

Assignment 10

Impairment and Disability

Review Previous Assignment and Answer Questions

EDUCATIONAL OBJECTIVES REVIEW

Estimated time required to complete the Educational Objectives Review: 80 minutes

E.O. 1a **Distinguish between disability, impairment and handicap.**

10 minutes

PRESENT: . Using the brief notes provided, review the different meanings of the terms "impairment", "handicap", and "disability". Contrast these terms with the term "physical restriction" (*Definitions of Impairment and Disability* pg. 1 – 4, *Handicap* pg. 6. If needed, refer the students to Handout/Transparency #1).

<p>Note to Instructor: For the purpose of this discussion, the material works better as an overhead than it does as a handout.</p>

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can distinguish between disability, impairment and handicap with Handout/Overhead #1.

E.O. 1b **Explain how disability affects the value of claims.**

10 minutes

INSTRUCT: Ask students to explain how disability affects 1) workers compensation claims and 2) liability claims payments. Have students provide examples. If they have difficulty coming up with examples you can refer the students to Handout/Transparency #2, at the end of this section.

DEBRIEF: Invite the students' general participation and review the case studies.

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can explain how disability affects the value of claims

Assignment 10 – Impairment and Disability

E.O.1c **Describe the effects of impairments on disabled people, employers and society.**

15 minutes

INSTRUCT: Ask the following discussion questions:

- How do individuals respond to an impairments or disabilities? (pg. 6 – 9)
- How does disability affect the employer of a disabled worker? (pg. 13 – 14)

Invite the students' general participation, and lead a class discussion on the impact of disability on society in general. What are the economic and social costs? How does society respond to individuals with disabilities? How has the position in society of individuals with disabilities changed over time? How does society protect the rights of people with disabilities? What role does insurance play?

Instruct each group to develop a brief presentation answering the assigned discussion question in the members' own words.

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can describe the effects of impairments on disabled people, employers and society.

E.O.1d **Explain the issues related to communicating with the disabled.**

5 minutes

INSTRUCT: Illustrate inappropriate language or communication techniques and explain why then model more appropriate, sensitive language and communication techniques.

E.O.2a **Explain how the AMA *Guide to the Evaluation of Permanent Impairment* operates.**

5 minutes

INSTRUCT: Ask the following questions :

- Purpose and approach of the AMA Guide (pg. 15 – 16)
- Impairment criteria (pg. 16 – 18)
- Reports of impairment (pg. 18 – 19)

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can explain how the *AMA Guide to the Evaluation of Permanent Impairment* operates.

E.O.2b **Explain how job demands can be determined by a job analysis.**

20 minutes

INSTRUCT: Refer the students to Handout/Transparency #3, at the end of this section. Instruct the groups to select a job with which the group members are familiar, and to complete a job analysis for that position using the form provided.

DEBRIEF: Have each leader report on the group's job analysis.

Note to Instructor: You may wish to provide the groups with a transparency of the form that the group leader can complete during the presentation.

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can explain how job demands can be determined by a job analysis.

Combined E.O.s 2c and 2d (20 minutes)

E.O.2c **Explain how temporary disability should be evaluated.**

E.O.2d **Explain what factors affect the length of temporary disability.**

INSTRUCT: Refer the students to Handout/Transparency #4. Instruct the groups to review all three cases, and to do the following:

- Identify factors that will affect disability
- Compare the temporary impairment in each case to the physical requirements of the job the group analyzed in the previous exercise.
- Identify to what extent each individual is disabled in terms of the job requirements.

Determine the likely role of the claim representative and the doctor in each case

Assignment 10 – Impairment and Disability

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can explain how temporary disability should be evaluated. Refer the students to Handout/Transparency #5. Using the brief notes provided, review the factors that affect the length of temporary disability (*Factors Affecting the Length of Temporary Disability* pg. 20 - 23).

E.O.2e Explain what can be done to overcome permanent impairment.

15 minutes

INSTRUCT: Using previous cases devise following strategies::

- Determining and restoring physical capacities (pg. 25 – 28)
- Transferable skills (pg. 28)
- Role of vocational and rehabilitation counseling (pg. 28 – 29)
- Determination of loss of earning capacity (pg. 29)

Instruct the groups to explain, in the members' own words, the impact of the assigned factor or factors on the length of temporary disability, and to give an example.

DEBRIEF: Have each leader report on the group's explanation and example.

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can explain what can be done to overcome permanent impairment.

If time permits consider the following activity or have students do exercises.

E.O.3 Define or describe each of the Key Words and Phrases for this assignment.

INSTRUCT: Make sure students understand key words and phrases among the groups.

- Impairment, handicap, disability
- Reasonable accommodation, goniometry, transferable skills

CONFIRM: Bring the discussion back to the E.O., and confirm that the students can define or describe each of the Key Words and Phrases for this assignment.

ADDITIONAL EXERCISES

Note to Instructor: These additional exercises have been provided to supplement the material found in this assignment. You may wish to use these exercises as tests or assignments, or you may wish to have students use them simply as a review of what they have learned.

TRUE/FALSE EXERCISE

Estimated time required to complete the True/False exercise: 10 minutes (5 to complete; 5 to review)

Indicate with a check mark whether the following statements are **TRUE** or **FALSE**.

TRUE **FALSE**

- 1. Impairment and disability are established using medical criteria, while handicap is established using nonmedical criteria.
- 2. A handicap is the functional limitation resulting from an impairment. .
- 3. An individual can have an impairment that does not create a disability.
- 4. In liability claims, general damages are sometimes calculated as a according to disability..
- 5. Physicians and other health-care professionals refer to the advantage that an individual indirectly receives from their impairment or disability such as attention, care, and release from responsibilities as "contingent benefits".
- 6. The Americans with Disabilities Act uses the term "discrimination" to refer to the segregation and exclusion of persons with disabilities through attitudinal and architectural barriers.
- 7. Under the Americans with Disabilities Act, a person is considered qualified for a position if with "reasonable accommodation" that person can perform the "essential functions" of a job.
- 8. An injured worker returning to manual labor must be more completely recovered than an injured worker returning to a sedentary job.
- 9. Claim representatives and physicians have observed that the act of asserting a workers compensation or liability claim seems to delay recovery.
- 10. "Work tolerance", or "work hardening", is the process that occurs after an employee returns to work and becomes physically reaccustomed to the demands of the job.

Assignment 10 – Impairment and Disability

SHORT ANSWER EXERCISE

Estimated time required to finish the completion exercise: 15 minutes (10 to complete; 5 to review)

Briefly answer each of the following questions.

1. How does the American Medical Association *Guide to the Evaluation of Permanent Impairment* define "permanent impairment"?
2. What is a physical restriction and what is its purpose?
3. Under workers compensation legislation, a disability may fall into one of four categories. What are those categories?
4. Explain the difference between "special damages" and "general damages".
5. What are the five stages that a person who has become disabled is likely to go through?
6. What does the Americans with Disabilities Act include in the definition of the term "reasonable accommodation"?
7. Upon what two factors does the determination of disability depend?
8. What five factors affect the length of an injured individual's temporary disability?
9. In a job analysis, what types of activities does a vocational rehabilitation specialist review when evaluating the physical demands of an injured individual's job?
10. What are transferable skills?

MATCHING EXERCISE

Estimated time required to complete the matching exercise: 10 (5 to complete; 5 to review)

Match each term with the appropriate definition, description or explanation.

- | | |
|-------------------------|--|
| A. Impairment | 1. ___ A person's inability, because of an impairment, to meet the personal, social, or occupational demands, other activities of daily living, or statutory or other regulatory requirements |
| B. Special damages | 2. ___ The measurement of joint motion |
| C. Secondary gain | 3. ___ Aerobic conditioning and strength conditioning used to prepare a recovering individual for strenuous work before that individual returns to the job in the hopes of preventing further injury |
| D. Disability | 4. ___ Compensation for out-of-pocket expenses |
| E. Transferable skills | 5. ___ A deviation from normal in a body part or organ system and its functioning |
| F. Goniometry | 6. ___ Compensation for intangibles such as emotional pain and suffering, inconvenience or scarring |
| G. Handicap | 7. ___ A directive imposed on a patient by a third party to limit specific activities |
| H. General damages | 8. ___ The advantages that an individual receives indirectly from an impairment or disability, such as attention, care and release from responsibilities |
| I. Work hardening | 9. ___ Abilities learned or used in one job that an individual with a disability can apply to alternate employment |
| J. Physical restriction | 10. ___ The degree of functional limitation resulting from an impairment |

Assignment 10 – Impairment and Disability

SAMPLE EXAM QUESTIONS

Estimated time required to complete the sample exam questions: 20 minutes

Circle the most appropriate answer for each question.

1. (E.O.1)

A deviation from normal in a body part, or an organ system and its functioning is called

- a) A disability.
- b) A handicap.
- c) An impairment.
- d) A physical restriction.

2. (E.O.2)

Which of the following describes the appropriate way in which to interact with individuals with disabilities?

- a) Use terms that focus on the person rather than their disability.
- b) Do not wait for individuals to ask for assistance as that only highlights their disability. Watch for opportunities to offer assistance.
- c) Keep in mind that people with disabilities are often uncomfortable or self-conscious when interacting with the nondisabled.
- d) All of the above

3. (E.O.3)

Which one of the following most accurately describes provisions of the American Medical Association *Guide to the Evaluation of Permanent Impairment*?

- a) The Guide espouses the philosophy that all physical and mental impairments can be accurately measured using goniometry.
- b) According to the Guide, a physician cannot assess an individual's ability to perform tasks or meet functional demands.
- c) The primary function of the Guide is to assist physicians in assessing whether a particular medical condition has become stable.
- d) The Guide translates social, administrative, economic and legal requirements into a form that can be used by medical personnel to evaluate functional capability.

4. (E.O.4)

Which of the following accurately describes a factor that affects the length of a temporary disability?

- a) Younger workers tend to be less experienced and less cautious and as a result suffer injuries that take longer to heal.
- b) White-collar workers and general office workers often have an adversarial relationship with their employer, and this can discourage a prompt return to work.
- c) When a claim is in litigation, the claimant may be motivated to prolong the period of disability.
- d) All of the above

5. (E.O.5)

Under the Americans with Disabilities Act, employers may be required to make changes in the workplace or to a job description in response to the needs of an otherwise qualified employee or candidate with a disability. These changes are referred to as

- a) Statutory requirements.
- b) Work modification.
- c) Accessibility measures.
- d) Reasonable accommodations.

6. (E.O.6)

A medical test in which a medical practitioner uses an instrument to measure the range of motion in a joint is called

- a) An electromyogram.
- b) Joint mobility calibration.
- c) A flexion test.
- d) Goniometry.

ANSWERS TO THE ADDITIONAL EXERCISES

TRUE/FALSE

- | | |
|------|-------|
| 1. F | 6. T |
| 2. T | 7. T |
| 3. T | 8. T |
| 4. F | 9. T |
| 5. F | 10. F |

SHORT ANSWER

1. The Guide defines "permanent impairment" as a deviation from normal in a body part or organ system and its functioning that has become static or stabilized during a period of time sufficient to allow optimal tissue repair, and one that is unlikely to change in spite of further medical or surgical therapy. (pg. 2)
2. A physical restriction is a directive imposed on the patient by a third party (usually a doctor) to limit specific activities. The purpose of the restriction is to allow for healing to take place to prevent the condition from worsening and/or to prevent re-injury. (pg. 3)
3. Under workers compensation legislation, a disability may be temporary-partial, temporary-total, permanent-partial, or permanent-total. (pg. 4)
4. "Special damages" are compensation awarded in a liability suit for out-of-pocket expenses such as medical bills and lost income. "General damages" are compensation awarded in a liability suit for intangible effects of an injury such as emotional pain and suffering, inconvenience, and disfigurement. (pg. 5)
5. A person who has become disabled is likely to experience denial, rage, bargaining, depression and finally acceptance. (pg. 8)
6. The Americans with Disabilities Act includes in the definition of the term "reasonable accommodation" making existing facilities used by employees readily accessible to and useable by individuals with disabilities; and job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and the provision of qualified readers or interpreters. (pg. 14)
7. Making a determination of disability depends on two factors: (1) identifying a person's physical impairments and any corresponding medically placed restrictions, and (2) describing the physical, psychological, intellectual, and social demands of that person's activities, including work. (pg. 14)
8. The five factors that affect the length of a temporary disability are the injured person's age; the person's occupation; any preexisting conditions such as diabetes, heart disease, or psychiatric problems; any complications such as secondary diseases, illness or conditions that develop after the initial injury; and the injured individual's motivation to return to their normal routine. (pg. 21 – 23)
9. A vocational rehabilitation specialist reviews the frequency, duration or intensity of the following activities: standing, sitting, walking, lifting, driving, carrying, pulling, climbing, balancing, bending or squatting, twisting, rotating, crawling, kneeling and reaching. (pg. 26)
10. Transferable skills are abilities that can be applied equally from one job to another. (pg. 28)

MATCHING

- 1. D
- 2. F
- 3. I
- 4. B
- 5. A
- 6. H
- 7. J
- 8. C
- 9. E
- 10. G

SAMPLE EXAM QUESTIONS

- 1. C
- 2. A
- 3. B
- 4. C
- 5. D
- 6. D

HANDOUT/TRANSPARENCY #1

Impairment, Handicap, and Disability

Impairment

- "deviation from normal in a body part or organ system and its functioning¹"; injury, illness, loss or reduction of function
- may be permanent, temporary; partial or total
- determined on the basis of medical criteria

Handicap

- functional limitation resulting from an impairment
- under federal law, an individual is handicapped who "has an impairment that substantially limits one or more of life's activities, has a record of such impairment, or is regarded as having such an impairment"
- the degree to which an impairment impedes a person's functioning
- determined on the basis of medical criteria

Disability

- inability to meet personal, social or occupational demands, other activities of daily living, or statutory or other regulatory requirements, resulting from an impairment
- advantage: reflects each claim representative's own experience level
- may be permanent, temporary; partial or total
- assessed by nonmedical means; often by vocational counselors

Physical Restriction

- limitation imposed upon the patient by a third party as a result of an injury, disease or condition, in order to allow healing or to prevent further injury
- may be temporary or permanent

¹ American Medical Association Guide to the Evaluation of Permanent Impairment, Fourth Edition

HANDOUT/TRANSPARENCY #2

Case 1

Max Worzniak is a twenty-two-year-old construction laborer. One day, while working on the roof of a three-story building, Max slips and falls to the ground below. A coworker calls an ambulance, which rushes the unconscious Max to the hospital. Max suffers head injuries, a broken arm, several broken ribs, and a badly sprained knee. The doctors expect the breaks and sprain to heal successfully. However, they are concerned about Max's head injuries. He has recurring periods of disorientation, weakness and loss of muscle control in his legs, and blurred vision. Max has been an avid amateur athlete, and was extremely fit prior to the accident. He is also a very determined individual. He works very hard at his therapy, and his doctors are astounded by his progress. Despite the seriousness of his injuries, Max is only off work for six months, after which he returns to light work three mornings a week. Nine months after the accident Max returns to his former duties. The following summer, he is able to run in a charity marathon. Max's employer has workers compensation coverage.

Case 2

Alice McFee is a forty-three-year-old waitress at Big Bob's Family Restaurant. Alice and her coworkers have complained several times to the owner that the carpet at the entrance from the kitchen to the dining room is loose, and presents a tripping hazard. Unfortunately, Big Bob's response is always, "Well, you know the carpet's loose, so just be careful." One day, as Alice enters the dining room carrying a full tray, she trips on the carpet and falls, twisting her knee. After cleaning up the broken dishes and spilled food, Alice leaves work to visit her doctor. The doctor diagnoses a torn meniscus, and recommends surgery. Alice advises Big Bob that she will be off work for some time, and asks how to go about submitting a workers compensation claim. Big Bob explains that the restaurant does not have workers compensation coverage; he felt the premiums were too high. Alice is off work a total of 18 weeks for surgery and recuperation. Unfortunately, she continues to suffer pain and weakness in the knee that prevents her from working more than three hours in a shift. Her doctor feels that her condition has improved as much as is likely, and that the impairment is going to be permanent.

Case 3

Kyle Lundt is a twenty-seven-year-old retail clerk at Mr. Fixit Hardware. Occasionally Kyle makes deliveries to customers using the small company pickup. One day, while making a delivery, Kyle stops at a stop light and is immediately rear-ended and pushed into the intersection by a large sedan. The driver of the sedan was travelling well above the speed limit, looking at a road map and talking on his cell phone immediately prior to the accident, and did not have time to stop once he noticed the truck ahead of him. The driver of the sedan is unharmed, however Kyle is badly hurt. He sustains serious neck and back injuries, and even after surgery to repair the damage, Kyle suffers chronic pain and walks with a pronounced limp due to residual nerve damage. Prior to the accident, Kyle was a serious amateur athlete. He had been training hard, and hoped to enter the upcoming Iron Man contest. His physical impairment following the accident is hard for Kyle to adjust to and he becomes severely depressed and withdrawn. After two years, Kyle is still unable to return to work due to the depression. Kyle's employer, Mr. Fixit Hardware, has workers compensation coverage, and the driver of the sedan has automobile liability coverage.

HANDOUT/TRANSPARENCY #3

Job Analysis Form

Job Title: _____

Job Summary/Description of Tasks: _____

Working Schedule (hours, days per week): _____

Education/Training Required: _____

PHYSICAL DEMANDS:

- [] Standing _____ hours/day
- [] Sitting _____ hours/day
- [] Walking _____ hours/day
- [] Lifting _____ lbs. _____ how often/day
- [] Driving _____
- [] Carrying _____ lbs. _____ how often/day
- [] Pulling _____ lbs. _____ how often/day
- [] Climbing _____ height _____ frequency _____
- [] Balancing _____ height _____ frequency _____
- [] Bending/
Squatting _____ body part _____ frequency _____
- [] Twisting _____ body part _____ degrees _____ frequency _____
- [] Rotation _____ body part _____ degrees _____ frequency _____
- [] Crawling _____ distance _____ frequency _____
- [] Kneeling on _____ duration _____ frequency _____
- [] Reaching _____ distance _____ frequency _____

ENVIRONMENTAL CONDITIONS:

Inside _____ %	Outside _____ %	Both _____ %	Temp. extremes _____
Fumes _____	Dust _____	Gases _____	Odors _____ Mist _____

Noise or Vibration: _____

Hazards: _____

Machines Tools, Equipment: _____

General Comments: _____

HANDOUT/TRANSPARENCY #4

Case 1

Heavy lifting at work has left forty-year-old Bill Caulder with a herniated lumbar disk, which causes him leg pain and back pain. His doctor prescribes pain medication, and recommends that Bill stay at home and take it easy for a couple of days. The doctor provides Bill with a regime of back strengthening exercises which he recommends Bill begin after a couple of days when the pain has eased somewhat. The doctor encourages Bill to return to light work the next week. The following restrictions are to apply for 4 weeks:

- limit sitting to no more than 1 hour at a time; then take a 10-minute stretch break
- no lifting or carrying of objects weighing over 10 lbs.
- lift or carry objects weighing under 10 lbs. only occasionally.
- no lifting of objects from below waist height
- no crawling; squatting, kneeling, bending or twisting

Case 2

Evelyn Mason is fifty-six years old. She recently suffered a badly broken right arm when she fell on the stairs at work. Unfortunately, Evelyn is right-handed and she finds the temporary loss of use of her arm frustrating. The cast is to remain on for 10 to 12 weeks, after which time Evelyn will undergo 2 to 4 weeks of physical therapy. For the first two weeks that the cast is on, Evelyn's doctor recommends that she leave the arm in a sling for support, and use the hand as little as possible. After that, there are few restrictions until the cast comes off. Once the cast has been removed, Evelyn is not to lift, pull, push or twist using her right arm until after the end of the two weeks of physical therapy are complete. The doctor indicates that her arm will be weak, and that it could take up to a month after the end of physical therapy for her to recover her full pre-injury strength.

Case 3

Frank Ling, a twenty-six-year-old, has developed work-related carpal tunnel syndrome in his left wrist. The pain and numbness are bothersome, particularly since Frank is left-handed. Initially, Frank's doctor suggests that he rest his left hand as much as possible for two weeks, and recommends wearing a removable wrist brace plus the use of cold packs to reduce the inflammation. Unfortunately, this does not alleviate Frank's discomfort, and so his doctor recommends surgery. After the surgery, Frank rests at home for two days on the advice of his doctor. After these first two days, the doctor indicates that Frank can slowly increase his activity level, including returning to work. However it may take more than six to eight weeks until Frank has completely recovered from the surgery and he will need to avoid unnecessary strain or repetitive motion of the hand and wrist during that time. The doctor also recommends that Frank make adjustments in his work and recreational activities in order to avoid repetitive hand motion and thus reduce the chance of recurrence.

Factors Affecting the Length of Disability

Age

- older workers heal more slowly
- older workers have more preexisting conditions or frailties
- older workers may see disability income as ticket to retirement

Occupation

- Blue collar jobs:
 - require lifting or repetitive manual tasks → more temporary disabilities
 - need workers in better health → longer post-injury recovery periods
 - are often boring or uncomfortable → less incentive to return to work
 - sometimes involve animosity between workers and employers

Preexisting Conditions

- diabetes can extend healing time and delay return to work
- predisposition to stroke may complicate injuries resulting from an accident
- heart disease can negatively impact a patient's recovery
- psychiatric conditions can complicate/delay recovery from physical injury

Complications

- infection
- sensitivity to medications
- secondary disease, illness or conditions

Motivation

- the act of asserting a claim seems to delay recovery
- all things being equal, motivated claimants recover more quickly
- some individuals get financial/psychological benefit from disability
- a small proportion are malingerers