (Derry Area School District)



Representative Experience

- Our Pennsylvania Workers' Compensation Group attorneys have been closely following the *Protz v WCAB (Derry Area School District)* ruling and how it will affect employers, insurance carriers and third party administrators. The Pennsylvania Supreme Court's long awaited decision in the *Protz* case came in June 2017. The Court invalidated the entire IRE provision of the Act, Section 306 (a.2), as unconstitutional. The Court determined that the IRE process, as drafted, constitutes a delegation of legislative authority to a private entity (the American Medical Association) without sufficient guidance or restraint on the authority delegated and therefore violated the Pennsylvania Constitution. Because the unconstitutional language concerning the "most recent edition" of the AMA Guides could not be severed without rendering the remainder of Section 306(a.2) incomprehensible, the Court ruled that the entire Section has to be stricken from the Act.
- Please see our webinar, power point and other alerts regarding this important case.
- **Information**
- Please click [here](#) for our *Protz* PowerPoint and [here](#) for our *Protz* webinar.
- **Alerts**
- Commonwealth Court Holds Impairment Rating Evaluations Unconstitutional If AMA Guides Beyond 4th Edition Are Used
- Pennsylvania Supreme Court Declares IRE Provisions of the Workers' Compensation Act Unconstitutional
- Weber Gallagher will also be sending email updates on the Protz decision. If you would like to join our mailing list, [click here](#)