

Examining the Issues: What's Your Batting Average?

Unfortunately, our local Major League Baseball clubs, the Indians and the Reds, (though they came close) are not playing into October this year. This time of year still remains exciting for fans of big league baseball: the World Series is here!

Experts tell us that champions in any endeavor have one thing in common: they consistently do the "little things" right. Small errors in baseball, for instance, can lead to big run-scoring innings for the other team.

Avoiding errors requires unwavering concentration. Doing so leads to consistency. Consistency leads to success.

What does this have to do with Industrial Commission examinations? One of the checkpoints for a "winning" examination report (that is, one that is reliable as evidence), is consistency. Not only should a report consistently contain essential elements, but the body of the report must also be consistent with the conclusion.

This issue has come into focus with two recent court cases which hinged on the IC medical experts' opinions regarding Injured Workers' ability to perform activities. It was argued that the narrative descriptions contained in the IC reports were not consistent with the form filled out at the end of the reports, causing the reports to be questioned in court.

The first case was straight-forward. The IC expert psychologist stated "(The Injured Worker) could not, from a psychological perspective

alone, manage sustained remunerative employment." Then, on the Occupational Activity Assessment (OAA) form, the doctor marked the

box indicating that the Injured Worker would be able to work with modifications. It would appear that this may have been a simple clerical error by the doctor, which resulted in a time-consuming, costly court case, in which it was determined that the IC psychological report was inconsistent, and therefore unreliable.

The second case was somewhat more complex. The IC orthopedic specialist indicated that the injured worker was capable of sedentary work on the Physical Strength Rating (PSR) form, however "limit (left) grip and pinch to 5 lbs." It was argued in court that "sedentary work" (as defined by Ohio Administrative Code) includes

"exerting up to ten pounds of force occasionally," and therefore the doctor's report was inconsistent with the opinion that the Injured Worker was capable of sedentary work.

The IC expert's report was eventually considered by the court as evidence. However, in cases such as these, the message to our examining specialists is this: If there are physical or mental limitations due to the allowed conditions described in your narrative which are at all different from those on the OAA, RFA or PSR form, then you must explain to the reader that these are "in addition to" or "except for" what is indicated on the form.

This attention to consistency in your reports will help you "cover all the bases," and avoid costly errors.



Reminder: Read and Answer

It *sounds* simple. We send three questions, you answer them. Unfortunately, too often examiners do not respond to the questions asked. Please remember, all referral letters are not the same! Make sure you read the letter carefully, and answer the questions asked. To assure this, it is worthwhile to include the referral questions *verbatim* in your report. Taking this step will save you time and rework.

Did you Know?

Members of the Industrial Commission Medical Specialist Examination panel whose names begin with the letters A through D will receive reapplication packets in January of 2014. This is the beginning of our every five year credentialing process. For more information regarding credentialing for the panel, please visit our website by following this link: <http://www.ohioic.com/medical/medicalcredential.html>.

Continuing education review questions MediScene Oct 2013

1. Beginning in 2014, Industrial Commission specialist examiners will need to provide documentation of eight hours continuing education credits every five years specific to impairment evaluation.
 - A. True
 - B. False
2. Beginning in 2014, Industrial Commission specialist examiners will need to reapply for appointment every five years.
 - A. True
 - B. False
3. It is optimal for Industrial Commission specialist examiners to include the referral questions *verbatim* in the report to assure each question is answered appropriately.
 - A. True
 - B. False
4. If there are physical or mental limitations due to the allowed conditions described in the report narrative which are at all different from those described on the OAA, RFA, or PSR form filled out at the end, then the examiner *must* include a phrase such as
 - A. "in addition to"
 - B. "except for"
 - C. Both

(Answers: 1. A.; 2. A.; 3. A.; 4. C.)