

IC *Medi Scene*

Keeping You Up-to-Date with the Industrial Commission • January 2014

Examining the Issues: Darned if You Do, Darned if You Don't

Do you ever get the feeling that the Industrial Commission is just too picky about their medical reports? Do you ever feel like no matter what you do, it's never quite right?

Well, although this is undoubtedly no consolation, there are probably good reasons you might feel that way. We do work very hard to make sure that reports we send to hearing from our specialists are legally sufficient and medically competent. The details of what we consider an adequate report are born out of objections from counsel, requests for addenda and new examinations, Ohio workers' compensation case law, the principles of the *AMA Guides*, and accepted medical standards.

So under this topic of "darned if you do, darned if you don't" we're going to outline some basic guidelines regarding presenting physical or mental limitations due to the allowed conditions in your report without crossing the line into disability determination. As a medical specialist, we do want you to describe those limitations, but we don't want you to suggest you are determining disability due to those limitations.

Below are some issues – based on recent reports – which our medical specialists seem to find challenging:

1. The eight hour day, five days a week - This is not the standard for "remunerative employment" in determination of eligibility for PTD benefits. Some examiners want to use this standard as justification for

their opinion that an Injured Worker is incapable of returning to work. Instead, the specialist needs to consider if the Injured Worker is capable of any work activities, even if less than full time.

2. The former position of employment - The question for the specialist examiner in the referral letter clearly is not "can they go back to their old job". The question is: what impairment or limitation is there due to the allowed conditions? It is then the responsibility of the Hearing Officer, who serves as the disability expert in these cases, to determine how those limitations, and other factors, affect eligibility for PTD benefits.

3. Any specific job - Just as above under "the former position of employment," when the examining medical specialist offers an opinion regarding the Injured Worker's suitability for any specific job, then he or she has crossed into territory outside of his or her area of expertise.

4. Further limitations - Be specific about what you, as a medical expert, believe the injured worker can or cannot do, physically or mentally, due to the allowed conditions. Then make sure that these are consistent with what you have indicated on the accompanying form. If they are at all different from the category indicated on the form, specify in your narrative that these are "in addition to" the specified category.



REGISTER NOW! All IC specialist examiners are urged to attend an educational workshop on IME report writing, Friday, March 28, 2014. All specialists who examine for physical allowances are urged to also attend the *AMA Guides 5th Edition* review on Saturday, March 29, 2014. Consider becoming certified! **Location:** Ohio BWC, Columbus, Ohio. This special learning opportunity is offered by ABIME and satisfies CME requirements for IC and BWC examiners. Visit [ABIME's web site](#) for more information and registration.

Did you Know?

Supplemental Specialist Packets

Medical information for review for IC specialist examinations is found online under the *document type* "SPEC PAC" and *document description* "Specialist Packet IC." However, additional information for review may be filed at a later date, and will be found under the document type "SPEC PAC SUP" and document description "Specialist Packet Supplemental IC." Please be sure to document in your report review of both of these packets of medical information!

Continuing education review questions MediScene Jan 2014

1. For IC PTD examinations, specialist examiners are required to document review of the following items in the electronic file:
 - A. Specialist Packet IC (SPECPAC)
 - B. All medical evidence related to the claim(s)
 - C. Specialist Packet Supplemental (SPECPACSUP)
 - D. All of the above
 - E. A and C
 - F. B
2. IC examining specialists are encouraged to go to the BWC electronic file to obtain additional information for their report.
 - A. True
 - B. False
3. Which of the following statements are true?
 - A. The IC requires its specialist examiners to document eight hours of continuing education specific to impairment rating every five years.
 - B. The BWC requires DEP members to have seven CME hours of training specific to AMA 5th Edition every two years.
 - C. A. and B.
4. What should the specialist examiner consider when performing a PTD IME?
 - A. Is the Injured Worker capable of working eight hours a day, five days a week?
 - B. Is the Injured Worker capable of going back to their old job?
 - C. Is the Injured Worker capable of working part-time as a Walmart greeter?
 - D. What are the expected physical or mental limitations due to the allowed conditions?
 - E. All of the above.

(Answers: 1. E.; 2. B.; 3. C.; 4. D.)