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Workers' Compensation Rehabilitation in Maryland: An Attitude Survey

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Workers' Compensation Rehabilitation in Maryland: An Attitude Survey

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In recent years, the focus of workers' compensation in Maryland has evolved from medical management and financial compensation to a process which considers the claimants' psychological and financial need to return to the workforce. In the future, the role of attorneys involved in workers' compensation law may expand from helping injured workers to obtain benefits to ensuring that their clients are afforded maximum opportunities to return to the workforce. It is consequently important for attorneys to develop a working knowledge of rehabilitation concepts pertinent to injured workers and also to become familiar with issues of concern to professionals providing assistance to these workers.

The increasing concern with the broader needs of claimants has been a step forward in workers' compensation law. The entire process has become more complex with the involvement of a greater number of professional disciplines and personnel in assisting claimants to return to work. During the process, an individual may become involved with physicians, attorneys, claims adjusters, rehabilitation nurses, and various other medical, rehabilitation and insurance personnel. Moreover, these professionals may present conflicting viewpoints to claimants depending upon which side of the issue they represent—claimant vs. employer. The resulting confusion, bewilderment, and frustration felt by a claimant may impede an already cumbersome process and ironically may serve as a deterrent to the return to work of the disabled individual.

Specifically within the field of rehabilitation counseling, there has been a feeling that public and private counselors often

work at cross-purposes to the detriment of the claimant. This is attributable to the perception of differences in orientation of the two rehabilitation sectors. State vocational rehabilitation counselors do not work directly for insurance carriers or solely within the workers' compensation system and may frequently feel constrained by the limits placed on their rehabilitation options by the worker's compensation law and insurance carriers. The federal/state vocational rehabilitation program has a history of maximizing potential, while on the other hand workers' compensation focuses on vocational restoration. Because of their large caseloads, timeliness of evaluation and services has been a problem. Conversely, private vocational rehabilitation counselors receive referrals directly from insurance carriers. They work with smaller caseloads and can consequently work faster in facilitating a claimant's return to work. However, private rehabilitation is frequently perceived as being bound by the insurer's philosophy to return injured workers rapidly to work without fully considering case complexities or client potential.

Recognizing that the often adversarial relationship between public and private vocational rehabilitation, attorneys, and insurance carriers is detrimental to workers' compensation claimants, the Task Force on Injured Worker's Rehabilitation was established in 1985 to facilitate greater understanding and cooperation among professionals involved in the rehabilitation of injured workers. This group was originally established as an educational and informational forum to include only rehabilitation counselors. However, the idea elicited enthusiastic responses from other professions involved in the workers' compensation pro-

cess. Consequently, the Task Force expanded into a truly multi-disciplinary group with core members including attorneys, claims adjusters, rehabilitation nurses and rehabilitation administrators.

The goals of the Task Force are to promote improved professional relationships between the public and private rehabilitation sectors through joint education, to highlight concern of the injured worker rehabilitation community, and to enhance professionalism through cooperative education.

In order to accomplish these goals, the Task Force has developed and disseminated an attitude and needs questionnaire with distribution to a broad range of professionals involved with the rehabilitation of injured workers. Annual training programs on rehabilitating injured workers have been developed and conducted. Finally, in recognition of the present lack of clear operational guidelines for use by involved professionals, the Task Force is developing a "Practices Manual" to be available for general use by professionals involved in the rehabilitation of injured workers.

Procedure

A Needs and Attitudes Assessment Questionnaire draft was developed by a subcommittee of the Task Force. The draft was distributed to all members of the Task Force and subsequently revised. The revision was distributed through the Task Force for input from the community of rehabilitation counselors, attorneys, nurses, insurance personnel, vocational evaluators and other professionals.

Comments were received by the subcommittee and a final questionnaire was de-

veloped and disseminated by the members of the committee, the Workers' Compensation Commission's rehabilitation office, and the Division of Vocational Rehabilitation through the Maryland Rehabilitation Center to over 1,000 professionals working or interested in the Maryland workers' compensation process.

Analysis

Two hundred and fifty-six questionnaires were returned. The Maryland State Department of Education, Office of Management Information Systems staff, computer analyzed the questionnaire with the following results:

The respondents by discipline were as follows: 64 rehabilitation counselors, 30 plaintiff attorneys, 15 defendant attorneys, 19 nurses, 22 insurance claims personnel, 9 vocational evaluators, and 97 others comprised of psychologists, educators, and those who did not identify their profession.

Any deviation from the median score of 3.0 resulting in a mean respondent's score of 3.5 or above or 2.5 or below was interpreted as being a significant total group agreement or disagreement with the presented statement.

Significant issues identified were as follows:

Clarity

The lack of understanding of workers' compensation law was consistently identified as a problem. Confusion among professionals because of a lack of standardized definitions among disciplines was identified as a problem. For example, when a doctor limits an injured worker to "light" work, is this a reference to the standardized definition of work exertion established by the Department of Labor or an unquantified recommendation? The lack of clear criteria for referring an individual for vocational rehabilitation is also identified as a problem. Similar questions are raised about case closure standards in vocational rehabilitation. Professionals working with injured workers are identified as not understanding the workers' compensation process. The complexities of the process itself is thought to be a contributing factor to the anxiety felt by the injured worker.

Timeliness

Respondents felt strongly that timeliness of vocational rehabilitation services is a critical factor in successful case outcome. The lack of clear criteria for referral to vocational rehabilitation likely impedes the ability of referral sources to make timely

referrals. The respondents felt that psychological evaluations and vocational evaluations do not occur in a timely manner. The results suggest that when the Workers' Compensation Commission makes vocational rehabilitation referrals, it should occur within a strict time frame. Medical evaluations were judged to occur in a timely manner which likely shows that worker's compensation continues to focus more on medical management than case management.

Process/System

The respondents felt strongly that returning an injured worker to *any* job (job stuffing) should not be considered successful vocational rehabilitation. There was also the strong feeling by respondents that the workers' compensation law in Mary-

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land has disincentives for injured workers to seek to re-enter the work force. The current lack of a uniform workers' compensation rehabilitation system discourages fair and timely services to clients. Finally, there is strong feeling that comprehensive vocational assessment at the beginning of vocational rehabilitation is an important contributor to successful vocational rehabilitation.

Professional Disciplines

Specific concerns are expressed by respondents about the disciplines involved in workers' compensation rehabilitation. Respondents felt that state vocational rehabilitation *should* be involved in workers' compensation cases. Respondents also felt that state vocational rehabilitation counselors and private vocational rehabilitation counselors can and should work cooperatively on workers' compensation cases. Although previous responses reported indi-

cate that there are many problems with the rehabilitation process, respondents appear to appreciate the complexity of the system and the need for professional counselors to work cooperatively as a team with a goal of helping an injured worker return to productive activity. The respondents felt that the role of rehabilitation counselor should go beyond simply obtaining a job for a client.

Other Issues

The questionnaire presented a variety of independent issues, some of which drew significant response. Respondents indicated that temporary total benefits should be paid during the vocational evaluation process. Respondents also indicated strongly that pre-injury salary and employment status of an injured worker should be considered in developing a rehabilitation plan. Workers returning to the work force, earning less than before their work injury, should receive compensation for the wage differential as part of their benefit. Respondents felt strongly that a "practices" manual specifying rules, procedures, and terms pertinent to the rehabilitation of injured workers would prove beneficial to all professionals in workers' compensation.

Summary

A questionnaire was distributed by the Task Force on Injured Workers' Rehabilitation to more than 1,000 professionals involved in Maryland workers' compensation. Two hundred and fifty-six questionnaires were returned.

Respondents identified clarity, timeliness, process and relationships among professional disciplines as problems in the workers' compensation process.

It must be recognized that clarification of responsibility in workers' compensation goes beyond possible changes in statute and regulations.

The Task Force is in the process of completing a "practices" manual that should prove beneficial to professionals in gaining a better understanding of the workers' compensation law, terms and process.

In the next year, the Task Force may be addressing the following issues:

- Ongoing training programs
- Interdisciplinary analysis of questionnaire
- Expansion of Task Force
- Follow-up study of impact of injured workers
- MRA/CARRPS have made standing committee
- Further study definition of VR



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