



# Job Ready Services

May 2012 Issue

## Our Services:

- Functional Capacity Evaluations
- Work Conditioning
- Job Analyses
- Fit for Duty Testing
- Employment Testing



## “Enough is Enough!” – a message from Debra Lord, PT

Did you know that if you hear something often enough you will begin to believe it? If you are told you are disabled and will never be able to do something, pretty soon you will be disabled whether medically justified or not. Working with injured workers over the last 35 years, I have found one thing holds true – returning to work after an injury depends on attitude and time - the longer the time between injury and return to work the greater the effect on attitude and vice versa. Time and time again, the research shows that: 1) people rehab faster returning to transitional duty, 2) time out of work does not correlate to severity of injury, and 3) **being out of work is rarely a medical necessity**. Unfortunately there are some who feign disability because they don't want to return to work for varied reasons – the work is difficult; they dislike their co-workers; they feel they deserve more; etc. Until recently, it was very difficult to objectively identify those who are exaggerating their disability and to provide legally defensible evidence relevant to sincerity of effort to determine if, and to what extent, permanent restrictions need to be imposed.

In 2006, Job Ready initiated use of the **X-RTS (Cross Referenced Testing System)** as a method to validate the consistency of effort demonstrated by a client during an FCE. The testing system methodology has been peer reviewed and on-going research shows a **99+% accuracy in determining sincerity of effort** in both patient and non-patient populations. Job Ready's own data using this method shows 40% of FCEs are valid, 40% are invalid and 20% are equivocal. While approximately **less than 10% are noted to be blatantly feigning disability**, there are those who use this opportunity to exaggerate their level of disability for whatever reason. Our job is not to identify reasons but to document behavior that demonstrates

non-compliance in the testing process. Once identified, the non-compliance can be addressed, and a repeat study can be utilized to correctly determine current abilities. The non-compliance may be due to apprehension after an injury, and strategies such as the use of a work conditioning program provide a valuable opportunity to gain confidence in their abilities. Their true abilities can be determined over time, and the client's ability to sustain a level of physical activity can be developed.

There is a skewed view among some that this type of testing is not favorable to injured workers and that it identifies all injured workers as “faking”. This could not be further from the truth. Take for instance the case of **Clewell v. Illinois**. A worker was injured by an aggressive patient in a mental health facility. After having a “traditional” FCE which returned invalid results, her physician deemed her to be “self-limiting” and released her to RTW without restrictions. After repeated objections from the plaintiff that she gave forth her best effort, she had a repeat FCE using XRTS testing. This time, the objective evidence showed that the IW was sincere in her effort and had a true disability. The court ruled that the **1<sup>st</sup> FCE was purely subjective and the evidence not credible when compared to the clearly objective evidence brought forth in the 2<sup>nd</sup> FCE with XRTS testing**. For more about this testing, visit: [http://www.xrts.com/blog/?page\\_id=65](http://www.xrts.com/blog/?page_id=65)

There have been some false accusations against Job Ready, such as, “99% of their FCEs are invalid” (refer to the statistics above – this is not true) and “Job Ready's FCEs are biased” (also not true based on the stats). We know there are those who reroute their clients that are referred to Job Ready, but their trepidation is understandable.

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*“Our testing is equally beneficial to those who provide their best effort and those who are in need of additional resources.”*



**“Enough is Enough!” cont.**

They want to limit the client’s accountability in being compliant with the test and moreover, being held accountable to return to work within their true abilities. The test is not biased, Job Ready is not biased, and we do have a responsibility to report the data as collected. Our testing is equally beneficial to those who provide their best effort and those who are in need of additional resources.

NC worker’s comp system is in need of **objective metrics** that can correctly identify those who are manipulating the system and those who truly have a disability. The Protect and Put North Carolina Back to Work Act was a good step in the right direction, but it is time to take the next step.

**And speaking of bullying...**Did you know that the EEOC has released some new guidelines that indicate their opinion that **background checks are a form of bullying?** More on that in our next newsletter....

**Help us welcome our new staff!**

We’ve been going through some big changes around here lately! One of those changes was adding two new staff members. Sarah Bauman is originally from the upstate New York area and currently resides in the Raleigh area. Sarah is a physical therapist with much experience in orthopedics. When not working Sarah enjoys spending time outdoors and is an avid runner. Vivian is originally from New York but has been living in Raleigh for the past 8 years. She lives with her daughter and grandson, and she is bilingual in English and Spanish.

**Lunch and Learn**

**Thursday, June 28, 2012**  
12:00pm – 1:00pm

Topic: Cultural Diversity: A New Perspective  
Speaker: Keven Wilberding

Cost: \$10.00

CRC & CCM credits approved – 1 hour

Location: Job Ready office in Raleigh, NC

To register:  
<http://www.jobreadyservices.net/index.php/contact/lunch-and-learn-registration/>



2300 Westinghouse Blvd.  
Suite 107  
Raleigh, NC 27604

PHONE:  
(919) 256-1400

FAX:  
(919) 256-1403

E-MAIL:  
michelle.morgan@  
jobreadyservices.net

WEBSITE:  
[www.jobreadyservices.net](http://www.jobreadyservices.net)

We’re on LinkedIn and Facebook!  
*Be sure to follow or “like”*  
**Job Ready Services**

**Upcoming Events**

Statewide Safety Conference – Greensboro, NC  
May 15-18  
Come by the WorkSTEPS booth to visit!