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SBO FOOT & ANKLE WORKER'S COMPENSATION

Helping injured workers alleviate pain, restore function, and return to gainful work

This resource was developed with assistance of the South Bend Orthopaedic foot and ankle orthopaedic surgeons to help injured workers understand general goals for alleviating pain, restoring function lost to workplace injury, and return to gainful work.

GOAL: Our goal is to accurately identify your injury, provide either a nonoperative or operative plan to your recovery, and determine any residual limitations that may result from your injury.

RETURN TO WORK: Our goal is to assist you in your return to work in a timely and safe manner. We understand that your recovery will take time, and we assure you that we will be relentless in our pursuit to help. Each injury and patient is unique, but we have common pathways to return to your occupation based on your job requirements and extent of injury. It is common to either return to work based on limitations in hours (for example, 4 hours then 6 hours then 8 hours per day without overtime) or limitation in activity (for example, sedentary work only then sit/stand option then specific limitations). The State of Indiana and your company requires physicians to provide your specific limitations. Only under very rare circumstances are physicians allowed to state patients are totally incapacitated and unable to return to work. Physicians must set limitations to the operative extremity as well as patient as a whole. However, it is your company's responsibility to determine whether they can accommodate the limitations set by your physician.

WORK HARDENING: Work hardening is an interdisciplinary, individualized, job specific program of activity with a long-term goal of return to work. Work Hardening programs use real or simulated work tasks and progressively graded conditioning exercises that are based on the individual's measured tolerances. Although Work Hardening is not universally necessary for all patients, Work Hardening is sometimes a necessary step to safely return patients to their workplace.

FUNCTIONAL CAPACITY EVALUATION: Functional capacity evaluations (FCE) evaluates an individual's capacity to perform work activities related to his or her participation in employment. The goal is to provide an objective evaluation of the patient's current recovery status as well as functional limitations specific to their occupation and injury. The FCE process compares the individual's health status and body functions and structures to the demands of the job and the work environment.

PERMANENT PARTIAL IMPAIRMENT: Your physician is not responsible for determining if you are disabled. Disability is a legal term, not a medical term. Permanent partial impairment (PPI) is some type of lasting impairment or residual injury that only allows patients to be capable of returning to modified or lower-paying work. Your possible impairment will be based on American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment, Sixth Edition.

MAXIMAL MEDICAL IMPROVEMENT: Maximum medical improvement (MMI) occurs when an injured employee reaches a state where his or her condition cannot be improved any further or when a treatment plateau in a person's healing process is reached.

RIGHT TO REOPEN CASE: According to Indiana law as of April 2020, as stated in the Guide to Indiana Workers' Compensation, one may reopen a claim for the following reasons:

- The light duty assigned by the employer is no longer available.
- The injured worker becomes temporarily totally disabled (unable to work).
- The injured worker suffers a condition change or the condition worsens due to the injury.
- Impairment from the original injury is now evident.
- Permanent partial impairment increased from what it was at the time of the original PPI settlement.

To reopen a claim due to any change in condition, directly related to the original injury, an Application for Adjustment of Claim (Form 29109) must be filed with the Workers' Compensation Board within 2 years from the last date for which you were paid compensation. Please note that there are time when a case cannot be reopened because of the type of settlement that was agreed upon. For instance, if you signed a Section 15 Settlement Agreement— a full and final settlement agreement— when you originally settled your claim, then you may not be able to reopen your case.

REFERENCES:

1. <http://www.workerscompindiana.com/>