

P-80

WR  
ENTX

Master File Number: 2004-70000

IN RE:	§	IN THE DISTRICT COURT
	§	
TEXAS STATE SILICA	§	295 <sup>th</sup> JUDICIAL DISTRICT
PRODUCTS LIABILITY LITIGATION	§	
	§	HARRIS COUNTY, TEXAS
	§	(Judge Tracy Christopher)

CHARLES L. E. BACARISSE  
District Clerk

MAR 27 2006

**SUPPLEMENT NO. 1 TO COURT RECOMMENDED CHECKLIST FOR MEDICAL REPORTS AND DOCUMENTATION**

By *[Signature]*  
Harris County, Texas  
Deputy

This document provides further guidance for the parties concerning medical reports submitted pursuant to Texas Civil Practice & Remedies Code Chapter 90 and is a supplement to the "Court Recommended Checklist for Medical Reports and Documentation" filed in this proceeding on September 14, 2005.

**I. B READ REQUIREMENTS**

The B read required by Texas Civil Practice & Remedies Code Chapter 90 shall be performed according to the 2000 ILO International Classification of Radiographs of Pneumoconioses, as amended (the "2000 ILO system of classification") using the 2000 set of standard x-rays. The B read should be reported on the most current NIOSH B read form; however, other reporting forms are acceptable if there is extrinsic evidence that the 2000 ILO system of classification and 2000 set of standard x-rays were used by the B reader when interpreting the chest x-ray. Submission of a B read on the 2000 NIOSH B read form is prima facie evidence that the 2000 ILO system of classification and 2000 set of standard x-rays were used.

**II. PULMONARY FUNCTION TESTING REQUIREMENTS**

**1. Applicability of AMA Guides to the Evaluation of Permanent Impairment**

The 5th Edition of the American Medical Association Guides to the Evaluation of Permanent Impairment (the "AMA Guides") shall be used to determine impairment. Predicted normal values and lower limits of normal shall be determined using the tables included in the AMA Guides and used with AMA Guides table of classes of impairment. If the AMA publishes a new edition of the AMA Guides, the new edition shall apply to medical reports based on examinations or testing performed on or after the date of publication of the new edition. If a new edition is published, medical reports that have already been approved under the current edition shall not be subject to the new edition.

## 2. Applicability of American Thoracic Society Statements

Pulmonary function testing shall be performed and interpreted in accordance with the most recent published versions of ATS/ERS Task Force: Standardisation of Lung Function Testing (Parts 1 through 5)(copies attached).

## 3. Bronchodilation

Repeat spirometry after bronchodilator administration if the FEV<sub>1</sub>/FVC ratio is below 0.70 or if there is wheezing on physical examination. Use the spirogram indicating the best effort, before or after administration of the bronchodilator, to determine FVC and FEV<sub>1</sub> for impairment assessment.

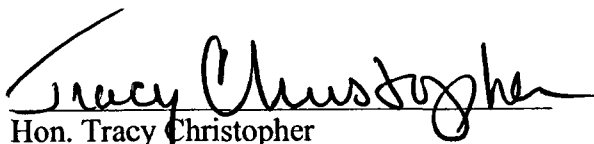
## III. DOCUMENTS REVIEWED BY THE PHYSICIAN

For purposes of Texas CPRC § 90.004(a)(4), all materials reviewed by the physician in reaching the physician's conclusions that can be photocopied will be copied and served with the medical report.

Materials reviewed by the physician in reaching the physician's conclusions that cannot be photocopied (e.g., diagnostic imaging of the chest or pathology slides or samples) shall be produced by plaintiff's counsel to the "lead defense counsel" identified by defendants for that plaintiff's claim. Plaintiff's counsel shall produce such materials to lead defense counsel within 7 days of being notified of lead defense counsel's identity. Unless otherwise agreed, lead defense counsel will return the materials to plaintiff's counsel within 60 days of receipt.

Defense counsel may make subsequent requests that x-rays, pathology slides or samples, and other materials be provided for further review. Upon such request, Plaintiff's counsel shall produce these materials to the requesting defense counsel within 7 days. Unless otherwise agreed, defense counsel will return the materials to plaintiff's counsel within 60 days of receipt.

Approved this 27<sup>th</sup> day of March, 2006:

  
Hon. Tracy Christopher  
Judge Presiding