



# MediScene

Keeping You Up-to-Date with the Industrial Commission • January 2012

## Hot Topic: Don't Get Left Out in the Cold in 2014

As the weather turns colder, we are reminded of those things necessary to prepare ourselves for the wintery months- pulling down storm windows, putting up firewood, draining our hoses and outside spigots.

Winter of 2014 will bring some changes for Industrial Commission specialist examiners. You'll want to start preparing now, so you won't be left out in the cold.

In July of 2009, MediScene announced the new credentialing criteria for IC specialist examiners. This includes a provision for application for reappointment to the panel every five years. This reapplication process will begin in January of 2014.

For current panel members, there are two considerations most important to keep in mind. First, specialists must document eight hours of continuing medical education credits specific to impairment rating within the past five years.

These may be AMA Category I or II. Formal courses offered by AADEP, ABIME, SEAK, or your specialty organization are encouraged, however there are many other resources for self-study available, some of which can be found on our website at [ohioic.com](http://ohioic.com), under "Medical Specialist Resources."



Secondly, it will be required that an IC specialist examiner practice direct patient care in his or her specialty at least eight hours per week on a recurring basis for forty weeks per year. If retired from active practice, then the specialist examiner must have had an active clinical practice or office practice of at least five years duration

voluntarily closed within the past seven years.

We hope this early chilling reminder will help warm you up to the idea of preparing yourself to continue as an IC specialist examiner!

Your  Please

We ask that you personally sign your reports prior to submission.

We are unable to accept your electronic or stamped signature.

### Did you Know?

You can find online Mental and Behavioral Health courses specific to impairment evaluation at [behavioralhealthce.com](http://behavioralhealthce.com). All Industrial Commission Examiners are required to complete eight hours of continuing education specific to impairment evaluation every five years.

## Continuing Education Questions

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### 1. John Hancock

- A. Was President of the Continental Congress.
- B. Wanted to make sure King George could read his signature without his spectacles.
- C. Was accused by the British of smuggling Madeira wine into Boston.
- D. Was accused by the British of using an electronic signature.
- E. All of the above.
- F. A., B., and C.

### 2. Industrial Commission medical specialist examiners

- A. Must have two years practice experience in their specialty.
- B. Are required to apply for reappointment in two years.
- C. Must be in active practice in their specialty or recently retired.
- D. All of the above.
- E. A. and C.

### 3. Continuing education requirements for Industrial Commission specialist examiners

- A. Must be specific to impairment evaluation.
- B. Can be category one or two.
- C. Include eight hours of credit over five years.
- D. All of the above.
- E. A. and C.

(Answers: 1. F.; 2. E.; 3. D.)



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## Examining the Issues- Describing Limitations

One of the questions asked at the time of an Industrial Commission(IC) Permanent Total Disability (PTD) examination is this: **"In your narrative report provide a discussion setting forth physical or mental limitations resulting from the allowed condition."** This seems pretty straightforward, right? Some of the responses (or lack thereof) we've received in reports suggest there might be some confusion about this question, and hopefully the following will provide a successful approach to this question.

First, we understand that the wording to this question has changed in the last two years. It used to be a "check the box" question. It used to be a "fill out the form" question. We still ask that you fill out the form (for example, the Physical Strength Rating or Occupational Activity Assessment forms), however now it is required that the specialist examiner provide a more detailed expert opinion about what the injured worker can be expected to do or not do based on the allowed conditions in the claim.

### Here are some guiding principles:

- **Your opinion regarding limitations should be highly individualized.** Each report should specify limitations due to the allowed conditions that are unique to that individual's condition. The physical exertion classifications from the Dictionary of Occupational Titles (for example, sedentary, light, heavy) are useful, but do not adequately or completely describe limitations in any one individual.
- **Your opinion may be different than the injured worker's subjective description of limitations.** As an expert specialist examiner, it is likely that you have seen in your experience and training many similar conditions as those you are asked to evaluate in an IC PTD examination. It is expected that you should know how this condition might likely affect the injured worker. As part of your evaluation, a detailed history should be obtained and recorded, including the injured worker's complaints, and the impact of their symptoms on activities of daily living. However, the findings in the medical record, test results, and the findings of your physical examination must also be relied upon in formulating your opinion of what you reasonably believe would be physical or mental limitations due to the allowed conditions.
- **Your opinion is one piece of evidence in the Hearing Officer's consideration of the question of PTD.** Please understand your limited role in this process. While it is important that you paint a clear picture of the physical or mental limitations due to the allowed conditions specific to that injured worker, it is equally important that you do not consider other factors which might contribute to disability, such as age, education, work experience, or unrelated physical or mental conditions.
- **The question is not about suitability for the injured worker's former position of employment.** You need not give an opinion about whether or not the injured worker can go back to their old job. Simply list any physical or mental limitations due to the allowed conditions.
- **The injured worker may have conditions unrelated to the claim that result in physical or mental limitations.** It is important to separate these in your mind and make it clear in your report that you are not considering these other unrelated conditions.

### The following questions might be helpful to ask yourself when formulating your opinion:

"Based on my interview, review of the record (including test results), and examination of this injured worker, and considering only the conditions allowed in this claim, would they be able to..."

#### For Psychological Conditions

- Work under stress?
- Take directions?
- Respond appropriately to authority?
- Interact with the public?
- Make complex decisions?
- Demonstrate initiative?
- Behave appropriately in the workplace?
- Sustain concentration for task completion at a reasonable pace?
- Demonstrate appropriate judgment, awareness of sensitivities, and social maturity?
- Not fear the workplace environment?
- Get along with others?
- Adapt to the work environment?
- Work in a team environment?
- Work independently or without supervision?

#### For Physical Conditions

- Walk, with or without an assistive device for specified distances or intervals?
- Talk, type, write, read or otherwise communicate?
- Grasp, hold, feel or handle?
- Push, pull?
- Kneel, crawl, bend, reach, climb?
- Perform activities with limitation of an extremity?
- Lift with weight restrictions at various frequencies?
- Sit or stand for limited periods?
- Smell, see, taste?
- Ride, fly, drive?
- Perform basic self care such as toileting, bathing, dressing, grooming, eating?
- Perform housework or yard work?

## Continuing Education review questions MediScene- April 2012

1. The specialist examiner in a PTD IME should always make sure to consider age, education, experience, and medical conditions unrelated to the claim when formulating an opinion about an injured worker's physical or mental limitations.
  - A. True
  - B. False
2. When considering limitations due to the allowed conditions, it is adequate to report the history provided by the injured worker regarding pain, mental abilities or ADLs.
  - A. True
  - B. False
3. The role of the specialist examiner in a PTD IME is to determine if an injured worker can go back to their former job.
  - A. True
  - B. False
4. The best description of an injured worker's physical limitations can be found in the Dictionary of Occupational Titles physical exertion classifications.
  - A. True
  - B. False
5. AMA Guides, Fifth Edition, requires Mental and Behavioral Health specialists to provide an assessment, review and classification of the injured worker's impairment in four functional areas. (Section 14.3, pages 361-364)
  - A. True
  - B. False

6. AMA Guides, Fifth Edition, requires musculoskeletal specialists to provide a review of the injured worker's ADLs *excluding work* (Table 1-2, pages 4 and 5) and pain complaints (Table 18-4, pages 576 and 577).
- A. True
  - B. False

(Answers: 1. through 4. are False; 5. and 6. are True)

# Medi Scene

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## Attention: New Psych Referral Questions!

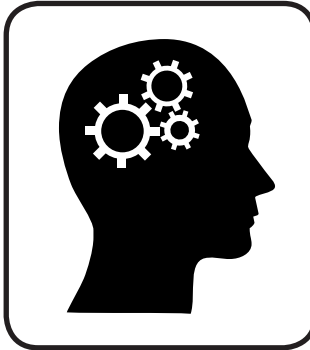
There are changes in referral questions for Ohio Industrial Commission Mental and Behavioral Health Permanent Total Disability examinations.

These changes are based on feedback from our Mental and Behavioral Health specialists. We believe the questions now better reflect the intent of the *AMA Guides* for addressing impairment rating in those cases where there is more than one allowed psychiatric/psychological condition.

The previous wording for question #2 was: "*Based on the AMA Guides, 2<sup>nd</sup> and 5<sup>th</sup> Editions, and with reference to the Industrial Commission Medical Examination Manual, provide the estimated percentage of whole person impairment arising from each allowed psychological/psychiatric condition. Please list each condition and whole person impairment separately, and then provide a combined whole person impairment. If there is no impairment for an allowed condition indicate 0%.*"

The new wording for question #2 is: "*Based on the AMA Guides, 2<sup>nd</sup> and 5<sup>th</sup> Editions, and with reference to the Industrial Commission Medical*

*Examination Manual, provide the estimated percentage of whole person impairment arising from the allowed psychological/psychiatric condition(s). Provide the class and percentage of impairment due to the allowed psychological/psychiatric condition(s) in each of the four functional areas, and then provide the percentage of whole person impairment.*"



Please know that with the new wording, it is expected that examiners will now consider the functional impact of multiple psychiatric/psychological conditions as a whole, rather than arriving at impairment ratings for each individual condition, and then combining those numbers for a final rating.

The requirement to follow the methodology of the *AMA Guides Fifth Edition* has not changed. That is, it will be expected that the examining specialist **assess and record** the extent of function in: 1) activities of daily living; 2) social functioning; 3) concentration, persistence and pace, and; 4) deterioration or decompensation in complex or work-like settings. (See Table 14-1, page 363.)

Please contact us if we can provide further clarification on this matter.

## Professional Liability Insurance Verification: Save the Date

This is the time of year when, for many of us, malpractice insurance renewal takes place.

The Ohio Industrial Commission requires its specialists to maintain professional liability insurance of \$1,000,000 per incident and \$1,000,000 per annum. We are required to verify this information annually.

To allow you adequate time to verify your coverage, we send a request for documentation of coverage forty-five, thirty, and fifteen days prior to the

expected expiration date. Though well-intended, this causes confusion for some, prompting transmission of verification of **last year's coverage**.

If you have not received your binder of coverage at the time of these early requests, we ask that you please use these as reminders to mark your calendar to send us documentation of **next year's coverage** prior to expiration.

### Did you Know?

**Documenting records reviewed:** It is not necessary to list all of the records reviewed during preparation of your report. It is necessary to review all documents provided by the Industrial Commission, and then indicate that you did so. It may also be helpful to summarize findings in those records felt to be particularly important to the issues at hand.

## Continuing education review questions MediScene July 2012

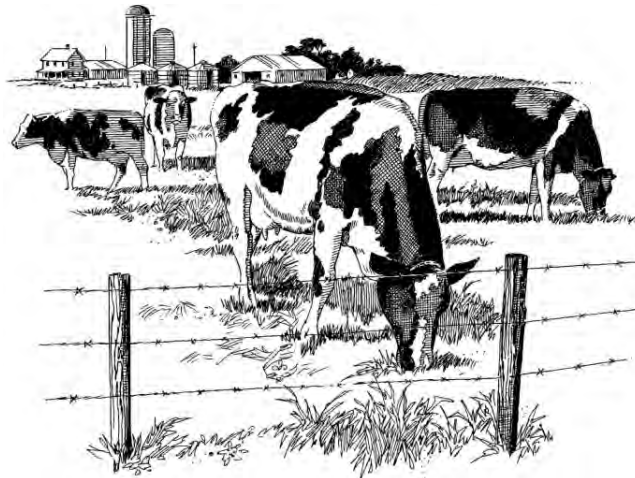
1. Industrial Commission specialist examiners must maintain professional liability insurance of \$1,000,000 per incident and \$3,000,000 per annum and provide documentation of the same at the time of annual renewal.
  - A. True
  - B. False
2. It is expected that in response to the new wording of referral question #2 for Mental and Behavioral Health Industrial Commission Permanent Total Disability examinations specialist examiners will now document apportionment of impairment for each of the allowed conditions.
  - A. True
  - B. False
3. It is a new requirement of the Industrial Commission that Mental and Behavioral Health specialist examiners assess and record the extent of impairment in each of the “four functional areas” prior to arriving at a whole person impairment rating for the allowed condition(s).
  - A. True
  - B. False
4. Mental and Behavioral Health specialist examiners are now expected to consider the impact of multiple conditions on the function of an injured as whole, rather than providing ratings for each condition separately.
  - A. True
  - B. False

(Answers: 1., B. The amount is \$1,000,000/\$1,000,000.; 2., B. The examiner should consider the conditions as a whole rather than apportioning a percentage for each.; 3., B. This is not old, and has been the requirement since adoption of the 5<sup>th</sup> Edition methodology. (See Table 14-1, page 363.); 4. True.

## Watch Your Step

Preparing an Industrial Commission Permanent Total Disability examination report is a complex process. Like when walking through a cow pasture, it helps to be mindful of where one steps. Here are some tips to help you navigate:

- 1. Read the referral questions carefully.** There was a time when you could expect the same questions for each examination. Times have changed. The questions now might vary from exam to exam. If you use a template for reporting, make sure to insert the appropriate questions based on the referral letter you receive.
- 2. Answer the questions completely.** As discussed here before, it is not adequate in response to the question of physical or mental limitations to simply check a box or state an injured worker is incapable of work without further explanation. The question asks the examiner to provide a discussion of physical or mental limitations due to the allowed conditions. For a more detailed description of how to do this, check out the April 2012 *MediScene* newsletter at [www.ohioic.com](http://www.ohioic.com).
- 3. List all of the allowed conditions at the outset of your report.** It is important to indicate at the beginning of your



report that you are aware of all of the allowed conditions, as reported on the Statement of Facts. You will find these in your examination packet.

- 4. Be sure to list all of the conditions you were asked to consider when providing your opinion.** You will be asked to consider allowed conditions within your specialty. These must all be accounted for when rendering your opinion.
- 5. For physical conditions, provide a description of the Injured Worker's pain complaints and activities of daily living.** *AMA Guides, 5<sup>th</sup> Edition*, requires the examiner to include sections that describe the impact of impairment related to the allowed conditions on the injured worker's activities of daily living, and to describe the injured worker's pain complaints (including location, character, intensity, associated symptoms, and aggravating and alleviating factors). These items will provide a more complete clinical picture of the injured worker. (See *AMA Guides, 5<sup>th</sup> Edition*, page 4, Table 1-2, and page 576, Table 18-4.)
- 6. For spine conditions, *AMA Guides, 5<sup>th</sup> Edition***, requires the examiner to provide a discussion of which method was used (that is, DRE versus ROM), why, and how it was applied. (See *AMA Guides, 5<sup>th</sup> Edition*, Section 15.2, page 379.)

### Did you Know?

**Examination Templates:** Medical Services will provide you with an examination template to help you be certain your report contains all of the required elements. Contact Kim White at 614-387-4497.



Continuing education review questions MediScene Oct 2012

1. The ROM model for determining impairment in spinal disorders is appropriate in the following situations:
  - A. When the impairment is not caused by injury, the cause is unclear, or the condition is not well-characterized by a DRE description.
  - B. When there is multi-level involvement in one spinal region.
  - C. When there is loss of segment integrity such as with fracture or fusion.
  - D. When there is recurrent radiculopathy or multiple episodes of pathology in the same region.
  - E. All of the above.
2. Examples of activities of daily living that may be impacted by impairment, according to *AMA Guides 5<sup>th</sup> Edition* include: urinating, defecating, brushing teeth, combing hair, bathing, dressing, eating, writing, typing, seeing, hearing, speaking, standing, sitting, reclining, walking, climbing stairs, hearing, seeing, tactile feeling, tasting, smelling, grasping, lifting, tactile discrimination, riding, flying, driving, orgasm, ejaculation, lubrication, erection, restful nocturnal sleep pattern.
  - A. True
  - B. False
3. Which of the following, according to *AMA Guides 5<sup>th</sup> Edition*, should not be reported when describing an injured worker's pain complaints?
  - A. Location
  - B. Character
  - C. Associated symptoms
  - D. Aggravating and alleviating factors
  - E. Intensity
  - F. None of the above
4. All allowed conditions should be listed at the beginning of an IC PTD examination.
  - A. True
  - B. False
5. All allowed conditions you were asked to consider should be listed in your opinion.
  - A. True
  - B. False

(Answers: 1. E.; 2. A.; 3. F.; 4. A.; 5. A.)