



Keeping You Up-to-Date with the Industrial Commission • April 2013

## Describing Limitations-Again!

April showers bring May flowers, and also a discussion of the challenge of describing physical and mental limitations due to the allowed conditions in Industrial Commission PTD examinations. Looking back, this has been the topic in April for the past two years. Based on feedback from hearings and court cases however, it seems we can't give it enough attention.

The last question in the Industrial Commission referral letter states:  
**"Complete the enclosed Occupational Activity Assessment (or Physical Strength Rating for musculoskeletal examinations). In your narrative report provide a discussion setting forth mental (or physical) limitations resulting from the allowed conditions(s)."**

We've talked in past issues how important it is in the case of PTD for you to communicate clearly what activities you believe the injured worker may or may not be capable of due to the allowed conditions. This month we will talk about a specific problem that can arise from how you answer this two part question.

The first part of the question asks the examining specialist to fill out a form. In the case of psychological conditions, this is the Occupational Activity Assessment. That form has lines on the bottom half to fill out indicating what limitations or modifications the injured worker requires if capable of returning to work. For musculoskeletal examinations, the form is called the Physical Strength Rating, which requires the specialist to check a box indicating work capabilities within a specific physical exertion category, and then list "further limitations, if indicated."

The second part of this question requires the specialist to provide- in addition to filling out the form- a narrative describing those limitations in a more detailed manner, specific to that injured worker.

A pitfall we have seen disqualify reports is when the first part doesn't match the second part. This leads to an "inconsistency" in the report, and it cannot then be considered useful evidence.

Here is a good of example: The claim is allowed for a shoulder and low back injury. The examiner determines that the injured worker is capable of sedentary activities and so checks the sedentary category on the PSR form. Then, in the narrative the examiner states the injured worker is incapable of repetitive use of the arms, due to the shoulder injury. Unfortunately, this is inconsistent with "sedentary work" category, which includes "exerting negligible amount of force frequently to lift, carry, push, ect." The solution to this is to only mark further limitations on the PSR or make it clear in the narrative that these are "in addition to" those spelled out on the form.

This also comes into play when the examiner indicates specific limitations, and then states that the injured worker would or would not be capable of performing a particular occupation. An example of this would be the case when the allowed condition is anxiety disorder, the examiner states the injured worker is capable of functioning in a low stress atmosphere, but then states the injured should be able to return to work as a school bus driver. Here the doctor has crossed the line and tried to become a vocational specialist.

In review, it remains essential that the examining specialist clearly describes limitations due to the allowed condition, in addition to filling out the form. Please review your report to make certain that two are consistent with each other, to avoid disqualification of your work. This can be accomplished by stating that the limitations in the narrative are in addition to those on the form, and by avoiding assigning any particular occupation to the injured worker.

### Did you Know?

On Saturday, March 16, the Ohio Psychological Association and the Ohio Industrial Commission collaborated for a workshop at the Quest Conference Center just north of Columbus.

The purpose of the workshop was to share with Ohio's mental and behavioral health practitioners' requirements, expectations, and tips for performing effective impairment evaluations of IWs with psychological claim allowances who have applied for Permanent Total Disability.

Presenters included Jack Malinky, PhD, a practicing psychologist in Columbus,

and Joel Steinberg, MD, a Cleveland psychiatrist who has contributed to the AMA Guides to Evaluation of Permanent impairment. Speakers from the Industrial Commission included Wanda Mullins, BSN, MSA, Director of Medical Services, Tom Connor, JD, Executive Director, and Terry Welsh, MD, Chief Medical Advisor.

The conference was well-attended by practitioners from around the state, including members of the Industrial Commission's specialist panel. Question and answer sessions led to enlightening interaction with the speakers. Feedback from evaluations included "Packed with good information!" and "Needs to be longer!" Thanks to all who helped make this a success. We look forward to future educational opportunities with our providers!

## Continuing education review questions MediScene- April 2013

1. The form for reporting limitations due to allowed conditions in mental and behavioral health examinations is called:
  - A. Occupational Activity Assessment.
  - B. Physical Strength Rating.
  - C. Residual Functional Assessment.
  
2. The form for reporting limitations due to allowed conditions in musculoskeletal examinations is called:
  - A. Occupational Activity Assessment.
  - B. Physical Strength Rating.
  - C. Residual Functional Assessment.
  
3. It is necessary and appropriate for the examining specialist to opine on whether or not the injured worker can return to their former position of employment in Industrial Commission PTD IMEs.
  - A. True
  - B. False.
  
4. Sedentary work requires frequent use of the arms, unless otherwise specified as an additional limitation:
  - A. True.
  - B. False.

(Answers: 1., A.; 2., B.; 3., B.; 4., A.)