

Dear Occupational Health SIG members,

You won't want to miss reading our Fall email blast, packed with important updates and announcements!

By the way, if you have not already, please get involved, we need your expertise and ideas. Why not begin planning your trip to Combined Sections Meeting and plan on attending the OHSIG Business Meeting?



We appreciate feedback from our members and encourage you to send any comments, suggestions or questions to sanfordgoldstein@hotmail.com or to any board member.

PLEASE NOTE...candidates for VP/Ed Chair and Nominating Committee Member will be announced the end of September.... if you are considering running, act now!



Greetings from OHSIG President, Margot Miller, PT

We hope this finds you all enjoying the bit of summer we have left. When you live in Northern Minnesota, you are especially thankful for the nice weather, knowing what lies ahead!

An OHSIG Board conference call was held July 1st; all board members were able to attend with the exception of Kathy Rockefeller, Research Chair. OHSIG continues to work on behalf of membership.

OHSIG board was requested to review foundation chapters for ACOEM (American College of Occupational and Environmental Medicine). The following are in process:

- A. IME – Assigned to Sandy Goldstein
Progress: Completed
- B. Work Relatedness – Assigned to John Lowe
Progress: Completed
- C. Prevention
Assigned to: Drew Bossen
- D. General Approach to Initial Assessment and Documentation
Assigned to: Sandy Goldstein, with assistance from Rick Wickstrom
- E. Initial Approaches to Treatment
Assigned to John Lowe, with assistance from Margot Miller
- F. Cornerstone of Disability Prevention and Management
Assigned to: Dee Daley

Kathy Rockefeller and Margot Miller reviewed the draft of the WCPT (World Confederation of Physical Therapy) Occupational Health & Safety documents as requested by Anita Bemis of APTA.

It is very positive to have members of OHSIG involved in these types of endeavors and be recognized for our expertise.

We encourage you to become more involved in OHSIG whether serving on a committee or a task force, writing an article or case study for OPTP, etc. We thank Nicole Matoushek, PT, MPH, for her article in the last OPTP, "What Works in Workers Compensation". Nicole is past treasurer of OHSIG. She is a VP at Align Networks.

Please contact any of your OHSIG board if you have questions/comments.

Professional Regards,

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Practice & Payment Policy Chair Update

By Rick Wickstrom, PT, CPE, CDMS (rick@workability.us)

Ergonomics Guideline Update: We still need at least two more members with expertise in ergonomics and evidence-based practice to assist with review and updating of the APTA Ergonomics Guidelines. Please notify Rick Wickstrom (rick@workability.us) if you have interest and expertise to contribute to this project.



Sole reliance on FCE Report by a PT not adequate by itself for loss of use award:

Ohio Supreme Court Decision 3/3/2010 (124 Ohio St.3d 477, 923 N.E.2d 1141)

BACKGROUND: The Industrial Commission of Ohio initially awarded Laura Horvat 175 weeks of compensation under R.C. 4123.57(B) for the total loss of use of her right hand. Horvat's 2004 BWC claim was allowed for a right wrist sprain with arthritis. The functional capacities evaluation that was submitted in support noted that Horvat's right hand was incapable of performing maneuvers that required dexterity or repetition and that these restrictions were permanent, although the physical therapist did indicate that Horvat's performance was not entirely substantiated by objective findings and that her performance may have been self-limited. Cambridge Home Health Care, Inc. had the FCE report reviewed by an occupational physician who opined that Horvat's level of function as documented by the physical therapist did not meet the standard for loss of use. A staff hearing officer relied exclusively on the FCE report in awarding Horvat 175 weeks for total loss of use. Cambridge Home Health Care, Inc. challenged this action, asserting the a loss-of-use award must be based, at least in part, on a licensed physician's report and no solely on a report by a physical therapist.

RULING: The Supreme Court of Ohio held that a physical therapist's functional capacity report by itself was insufficient to support an Industrial Commission awarding loss-of-use benefits to a workers' compensation claimant for injury to the

right hand. They cited several reasons why reliance on a single physical therapy report was an abuse of discretion by the staff hearing officer:

- That the loss of use has elements of impairment and disability award and that Ohio physical therapists are prohibited under RC 4755.40(A) from rendering a “medical diagnosis of disability.”
- RC 4123.57 that covers both scheduled-loss and smaller permanent partial disability compensation stipulates that the Industrial Commission may require any employee claiming compensation to submit to a medical evaluation by a physician.
- A physical therapist is not included under the definition of physician under the workers; compensation health partnership program Ohio Administrative Code 4123-6-01(D) that stipulates that “Physician” means a doctor of medicine, a doctor of osteopathic medicine or surgery, doctor of podiatry, ...a doctor of chiropractic...a doctor of mechanotherapy...a psychologist...or a dentist. This implies that a physical therapist, as a non-physician, is also foreclosed from issuing a disability opinion.
- The Ohio Supreme cited a 1991 Tennessee supreme court ruling, Bolton V. CNA Ins. Co. as an example of another jurisdiction that disqualified physical therapists from offering disability or impairment conclusions. This ruling held that Health professionals were competent “to testify as an expert only as to matters within the limited scope of his or her expertise and licensure (as defined by their state practice act for licensure). This referral requirement prompted to conclude that physical therapy is a narrow health specialty limited in scope.
- The Ohio Supreme Court cited Federal regulations that have excluded physical therapists from the list of acceptable medical professionals who are authorized to provide evidence in social security disability cases. Section 404.1513(a), Title 20, CRF Section 404.1513(d), Title Ro, CRF instead includes physical therapists among “other sources” on which the agency may rely to “show the severity of impairment and how it affect [an individual’s ability to work.” Accordingly, physical therapist opinions cannot be used to establish the existence of a disability; they can be considered only in conjunction with a doctor’s report to help determine the disability’s severity.

PRACTICAL IMPACT ON PRACTICE: This ruling does not undermine the importance of considering a physical therapists’ examination and evaluation of severity of an impairment and how it effects an individual’s ability to work . It simply concludes that a physical therapist’s report is not enough by itself to support a loss of use award. The problem in Ohio Workers Compensation largely relates to physical therapists not being included under the definition for “Physician” for workers compensation claimants. With progression of physical therapist education to a doctoral level of education (DPT), a strong argument can be made that physical therapists now have a comparable or greater level of education that justifies our inclusion under the “physician” definition and our qualification to be included as independent examiners on issues that related to our scope of practice. It is noted that the only other workers compensation jurisdiction cited was in Tennessee, and this decision was rendered in 1991. This decision occurred long before Tennessee had achieved direct access in 1999. It was the referral requirement at that time that actually prompted the court to conclude that physical therapists were disqualified from offering disability or impairment conclusions. Ohio has had direct access since 2005 and the Ohio Chapter has been actively petitioning for inclusion of physical therapists under the definition of “physician” for workers compensation claimants so that claimants have greater access to physical therapists as a primary care provider. As a practical matter for Ohio Physical Therapists, it may be helpful to have a space on the physical therapy report for a reviewing physician to endorse any specific recommendations concerning total disability or percentage of impairment. Physical therapists are not prohibited from applying the AMA Guide for the Evaluation of Permanent Impairment; however, access barriers continue to exist in certain state jurisdictions that may impact admissibility of a physical therapist’s report if this was not done in collaboration with a medical review or examination.



Occupational Health SIG State Liaison Program: We are still recruiting members from each state who are interested in serving as the state liaison for payment policy issues in IOWA. Please contact Rick Wickstrom (Rick@workability.us) if you have interest or would like to nominate a member from your state. Membership in the Occupational Health SIG is required. The responsibilities include:

- 1) Read and respond to communications from Occupational Health Special Interest Group - This will consist of updates about Occupational Health SIG initiatives and perspectives of occupational health specialty practitioners and other stakeholders in different regions of the country.
- 2) Actively participate in your State Chapter and District Meetings - To identify practice and payment policy issues relevant to the Occupational Health SIG and therapists that provide occupational health specialty services in your state.
- 3) Help disseminate relevant information such as Occupational Health Guideline updates that improve quality and demonstrate the value of PTs in occupational health – Look for opportunities to discuss the Occupational Health SIG and develop relationships with key payers and other stakeholders that fosters a positive environment for occupational health specialty practice within your state.

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Certification of Workers' Compensation Specialists: an idea whose time has come

The past two decades has seen a gradual shift in the manner which workplace injuries are perceived and addressed. Increasing costs related to work-related injuries has led to increased interest on the part of employers and insurance carriers in finding ways to minimize the occurrence of work-related injuries and the employee work time lost due to workplace injuries. Additionally, in an era of declining reimbursement, many states continue to have relatively favorable workers' compensation reimbursement. These factors have in turn led to professions other than physical therapists to begin competing for patients requiring physical rehabilitation following work injuries.

The Occupational Health Special Interest Group (OHSIG) believes that physical therapists are uniquely qualified by training to address the causal and resultant factors arising from work-related injuries and should therefore be the provider of choice for the physical rehabilitation of workplace injuries. The section has accordingly been moving forward on 2 major initiatives to assist our membership:

- 1) Preparing a petition for specialty certification in Occupational Health. This will be submitted very soon to the American Board of Physical Therapy Specialties (ABPTS). Physical Therapists passing a specialist examination in Occupational Health will have demonstrated a level of knowledge that would be

expected of a physical therapist specializing in the evaluation, treatment, and prevention of occupational injuries. Watch for further information on this.

- 2) Assisting the APTA in providing documentation guidelines for workers' compensation. These are designed to help ensure that all stakeholders are working together to provide optimal care (and subsequent appropriate reimbursement). These guidelines are available on the APTA website.

Proprietary certifications of workers' compensation training are available. These recognize individuals who have completed a course of professional development. However these certifications have also muddied the waters by complicating the ability of clinicians understanding who to trust; what constitutes a "good" certification? On the other hand, a single standard founded in the roots of a professional organization and well established board of specialties will provide the best way for physical therapists to be recognized as clinical specialists in the field of Occupational Health.

Submitted by:

Dee Daley, PT
John Lowe, PT



Kudos to the Workers Compensation Defensible Documentation Team

Hello John and the amazing Defensible Documentation Workers Comp Group,

The Workers Compensation Documentation is now posted on the Defensible Documentation web site under Setting Specific Considerations. Thank you so much for all of your time, effort, and expertise! It is an excellent resource and it was completed in record time, thanks to all of you! This resource should have a very positive effect on the quality of physical therapy documentation for injured workers.

I will be asking our PT News Now staff if they can put an announcement in PT News Now for next week if possible. Is anyone willing to do a Podcast on the importance of documentation in workers compensation and highlight the major points included in the resource? Podcasts get a huge amount of 'hits' and it is a great way to inform our members....and they really are fun to do! Please let me know if you are interested. We can now record podcasts in the comfort of your practice or your home.

Here is the link to the Workers Comp Documentation (it is member protected, so you will need to log in):
<http://www.apta.org/AM/Template.cfm?Section=Documentation4&Template=/MembersOnly.cfm&NavMenuID=2505&ContentID=70685&DirectListComboInd=D>

Thanks again for all of your expertise! I really enjoyed working with everyone. Have a Happy and safe 4th of July!

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The following section members contributed to the development of these guidelines: Kevin Basile, Jill Galper, Sandy Goldstein, John Lowe, Nicole Matoushek, John Nativo, and Gwen Simons in addition to Anita Bemis-Daugherty and Karen Jost from the APTA office.



Research Chair Looking for Suggestions!

Have you read any articles with relevance to evidence-based practice in occupational health physical therapy? The Research Chair would appreciate suggestions as the SIG develops a database and process to share these resources with members of our SIG! Please send to Kathleen Rockefeller at krockefe@health.usf.edu



Workers' Compensation Audio Conference Held On August 19

Practice and Payment Policy Chair Rick Wickstrom, PT, CPE, CDMS and Kevin Basile PT, MSPT, OCS are trailblazing by offering innovative audioconferences regarding worker's compensation. On August 19th, they provided the program "[Navigating the Tides of Workers' Compensation](#)" offered attendees new insight to identify the range of services a physical therapist might provide and how to ensure appropriate payment for those services. It also offered techniques for reducing burden through effective identification of and collaboration with all stakeholders, and how to negotiate with the insurers.



Looking for Authors

I am asking all who are interested in writing a simple article from 2-4 pages double spaced concerning any topic in occupational health and/or ergonomics to email them to me. This is a great opportunity to get the word out on unique areas that you are working on in your field. I hope to hear from many of you. Don't worry about perfection as much as getting the word out. Thanks in advance. Call if you have any questions.

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Learn more about the Occupational Health SIG

Go directly to the website at http://www.orthopt.org/sig_oh.php. This list includes some of the information available on the website.

- A summary of the OHSIG activities and focus
- Contact information for the entire OHSIG Board
- OHSIG news with posting of recent Email Blasts
- A direct link to the Occupational Health Guidelines
- Minutes of the Board meetings and the Annual Business Meeting at CSM
- Occupational Health resources and websites
- Occupational Health Specialist Locator
- The OHSIG Strategic Plan

- The OHSIG Bulletin Board

If you are a member of OHSIG, make sure your information is current. If you are not a member join today!

There is no extra charge to be a member of the OHSIG, once you are a member of the Orthopaedic Section!



OCCUPATIONAL HEALTH SIG OFFICER LISTING

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