

## **New test helps courts determine employer liability**

*Springfield Physical Medicine's equipment can provide objective results in worker's comp cases*

By Jeremy Elwood - 3/20/2006

Springfield Business Journal Staff

A new test being offered by one Springfield physical therapy clinic could make it easier for employers and employees to determine workers' compensation benefits.

Springfield Physical Medicine installed Physical Capacity Profile testing equipment in February that can test the amount of work that potential employees are able to do. It's a system that allows potential employees to be tested on their absolute strength, rather than their strength related to an individual task.

"Traditionally, tests of this sort have been basically lift-a-box type tests," said Dr. Charles Mauldin of Springfield Physical Medicine. "In other words, if you had to lift 75 pounds at work, then you'd come in and we'd have 75 pounds in a box, and we'd say, 'Lift that box.' You don't know what their absolute strength is, so you don't have anything to compare it to if they get injured."

The new testing equipment, which tests a person's range of motion and lower back strength, puts Springfield Physical Medicine in position as the only clinic in Springfield to use Physical Capacity Profile testing.

The system is one of only four in Missouri, according to OPC Business Development Director Brian Richardson; the others are in Joplin, Moberly and St. Joseph.

The \$32,000 system also gives employers and employees legal ground to stand on in workers' compensation cases, as changes to workers' comp laws that took effect in August only require employers to pay for the portion of an injury for which the job was responsible.

According to workers' compensation attorney Rebecca Tatlow, results from these new tests help determine the liability of both employer and employee.

"One of the changes in the law is that there have to be objective findings for the doctors to base their determinations of disability on. What Dr. Mauldin has done is get machines that will specifically give tests to employees to determine how much (of their injury) is work-related and how much is not," Tatlow said. "He's keeping up with the changes in the law. The employee gets a better idea of what they can and can't do physically, and the employer gets a better idea of what they're liable for."

That information is crucial due to the changes in workers' compensation law. Now that employers are only responsible for costs from an injury or disability if work was the prevailing factor in the injury, both employers and employees need impartial test results to show where liability falls.



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New equipment at Springfield Physical Therapy Medicine tests one's absolute strength. Dr. Charles Mauldin compares the test result with one's post-injury strength to help determine an employer's liability in work-related accidents.

"More employers are giving these tests so doctors have objective data to base findings on, which means it's admissible in court," Tatlow said. "With these tests, the employer and the employee will have the evidence they need to try to prove in court the extent of the injury."

Aside from the legal advantages of the tests, though, Mauldin said the tests also can help to prevent injuries. He cited a study done in the early 1990s, when more than 2,000 new hires at a Kansas factory were tested; some matched their new jobs, while others did not.

"Over the next three to four years, they looked at the rate of injury in the matched (workers) compared to the mismatched, and there was a tenfold difference," Mauldin said. "It's not a subtle difference at all. (The tests) really do help to reduce injuries."

Mauldin added that only people who have been given a conditional job offer can be tested due to federal legal guidelines.

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