

# Medi Scene

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

**Don't Forget!**

## List All of the Allowed Conditions!

Please remember to list all of the allowed conditions in all of the claims at the outset of your report. This includes conditions that you are not asked to evaluate. These conditions must be listed unabridged, just as they appear on the Statement of Facts, which is included in the examination packet. It is important that all parties know that you are aware of all conditions allowed in the claims under consideration.

## Evaluating the Issues - Disability and Impairment

The Ohio Industrial Commission Permanent Total Disability (PTD) examination, in essence, is an impairment evaluation.

The Ohio Supreme Court defines impairment as, "the amount of the Injured Worker's anatomical and/or mental loss of function caused by the allowed condition."

It is the responsibility of the examining specialist in Permanent Total Disability examinations to: 1) provide an estimated percentage of whole person impairment arising from the allowed conditions in the claim, and, 2) provide a discussion setting forth the physical or mental limitations resulting from the allowed conditions.



The Ohio Supreme Court defines disability as "the effect the impairment has on the claimant's ability to work," based on the allowed conditions in the claim.

It is the responsibility of the Industrial Commission (IC) to consider impairment arising from the allowed conditions, and disability factors (age, education and work training/experience) in determining PTD.

Disability factors are not to be considered by the examining specialist when formulating opinions regarding percentage of impairment or physical or mental limitations resulting from the allowed conditions. Considering disability factors or impairment resulting from non-allowed conditions will disqualify the report.

The following are reminders for IC examining specialists regarding impairment and disability considerations:

1. Do not state the Injured Worker (IW) is disabled. Instead, report your opinion as "incapable of work activities due to the allowed conditions," or "capable of work activities with limitations due to the allowed conditions."
2. Do not cite disability factors (age, education, training/experience) as reasons the IW is incapable of work. The IC will consider these factors when determining disability.
3. Do not base an opinion on the IW's inability to work on the assertion that the IW is incapable of full-time work.
4. If it is your opinion that the IW is capable of part-time work, specify what you mean by part-time work by indicating the hours per day and days per week.
5. Do not base your opinion on the IW's ability to return to the former position of employment, or any particular job. That is a vocational consideration. Simply state your medical opinion as to the physical or mental limitations caused by the allowed conditions.
6. Do not consider non-allowed medical conditions, or conditions outside of your specialty in your determination of impairment.