

Job Ready Services

November 2010

“Questionable” FCE or Legally Defensible FCE?

A recent article in the *NC Lawyer's Weekly* featured a FCE Sincerity of Effort model called **X-RTS** which stands for Cross Reference Testing System. According to Darrel Schapmire, the developer of this test, “*This method uses the common mechanical gauges, but incorporates an element of **significant distraction**---allowing us to protect the cooperative claimant while identifying non-compliance with an unprecedented level of accuracy.*” The science behind **X-RTS** demonstrates the hand strength assessment (HSA) is supported by research published in the *Journal of Hand Therapy*. HSA is shown to be **99.5% accurate in the classification of effort**, which stands in contrast to other methods which have a known error rate of 30%. Other studies concerning visual estimation of effort and use of machine based FCEs show little objective data on their ability to identify a maximum consistent effort. By combining what is known about a claimant's medical condition with what is objectively known about the claimant's behavior, the final step in case management---**evidence-based case management decisions**---can move litigated cases to an efficient and **fair resolution**.

While some may be hesitant to use an FCE because they perceive the client's effort level may be mis-reported, this **X-RTS** test takes away any

bias or subjective reporting on the part of the evaluator and truly puts the onus of providing a good consistent effort on the client. Having a Valid test would certainly be an advantage to an injured worker in substantiating their need for benefits under the law. An invalid test, utilizing the **X-RTS** system has resulted in case closure in many states and in a growing number of cases has provided the objective data to support **claimants being ordered to repay medical and wage reimbursements**. This test identifies the patterns of behaviors that have kept them from returning to work and getting on with their normal lives including return to work.

Job Ready has been using the **X-RTS** FCE model since we opened in 2006. We have found the sincerity of effort test to be extremely reliable and defensible. We now have the research, the peer reviewed and published data to support that our test is accurate – perhaps it's the other FCEs out there that are “questionable(?)”

Lunch and Learn

When: Thursday, December 9, 2010

Time: 12:00 pm – 1:00 pm

Cost: \$10.00 (pay at the door)

Where: Job Ready office in Raleigh

Topic: *Motion Loss: Clinical Outcomes & Financial Burden*

Speaker: Lucas Dinga, ERMI, Inc.

CEU's approved: CCM (1 hour)

CEU's pending approval: CRC (1 hour)

RSVP:

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Job Ready Services
Post Offer Employment Testing
FCE's
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Job Analysis
919-256-1400

Physicians: If you would like a copy of the article about XRTS or if you would like more information about how this testing can assist you in depositions, please contact us.