

Rehabilitation consultation and ethics

Rehabilitation Consultation Report (RCR) rehabilitation practice

Eligibility scenarios for:

- Mary
- Babs
- Jose
- Julie
- John
- Chan
- Paul
- Isabella

Mary

Mary was hired to work on-call as a nursing assistant at a nursing home in a very small town. She worked only two days in her first month on the job and, on her third day, she strained her back while changing the undergarments of a patient.

Mary's doctor has provided conservative treatment; he does not think Mary is a surgical candidate.

After a few weeks of physical therapy and medication, the doctor recommended Mary not return to work as a nursing assistant and specified a lifting limit of 10 pounds.

Mary, continued

Mary looked for a new job for a few weeks and then told the doctor she was too miserable to return to work of any kind.

The doctor then recommended Mary avoid all employment until she had a functional capacity evaluation (FCE). The insurer denied approval of the FCE due to Medical Disability Advisor (MDA) guidelines, saying she should have recovered from the low back strain.

Mary talked with her pastor about the situation. He checked out the Department of Labor and Industry (DLI) website and suggested Mary ask for a rehabilitation consultation.

Mary, continued

The insurer referred the case to you for the consultation. In the course of the meeting, you learn a few additional facts about Mary's situation. You notice Mary appears to be emotionally fragile.

When you mention this to her, she tells you she has been receiving Social Security Disability Insurance (SSDI) benefits based on chronic depression for the past 14 years.

Mary is also 140 pounds overweight and deconditioned after 12 months away from work. In discussing her history, you learn Mary was previously treated for alcoholism and drug abuse.

Mary, continued

Although Mary has attempted to do so, she seems unable to kick her nicotine habit, even though she is taking medication for asthma. The insurer has questioned her motivation to return to work at this time.

The insurer arranged for an independent medical examination (IME) by an orthopedic surgeon and the IME report was sent to you a couple days after the insurer referred the case to you.

The report says Mary has returned to her pre-injury status and has no physical restrictions as a result of the work injury.

Questions

Is Mary a qualified employee? Why or why not?

Babs

Babs works on an assembly line where her job requires almost constant standing. She twisted her ankle at work and the insurer admitted liability.

Babs went to her regular doctor for treatment and was diagnosed as having a sprained ankle.

The doctor recommended Babs avoid work activity for a few weeks and then return for a follow-up visit if she continues to have symptoms.

About a month later, Babs called you requesting a rehabilitation consultation because you had previously worked with her brother.

Babs, continued

When you met with Babs, you asked her whether she had any other health problems. She said she has been treated for lupus for many years.

Babs then mentions that when she returned to see the doctor a few weeks after the work injury, the doctor told her the ankle sprain was resolved.

The doctor said her current symptoms are due to the effects of lupus. He recommended she avoid standing more than a couple of hours a day.

Babs, continued

The doctor provided Babs with a Report of Work Ability form, laying out her work restrictions, and she gave you a copy.

Babs said she disagreed with the doctor about the problem being related to lupus. She thinks she is still suffering from the work injury because the symptoms are nothing like what she has experienced with lupus.

Questions

Is Babs a qualified employee? Why or why not?

Jose

Jose worked at a plant near his home, beak-trimming chicks. The work was light duty and required him to stand most of the day. Jose had worked there for five years and was well liked by coworkers and the management staff.

Unfortunately, another employee clipped Jose's left leg with a forklift as he was passing by, causing torn leg muscles and a fractured fibula.

Jose's supervisor immediately drove him to the hospital, where surgery was performed. Jose was off work for several weeks due to the accident.

Jose, continued

Upon receiving the referral for a rehabilitation consultation, the insurer informed you Jose had been terminated after a light-duty job offer.

Apparently, the job had been offered to Jose contingent upon his proving he was a U.S. citizen or otherwise able to legally work in the U.S.

The insurer noted that since Jose cannot work in the U.S. the rehabilitation consultation should be straightforward in finding Jose “not qualified.” She requested the consultation report and invoice be faxed to her at your earliest convenience.

Jose, continued

Because the insurer has provided several referrals to you in the past, you agreed to rearrange your schedule to see Jose this week.

Questions

Is Jose a qualified employee for rehabilitation services? Why or why not?

Julie

Julie fell off scaffolding while working as a commercial painter. This resulted in a broken right ankle and right hip fracture with sedentary limitations.

Three-quarters of the employees have been seasonally laid off (including Julie) and the employer thought he might have a light-duty job for her when business picked up in three months.

Julie was not surprised by the layoff, noting the time off would allow her get caught up on house projects. Also, since she has put on some weight, she felt it would be a good time for her to hit the gym and exercise.

Questions

Is Julie a qualified employee? Why or why not?

John

As a pharmaceutical salesman, John's job required extensive travel by car and the abilities to lift samples in and out of his car, to promote new products and to close sales deals.

John was recognized by his peers as being very good at what he did and averaged a weekly wage of \$1,730.76.

On his way to Frostbite Falls Medical Clinic, John hit a patch of black ice, causing his car to spin out of control and flip several times. John was unconscious when the ambulance brought him to the hospital.

John, continued

Two months have passed since the accident and John still has not awakened. It is clear John will be off work for more than 13 weeks. The family would like medical management assistance to help with this difficult situation.

The family is willing to sign any necessary forms and have you in the room when the doctor updates the family.

Due to your past medical experience with coma patients, the insurer requested you do a consultation and then provide rehabilitation services right away.

Question

Is John a qualified employee? Why or why not?

Chan

The open road was one of the things Chan really enjoyed about his heavy-duty job as a petroleum truck driver, which required an average of 60 hours a week. At age 58, with a high school diploma, there was not another job where he would earn \$1,018.37 a week.

On March 23, 2022, when pulling a hose, Chan tore his right rotator cuff and ruptured his biceps tendon. Several weeks after surgery, Chan was referred for physical therapy two times a week and then, after a couple of months, was able to progress to three times a week.

Unfortunately, significant pain persisted and Chan was not able to progress his physical limitations past a two-pound, right-hand lift, carrying objects close to his body and performing no overhead reaching.

Chan, continued

Discouraged, Chan applied for and was awarded SSDI benefits of \$491 a month. Through the county, Chan obtained a job working as a personal care attendant for his four-year-old disabled grandson. In this job he earned \$800 a month.

The job was approved by SSDI, but Chan was unclear if it is through the “Ticket to Work” program.

Questions

Based on the consultation, is Chan a qualified employee? Why or why not?

Paul

On Aug. 17, 2020, while working as a full-time sheet metal fabricator, Paul was using a clench machine to flatten metal parts. Unfortunately, while switching out dies, the machine malfunctioned, coming down and automatically retracting, leaving Paul's right little finger crushed.

Following emergency room care, Paul returned to work to complete mandatory drug screening, which he passed. After two weeks, a hand surgeon placed a pin into the broken finger, after which Paul was off work for two weeks.

At the end of two weeks, Paul returned to one-handed duty work.

Paul, continued

Paul continued one-handed work for a month-and-a-half and was then released for unrestricted work. However, pain and swelling persisted.

Paul met with his doctor for a follow-up appointment and was advised there was nothing more that could be done surgically.

In February 2021, Paul was reassigned to the third shift to do parts handling. This required frequent to continuous hand movement, which increased his hand pain. Furthermore, the right little finger developed a hypersensitivity to the point that Paul was missing work. He saw the doctor, who prescribed Lyrica and hand therapy for the pain.

Paul, continued

At an appointment in June 2021, the doctor noted possible complex regional pain syndrome (CRPS), but didn't order any tests. She prescribed Lyrica, continued hand therapy (including ultrasound), recommended avoiding use of vibrating tools and recommended lifting no more than 25 pounds with his right hand.

Paul's employer continues to provide light-duty work but has informed him his department will eventually be eliminated. The only other work is on the assembly line. Paul is concerned he won't be able to handle assembly work.

Questions

Based on today's consultation, is Paul a qualified employee? Why or why not?

Isabella

While in Minnesota on a visa, Isabella obtained a stand-up assembly position at Jim's Electric Motor Company. Her job involved placing components into an electric motor frame and attaching an end bracket. She next placed the 20-pound unit into a crate located on a manual cart. After the crate had 50 motors, Isabella pulled the cart to the shipping room, where she off-loaded the crate using an electric hoist.

Isabella earned an average weekly wage of \$520 and her supervisor hinted she would get a 15 cent raise after the next pay period. Because Isabella lived with relatives, her expenses were minimal, which allowed her to send money to her ailing mother in Mexico.

Isabella, continued

An hour before the end of her shift, the hoist failed, causing the crate to dump its load onto Isabella's left foot. Isabella was taken to the hospital, where she was diagnosed with a compound full-foot fracture. The doctor prescribed pain medication, took her off work and recommended frequent dressing changes.

At eight weeks post-injury, Isabella still had not returned to work. Three weeks later, Isabella received notice her visa was due to expire. So, frustrated and unable to work, she returned to Mexico.

Upon receiving the referral, you called the employer, who stated the only available work was the pre-injury job and indicated Isabella was a great worker. You then called Isabella, explained the consultation process and your conversation with the employer. When you asked for a current street or email address, Isabella declined to provide them.

Isabella, continued

However, as the phone conversation progressed, Isabella confided that she thought doctors in Mexico were not very good, so she was not seeing one. Isabella reported being eligible for a U.S. visa again, but because she had no money to pay for it, she was unsure about returning to Minnesota.

The call was interrupted by Isabella's mom calling for her assistance. Isabella consented to a follow-up call, but subsequent phone calls have gone straight to a full voicemail inbox, so you have been unable to leave a message. The clock is ticking to get the rehabilitation consultation filed with the department and parties.

Questions

Is Isabella a qualified employee for rehabilitation services? Why or why not?

Why should this second RCR not have been filed?

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FLAWED REDETERMINATION REPORT EXAMPLE

Re: Dolly Labor Report date: 01/19/2025
WID: EE-00-7654-321 In-person date: 01/06/2025
DOI: 12/09/2024 QRC Intern: # 3130
Insurer: Midwestern Solutions Employer: Whyamihere Logistics
Campus: CL-02-5844-063 File No: RT-02-5881-387

Rehabilitation Consultation Report Redetermination

Ms. Labor was referred to the office of Makeit Rehabilitation for Rehabilitation Consultation and the consultation was approved by the claims adjuster on 12/31/2024. This QRC initially found Ms. Labor qualified for statutory rehabilitation services on 01/06/25 and an RCR was completed and filed.

At this time, this QRC has been informed by the claims adjuster that no additional medical care for the 12/09/24 right shoulder injury will be approved based on a recent IME. Currently, Ms. Labor does not have any medical appointments scheduled and is unable to continue medical care at this time due to lack of insurance.

It was also reviewed during consultation that Ms. Labor had been terminated from the DOI employer on 12/27/24. She is not working at this time.

At this time, based on updated information obtained by the claims adjuster, this QRC will not be providing rehabilitation services for Ms. Labor. This QRC does opine that she is qualified for services, however, due to the present barriers, it is not likely that She will benefit from services at this time. Specifically, she will not be able to pursue additional medical care for her right shoulder nor will she be returning to work with the DOI employer.

Should Ms. Labor's claim status change, another rehabilitation consultation can be conducted to review his status and determine appropriate services going forward.

If any of the parties disagree with the determination or have questions, please don't hesitate to contact me.

Submitted by,

Betty Kant

Betty Kant, QRC Intern #3130

Kenny Makeit

Kenny Makeit, QRC Intern Supervisor #1010

CC: Dolly Labor
Midwest Solutions insurance
Sally Forth, Whyamihere Logistics
Department of Labor & Industry

Types of ethics

Professional ethics

“The personal and corporate rules that govern behavior within the context of a particular profession. An example of professional ethics is the American Bar Association’s set of ethical rules that govern an attorney’s moral obligations.”

- From yourdictionary.com

Situational ethics

Elective noncompliance with ethics rules and standards for special circumstances or self-interest.

Is it unethical if ...

1. You don't talk about ethics (for example, general denial)?
2. You don't know a law, ethical principle or professional standard that prohibits the behavior in question?
3. You can name at least five other individuals doing it?
4. None of your clients ever complained about it?
5. Your client wanted you to do it?
6. Your client's condition or behavior made them difficult to treat, troublesome or risky to be around, so you elicited whatever you did?

Is it unethical if ...

7. You were not really feeling well that day, so you could not be expected to perform up to your usual level of quality?
8. A friend or colleague of yours knew someone who said an ethics committee somewhere once issued an opinion that it is OK?
9. People who sit on ethics committees do not understand the hard realities of practice?
10. The behavior results in a higher income or more prestige?
11. It is expedient and convenient?
12. No one else finds out?

Is it unethical if ...

- 13. There is no intent to harm?
- 14. There is no empirical evidence that proves it was harmful?
- 15. You do not intend to do it more than once?
- 16. No one can prove you did it?
- 17. You are an important person?
- 18. You are too busy?

Bonus brain teaser round

- Tony
- Lynne
- Cheryl
- Debra
- Marsha
- Lisa

Tony

During the past several months, Tony is missing more and more work due to a fractured L4-5 disc. His job requires frequent bending and Tony's physician knew that missing work was causing a financial hardship. Due to this, the physician suggested qualified rehabilitation consultant (QRC) services might help Tony if he was OK with his contacting her.

You received a call from the physician, who reviewed Tony's situation and indicated he was expecting your call. Upon reaching out to Tony he agreed to meet you at his home after work. You then contacted the insurer who was fine with a consultation.

During the rehabilitation consultation you learned Tony retained an attorney who was supposed to be very good. After your meeting, you then reached out to the employer about available work and learned that if Tony could not do his current job, as is, then he would have to find work elsewhere.

Tony, continued

Following that conversation, you reached out to Tony's attorney to introduce yourself and discuss your finding that Tony was a qualified employee. Agitated, the attorney informed you he filed a request for assistance (RFA) more than a month ago, naming the QRC firm of his choice and to stop what you are doing.

Questions

What do you do in this situation? Why or why not?

Lynne

Lynne is a sparkler when it comes to outside sales, bringing in \$2 to \$3 million dollars annually in contracts to the company. Lynne has lived in St. Paul for many years and loves working for The Joyful Brownie Company, which is located across the river in Wisconsin. The job allows her to sell in Minnesota, Iowa and Wisconsin, with her largest primary accounts in Minnesota.

Crossing the river into Minnesota one morning, she and several cars hit the same ice patch, causing the cars to slide out of control. The multiple car pile-up made the news. Lynne's head ended up hitting the steering wheel and her left shoulder was thrown violently against the driver's door. That same door was then struck by another vehicle, compounding the injury.

Lynne, continued

The insurer requested you do a consultation right away because it appeared it would be some time before Lynne was back driving and doing her outside sales job. Based on the physician's diagnosis and projections, you determined Lynne to be eligible for rehabilitation services and filed the consultation report accordingly.

Approximately one week later, the insurer contacted you instructing you to close your rehabilitation file because they had now decided this to be a Wisconsin workers' compensation claim.

Questions

What do you do in this situation? Why or why not?

Cheryl

An administrative conference was held to discuss a change of QRC based on Cheryl's complaint that her QRC was never available, that she still had symptoms and that she needed medical management assistance. The insurer's rehabilitation response was that Cheryl had been back to work for two months and that all rehabilitation services should be terminated.

Through the conference there was evidence the QRC had failed to maintain service activity without informing the parties about why. Furthermore, the attorneys agreed Cheryl could continue to receive medical management services through a change of QRC to yourself. A decision and order (D&O) was sent to the parties and previous QRC.

Cheryl, continued

After meeting with Cheryl and signing all the necessary forms, you attempted to file the authorization release form in Work Comp Campus to facilitate the R-3 Rehabilitation Plan Amendment change of QRC to yourself. A day later, you were informed by DLI the “Rehab Transaction” (RT) rehabilitation file could not be found in Campus.

Upon following up with DLI, you learned the previous QRC had filed an R-8 Notice of Rehabilitation Plan Closure form, which closed the rehabilitation file.

Due to the QRC’s actions, you were now required to do a rehabilitation consultation to re-open rehabilitation services. However, in doing the consultation, you determined the employee was back to work successfully and not a qualified employee.

Cheryl, continued

Knowing the parties had previously agreed to continued rehabilitation services, you contacted the parties to confirm their agreement that you should provide rehabilitation services. You requested they respond one way or the other about the agreement, before you would proceed.

The employee's attorney stated there was already agreement for continued services, as noted in the D&O, so Cheryl should be listed as a "qualified employee (QE) based on agreement of the parties." The insurer and their counsel have not responded and its now day 14 since you conducted the consultation.

Cheryl, continued

Your sense is the insurer and/or defense attorney have no plan to respond to you.

Questions

What do you do in this situation? Why or why not?

Debra

Debra, a machine operator at the local candy factory, injured both wrists when the machine malfunctioned, causing a crush injury. Bilateral surgery was performed right away to fix the ulna and radius bones in her wrists. The emergency department surgeon indicated the numbness and tingling in her hands was likely due to nerve damage and recommended she see a neurosurgeon for that part of her injury.

The insurer, knowing Debra might be off work for more than 90 days, assigned you to do a rehabilitation consultation. Upon contacting Debra, you noted she was reluctant to talk with you, even after you explained your role and purpose. Debra eventually agreed to meet with you at a local restaurant for the consultation.

Debra, continued

Debra was already waiting for you when you arrived and politely listened as you discussed her rights and responsibilities and the disclosure form. She declined to sign the rights form, saying she wanted to take a copy home to review further.

As to signing a medical release of information form, Debra declined stating you could attend her medical appointments, but she would not be signing any forms that allowed access to her medical records. Due to this, you discussed with Debra that not having access to her medical records would make it difficult to do your job, which is to help facilitate her recovery and return to work.

Debra, continued

After the consultation, you contacted the employer and insurer confirming Debra would benefit from rehabilitation services. You also discussed her reluctance to allow you access to her medical information. With that, the insurer said it's clear Debra does not want rehabilitation services, as exhibited by her noncooperative behavior to sign the medical release form. Therefore, she is not qualified to receive rehabilitation services until she decides to work with the system. And, when she does, Debra can always request another rehabilitation consultation.

Questions

What do you do in this situation? Why or why not?

Marsha

Marsha, a window washer by trade, is fearless when it comes to working on taller buildings in Minneapolis. One afternoon, while descending a smaller five story building, a strong wind caused her to slip backward and fall out of her harness. Hitting the ground caused a broken collarbone and damage to internal organs.

An attorney for the family asked you to conduct a rehabilitation consultation so medical management services might be initiated right away. In conducting the consultation, a review of the orthopedic medical notes indicated that, with time, Marsha would eventually return to work. The RCR form was filed, finding Marsha qualified to receive rehabilitation services. Unfortunately, not more than a week later, Marsha's injuries were such that she passed away.

Marsha, continued

Questions

What do you do in this situation? Why or why not?

Lisa

Lisa, a commercial painter, missed a step when coming down a ladder for more paint. Falling backward, she landed on her right, dominant shoulder, causing a massive rotator cuff tear. An orthopedic surgeon performed surgery a week later and recommended no right arm use and to stay off ladders.

The insurer, knowing Lisa would be off work for an extended period of time, requested you conduct a rehabilitation consultation. When telephoning Lisa to get together for the consultation, she sounded a little confused, but you said you would answer all her questions at the meeting.

Upon meeting with Lisa on Tuesday, you noted she was actively hallucinating and appeared to be listening to an invisible friend. With that, you inquired what medications she was taking. Lisa empathically stated she takes no medications

Lisa, continued

because she does not trust doctors. Upon further inquiry, you learned Lisa had seen a psychiatrist and taken medications in the past, but felt the doctor had not done anything for her, so stopped everything.

Questions

What do you do in this situation? Why or why not?

Thank you