

ENGLAND & ASSOCIATES

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'EXPERIENCE IS NOT EXPENSIVE.....IT IS PRICELESS'

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EASSOCIATES REHAB NEWS

Happy Holidays and Thank You To All!

2010 is coming to an end all too soon for many of us. We sincerely thank each and everyone of our customers, referral sources and colleagues for your business and support. You have kept our office busy throughout 2010.

We strive to provide the best possible Vocational Rehabilitation Services within several very unique markets. We appreciate your trust and faith in us. May you have a wonderful Holiday Season and Cheers to a fantastic 2011!

Case Law Definitions of Vocational Disability

The 2003 Workers Compensation Reform continues to give new meaning and variation to what was thought to be a simplified definition of Disability. Case Law continues to evolve through opinions of the 1st DCA and Judge of Compensation Claims (JCC) Orders. Several Cases have now established the need to consider the "**Vocational**" **Factors**" within the definition of Florida's **Permanent Total Disability** (PTD). Vocational Evaluators have considered PTD Vocational Factors for over two decades. Transferable Skills Analysis (TSAs) and the USDL's Dictionary of Occupational Titles (DOT) have detailed **65 Work Trait Factors** that can be weighted based upon the individual Client's profile.

Now we see that JCCs and 1st DCA Judges are defining the same factors often with new weights and definitions. Of course, this will keep Vocational Evaluators busy with efforts to explain what has always been a part of their Vocational Evaluations.

The 2003 WC Reform continues to evolve and alter the definition of PTD with **Vocational Factors**: **age, education, language, skills, experience, geographic location, transportation, and labor market access**. How these factors, now combined with physical limitations, exertional and non-exertional, will impact a final PTD determination is certainly the challenge for JCCs.

Remember there are "**65 Worker Trait Factors**" established by the USDL DOT that may be evaluated by a Transferable Skills Analysis. "**BUT WAIT**" "**THERE IS MORE**"... We may now expand the definition and the challenge with some factor analysis of our Labor Market Survey (LMS) results.

1st DCA Opinions have affirmed the importance of "**physical restrictions coupled with .. vocational limitations**" and the JCCs need to consider "**vocational impairments**" **Garcia v. Fence Masters (08/06/09)**. This 1st DCA Opinion has been referenced in JCC

Orders where vocational factors have had an impact on PTD Decisions.

The consideration of **multiple Vocational Evaluations** and Evaluators was affirmed recently by the 1st DCA in **Hernandez v. Paris Industrial (07/07/10)**. While the legislature has limited IMEs to one "per accident" .. "it has not created such a limit on vocational / rehabilitation providers".

These Opinions may continue a trend that began, for some of us, with the 1st DCA's affirmation of the JCC Order of Judge Beck in **Ferrell Gas v. Norman Childers (04/07/08)**. The 1st DCA affirmed that the **vocational factors** "were properly considered" by the JCC.

What does this mean for PTD in 2011? PTD is seldom simply a clear medical determination. We will have new questions. How shall we weight Labor Markets, Labor Market Surveys, and Labor Market Access as Vocational Factors? All Factors, of course, are very case specific.

Vocational & Medical Rehabilitation Professionals

England & Associates Professional Team Members

Bill R. England, MS, CRC, CDMS, CCM, OWCP RCC
Phyllis Rothman, RN, MS, CDMS, CCM, CLCP
Daniel Giles, MA, CRC, DVR Vocational / Work Evaluator
Susie Alarie, MA, CRC, QRP Vocational Case Manager
Desire White, MA, CRC, DVR Vocational / Work Evaluator
Pamela Barnette, MA, Labor Market Survey Analyst
Liz England, MS, SSA Ticket-To Work Specialist
Danny Kessie, CMTS Software Programmer

Rehabilitation Services & Expertise

Certified Life Care Plans, TBI Case Management, Work Injury Medical Case Management, Medical Cost Analysis, Vocational Evaluation, Vocational Testing, Job Analysis, Job Modification, Reemployment Services, Labor Market Survey Research, Placement Services, Direct Placement, Medical Actuarial Cost Projections, Wage & Salary Analysis, Occupational Analysis, OJT Plan Development, Vocational Training Plan Development, Vocational Expert Witness, Medical Expert Witness, & Witness Consultants.

E & A Holiday Spotlight: Desiré White

Desire White: MA, CRC, QRP. For the last two years, Desire has been working at England & Associates. She started as a part-time intern and quickly graduated to full-time. Desire currently provides services for our Florida

Division of Vocational Rehabilitation "Customers", Forensic Case Plaintiffs, Claimants, and Family Law Clients. She also provides Labor Market Research, Medical File Review, Testing, and Reemployment Services.

In her spare time, Desire enjoys watching her Gators play Football! This Holiday Season she will be spending time with family in Brooksville, Florida She is looking forward to seeing her relatives from Buffalo, New York. One of her favorite

annual Holiday traditions is the family's "grab bag" game. "Imagine dollar store items wrapped up and fought over by fun-loving adults" It is always a good time for one and all! Desire wishes everyone a wonderful holiday!

England & Associates - Case Management Tracking System: Version 2.0

Case Management Tracking System (CMTS) was developed in 2005 at England & Associates to fulfill the need to have a multi-purpose data entry and case management program. CMTS offers the ability to simultaneously

manage Case Notes, Client demographics, referral data, invoicing, case contacts and case loads. The CMTS Case Management Programmer has now finalized **Version 2.0** with enhancements for contact track-

ing, individual Case Load management, and service reporting. Current users and future purchasers of CMTS will have the benefit of software that was developed specifically for the Medical and Vocational Rehabilitation Practice.

CMTS will operate within XP or Vista on individual PCs or a Network multi-user environment. The data base operates with Microsoft Access 2003 or 2007. Call us today for an on-line or on-site demonstration!

CMTS Features: Case Contacts, Electronic Case Notes, Service Activity, Case Manager Productivity Measurement, Professional Service Invoicing, Accounts Receivable Management, Account Aging, & Data Base Reports.



The **Case Management Tracking System (CMTS)** has over 42 standard screens developed through practice to facilitate end User tasks. CMTS tracks key case contacts including: Clients, Adjusters, Attorneys, Physicians, and 'other' Professionals.

The CMTS Software will create date stamped electronic case notes that may be printed when

required for hard-copy documentation. CMTS software will convert service contacts into line item billing for Florida DWC-21s or generic Professional Invoices that may be used in multiple systems or private pay case service scenarios. Case Service hours are tracked by the case, invoice, case load, referral or case manager.



Call our Programmer, Danny Kessie for an on-line Demo! (727) 547-4488 or (813) 248-4488

IARP Florida Seminars, Workshops & Conferences



IARP Florida Annual State Conference: April 14th- 15th, 2011

This year the IARP-Florida State Board joined with the Workers Compensation Claims Professionals (WCCP) and the Florida Bar WC Forum for a two day State Conference. This combination of Professional WC organizations resulted in a successful conference

at the Omni Champions Gate Resort in Orlando. A second year is now planned! Mark your Calendars for **April 14th- 15th, 2011**. CEUs will be available for WC Adjusters, Attorneys, Medical and Rehabilitation Case Managers. The 2011 program will again include WC Legal, Medical, Social Security, and Vocational seminars available with two tracks of programs.

Bill England, has been asked to moderate the panel: **Trial Practice: Use of Vocational Experts**. Rob Grace, Esq. and Michael Winer, Esq. will join the panel as WC Legal Experts. The Vocational Experts will include: Steven Cooley, John Orphanidys, Gil Spruance and other local Vocational Experts. 1st DCA Opinions and JCC Orders will be referenced.

SW IARP - Seminar - Developments & Trends in Florida Rehabilitation

The SW District of IARP-Florida held a Workshop at the Stetson College of Law in Tampa on November 5, 2010, for the fifth year. The day of presentations highlighted recent developments in the field of Vocational Rehabilitation. Presentations were of particular interest to Florida Qualified Rehabilitation Providers (QRPs). Programs included:

DVR / BRRS Public & Private Partnerships: Virginia Griffith & John Orphanidys

Disability Mentoring Day 2010 - Florida & Federal Disability Law: Dr. JR Harding

JCC Orders & 1st DCA Opinions: Steve Cooley, Nancy Drwal, & Bill England

Ethical Issues in Rehabilitation: Dr. Michael Richard

WC Judges Panel: The Honorable Donna Remsnyder, The Honorable Doris Jenkins & The Honorable Ellen Lorenzen

LABOR MARKET SURVEYS - ACCESS - STATISTICS

Labor Market Surveys:

We continue to conduct Labor Market Surveys with successful outcomes in a variety of Florida geographic areas, including: Tampa, St. Petersburg, Sarasota, Ft. Myers, Venice, Englewood, Vero Beach, Miami, and Lakeland. Our primary focus is the Tampa Bay geographic area.

What are successful outcomes? We define that as the documented identification of Labor Markets for **Sedentary and Light-Duty Job Openings**. Our Clients, SSI, SSDI, DVR Customers, and WC Injured Workers, almost always require Job Openings within the range of **Sedentary / Light-Duty Physical Demand Level (PDL)**.

Labor Market Access:

This term is too often overlooked when we discuss the viability of Labor Markets for our Clients. Labor Market Access will include **factors that either facilitate or limit the Client's ability to "Access" the Job Openings** within any Labor Market. These factors may include: transportation, access to a local bus line, a valid bus pass, an operable personal vehicle, language factors, English literacy, legal history, personal telephone, voice mail or answer machine, ability to use a bus map, driving tolerance or bus riding tolerances, current Job Skills and/or vocational aptitude to obtain such Job Skills. Simply identifying a Labor Market for Sedentary Jobs will not guarantee any Client's "Access" to the Labor Market and the Job Openings confirmed as available. The completion of a comprehensive Vocational Interview will identify these factors for accommodation.

Labor Market Statistics:

We have found over the last 10 years that Florida Labor Market Information (LMI) and the Agency for Workforce Innovation provide excellent prediction for Labor Market size, frequency of Job Openings and wages. The statistics are updated Quarterly for every county in Florida. Preliminary Labor Market Surveys begin with obtaining the local data for specific Occupations.

Impact of Unemployment Rates:

The primary impact we have found will be the increase in number of Job Applicants for any opening, "not" an inability to locate Sedentary or Light-Duty Job Openings. **We remind our Clients that they "only need one Job Opening"**. Our successful Clients will accept this as a true positive fact of Job Search and focus on locating that Job.

**Happy Holidays
and a Wonderful
New Year!!!
for
Best Wishes**

Vocational Rehabilitation Services are provided by four (4) **Certified Rehabilitation Counselors**, who manage case work in the most cost effective manner, concluding evaluations to provide Reemployment Assessments, Vocational Evaluations and Testing that will objectively document the Client's Reemployment status, Employment, and wage earning capacity.

Rehabilitation Services Venues include: Florida Workers Compensation, Family Law, Auto Injury, Personal Injury, Longshore & Harbor Workers Act, Jones Act, Social Security, Florida and out-of state Workers' Compensation. Our primary referral sources are Attorneys and Insurance Carriers. We have expanded to provide services through the Social Security Administration, Department of Vocational Rehabilitation (DVR), and the Bureau of Rehabilitation & Reemployment Services.



Medical Case Management Services are provided within all venues. Our Nurse Case Manager has specialized professional expertise in TBI Case Management and Life Care Plans. She is a **Certified Life Care Planner**, who has provided Life Care Plans with medical cost projections ranging from several thousand to over four million dollars on WC and PI case work. Phyllis Rothman, RN, MS, CDMs, CCM, CLCP, is an experienced Medical Case Manager, who will **expedite return to work** for Clients when obtaining Job Descriptions, Work Capacity, Work Releases, and documentation of Functional Capacity Evaluations.

England & Associates - Rehabilitation Services



England & Associates is centrally located in the city of St. Petersburg, Florida. We provide Vocational Evaluation Services, Reemployment Services, and Medical Case Management primarily in West Central Florida. We serve the entire State and provide out-of-state case services upon request from our referral sources.

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