


OCCUPATIONAL THERAPY MEDICO-LEGAL ASSESSMENT

INFORMATION FOR CLIENTS



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INTRODUCTION

Following commencement of litigation proceedings after an illness or injury, the unbiased opinion of an experienced Occupational Therapist is extremely beneficial in assisting the court to determine the impact of the illness or injury on a person's life.

When the client has reached maximum medical improvement, an Occupational Therapy assessment is needed to identify the residual impact of the illness or injury on the client's ability to carry out their personal care, domestic, work and leisure activities.

The Occupational Therapist will identify any loss of personal or domestic independence, loss of recreational opportunity, and loss of vocational opportunity.

The Occupational Therapist will carry out a detailed and thorough analysis of the client's illness or injuries using a functional capacity evaluation.



WHAT IS A FUNCTIONAL CAPACITY EVALUATION?

A functional capacity evaluation (FCE) is a detailed, objective assessment of the client's physical and functional abilities.

It captures the client's maximum functional capacity despite his or her limitations.

It is used to determine the client's ability to safely perform the physical demands of their daily activities on a dependable basis.

While an FCE mainly focuses on the physical demands of an activity, it can also include an evaluation of cognitive demands and abilities, if such testing is required.

Functional testing is administered within the safe confines of the client's health condition.



WHAT HAPPENS DURING AN FCE?

(1) First, the Occupational Therapist will review a copy of the client's medical records that details the injury or illness.

2) The Occupational Therapist will discuss with the client, their medical and treatment history, their pain levels, their abilities and limitations, their daily routine, their personal care routine, vocational history and leisure interests.

(3) The Occupational Therapist will review the client's gait, posture, flexibility, dynamic flexibility, balance, coordination, range of motion, muscle strength and other special tests as required.

(4) Multiple tests of functional capacity will be carried out, which may include:

- Graded manual-handling activities such as lifting, carrying, pushing, and pulling.
- Positional tolerance activities such as sitting, standing, walking, balancing, reaching, stooping, kneeling, crouching, and crawling.
- Tests of hand function using manual dexterity tasks.
- Cognitive testing may be included depending on symptoms and diagnosis.

(5) Functional tests may be carried out in the client's home environment to assess their performance in personal care and domestic activities, while assessing the accessibility and suitability of their home environment.

IMPORTANT CONSIDERATIONS DURING THE FCE



CONSISTENCY OF EFFORT

The Occupational Therapist will encourage the client to put forth a good effort during the FCE. It is the assumption of the Occupational Therapist that every client is putting forth full effort during testing and this opinion will not change unless objective information gathered during the test would suggest otherwise.

The FCE uses various methods to test pain levels. The Occupational Therapist will consider the reliability and accuracy of the client's subjective pain reports.



RELIABILITY OF PAIN

RECOMMENDATIONS

FURTHER THERAPY

- An OT Medico Legal Report will make recommendations for further therapy, as required.
- It may recommend onward referral to other specialists such as Podiatry, Clinical Dietetics, Orthotics, Psychiatry, Clinical Psychology, Physiotherapy etc.
- The assessment is useful In a clinical setting to develop a customized rehabilitation program or to adjust an existing rehabilitation program.

- An OT Medico Legal Report will make recommendations for any specialist equipment required.
- For example: wheelchairs, specialised seating, transfer aids, sleeping aids, bathing aids, feeding aids, exercise equipment etc.

AIDS AND APPLIANCES

HOUSING ADAPTATIONS

- The Occupational Therapist will make recommendations for any adaptations required to the client's home environment to facilitate access, safety, and independence.
- The Occupational Therapist will identify if there is a need for re-housing.



VEHICLE ADAPTATIONS

- The OT Report will comment on the client's fitness to drive.
- The Occupational Therapist will identify the need for modifications to the client's car or the need to purchase a wheelchair accessible vehicle.
- The report will include estimated costings for vehicle modifications, disabled driver's insurance, and carer's driving insurance.

- An FCE can determine a client's fitness for work.
- If the client can return to work, an FCE can help determine whether the client must return to work in a reduced capacity or whether certain work accommodations must be made.
- A separate detailed vocational analysis report may be required.



BACK TO WORK SUPPORTS

Detailed costings for all recommendations are included in the report.



WHERE WILL THE ASSESSMENT TAKE PLACE?

The assessment is usually completed in your home environment, as this gives the therapist a full picture of how you manage day to day life and how your environment supports or limits your independence.

In some cases, especially for upper limb assessments or where specific equipment is needed, the evaluation may be conducted in a clinical setting.

WHAT SHOULD I WEAR?

Please wear comfortable clothing that allows for free movement during the assessment.

HOW LONG WILL IT TAKE?

Typical duration: 2-3 Hours

You may need short rest breaks during the session, which we are happy to accommodate.

PLEASE NOTE:

This is an independent assessment and does not replace ongoing therapy.

You are welcome to have a family member or support person present if that makes you feel more comfortable.



WHO CAN REFER?

A referral to OT Legal must be completed by a solicitor or insurance company who is known to the person being referred.

Referrals are accepted in writing by post or email.

ABOUT THE THERAPIST

CONTACT DETAILS

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Fiona O'Loughlin is a Senior Occupational Therapist, registered with CORU. She has additional education, training, and competencies specific to the design, administration and interpretation of FCEs. She has additional qualifications in psychology and vocational rehabilitation.