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# The OHARA Times

Referrals to an OHARA case manager can now be made online at [www.oharallc.com](http://www.oharallc.com). Just click on the Online Referral page and submit the information. OR send an email to [referral@oharallc.com](mailto:referral@oharallc.com)

## REMINDER: FLAVOR OF THE MONTH!

Every time you refer a file your name goes in the drawing for our Flavor of the Month.

At the end of each month, winners are randomly selected to win a \$25 gift card to Target and ice cream for the whole office the next time an OHARA representative is in your area.

Winners are posted to the OHARA website by the 15th of the month, for the month prior. **So, keep the referrals coming for your chance to win!**

### Joel Lee

I have been performing case management and vocational rehabilitation services since 1982.

I enjoy spending time with my wife, Sharon and son, Travis along with my step sons and daughters: Brian, Scott, Nikki and Taylor. Our dog Shadow provides great companionship as well.

My favorite hobby is fishing!

My favorite holiday is St. Patrick's Day as it is also my eldest daughter's birthday. We celebrate these together by attending the local parade.

I have provided an article on voc rehab on the reverse side, please take time to check it out!



### Patrick Wilder, MS, CRC, CCM, QRC

I have been performing case management since 1980 in Minneapolis and the surrounding areas.

I enjoy spending time with my wife of 19 years, Corrine and Cossie, our 7 year old, very loyal Belgian Malinois dog. My father, age 92, and mother, age 90, remain living in their home a short distance away in Grinnell, Iowa, which allows me to visit them frequently.

My favorite holiday is Thanksgiving. I love to prepare the turkey with herbs and maple butter and then cook it on the grill with mesquite chips and basted with lots of broth. The holiday is special as there is always a great amount of food, football and the gathering of family and friends. The other part of Thanksgiving that makes it special is having the next three days to work off the meal and finish preparing the house and yard for winter.

My hobbies include a long history of competing in 10K's, marathons, triathlons and taekwondo, which have now been replaced with cooking, golf and some recreational biking. Actually, cooking has always been a passion and is shared equally with my wife. Whether it is a Saturday night candlelight dinner with just the two of us or a larger gathering with our gourmet group, we always enjoy the camaraderie and benefits of trying new and favorite recipes and wines.

I have found that some of the simple rules in golf apply to work and life as well: Keep your head down, keep your eye on the ball and ignore the surrounding distractions.

# *Vocational Rehabilitation in South Dakota*

**The real reason for using vocational rehabilitation in South Dakota** can be found in statute 62-4-5. This statute states that if an employee is not able to return to his or her usual and customary employment, then they are entitled to work comp benefits during the period that they are engaged in a program of rehabilitation that is reasonably necessary to restore them to suitable, substantial and gainful employment.

The key terms here are 'suitable, substantial and gainful.'

Suitable means that the jobs are appropriate for the client given his or her transferable skills and work restrictions.

Substantial means that the jobs afford the client a comparable level and status of employment. (Hence a 40 hour per week job cannot be replaced with a 20 hour per week job, and a permanent position cannot be replaced with a temporary position.) A substantial job must also have 'true value' to the employer with regard to business function. (Hence a 'makeshift job' that might have been acceptable as part of a temporary in-house work hardening program will not be acceptable as a permanent placement for the client.) South Dakota statutes also state that a substantial job must exist in the client's community on a regular and continuous basis. (Hence the need for a labor market survey and/or other data that will confirm the availability of appropriate jobs for the client.)

Gainful means that the jobs afford the client the ability to return to a wage that is no less than 85% of his or her pre-injury wage. It should be noted that this definition of 'gainful' employment applies only to an individual who is seeking rehabilitation benefits and does not apply to someone who is forwarding a claim for perm total disability benefits (i.e. the wage standard for a perm total claim is based on the TT benefit rate applicable to the employee at the time of the injury).

In short, you need a Vocational Rehabilitation Specialist to research all of the data and draft a report that answers the question, 'What is it going to take to return this claimant to suitable, substantial and gainful employment?'

This process starts with the Vocational Rehabilitation Specialist obtaining accurate work restrictions and ends with the Vocational Rehabilitation Specialist testifying in court.

Case activities frequently performed by a Vocational Rehabilitation Specialist would include the following: FCE coordination, job analysis, job site work hardening, transferable skills analysis, alternative goal development, labor market survey, out-placement services, OJT coordination, vocational testing, vocational evaluation, retraining plan development and expert testimony.

## **So when should I assign a specific case to a Vocational Rehabilitation Specialist?**

I advise Account Representatives to watch for 'red flags' when they are thinking about a referral. When the number of red flags exceeds their comfort level, then it is time to involve a Vocational Rehabilitation Specialist.

A sampling of 'red flags' would include the following: claimant has multiple work related and non-work related medical conditions, claimant is involved in an extended 'lost time' case, claimant is receiving non-financial secondary gain from being off work, claimant is receiving non-work comp financial benefits from being off work, claimant has a history of treatment plan noncompliance, unusual or excessive work restrictions have been issued, claimant's FCE is deemed to be invalid, current employer is unwilling (not unable) to accommodate work restrictions, claimant has a history of performance/behavior problems at work, claimant has a work history that includes many employers, claimant has a work history that includes many unexplained periods of unemployment, claimant has a work history that does not afford many transferable skills, claimant has an educational history that includes a GED or less, claimant provides his Physician with an inaccurate description of his work duties, claimant provides his Physician with an inaccurate description of his work environment, if the claimant has a history of multiple work comp claims, claimant has hired an Attorney and/or if the claimant is pursuing a Plaintiff vocational evaluation.

## **What is the financial benefit of having a Vocational Rehabilitation Specialist assigned to a file?**

Financial benefits for the work comp carrier will vary from case to case. In one instance the savings will be \$43,867.04. In another instance it will be \$346,368.58.

The first number is the cost of a formal retraining program that was saved when it was demonstrated that a claimant was capable of being re-employed via outplacement activities. The second number is the cost of perm total settlement demand that was saved when it was demonstrated that a claimant was capable of being re-employed via outplacement activities.

-Joel Lee, Vocational Rehab Specialist for OHARA Managed Care