

# Rules of the Road from the Board of Medical Licensure and Discipline: Temporary Disability Evaluations



The Board of Medical Licensure and Discipline has been working with state auditors to investigate potential misuse of the Temporary Disability Insurance (TDI) evaluation system. A pattern has emerged, revealing how some patients have annually received certifications for temporary disability insurance that coincide with traditional seasonal layoffs for certain occupations. The board's extensive investigation has since revealed a myriad of issues involving this evaluation system, with inadequate documentation by healthcare providers being the most common deficiency.

Some healthcare providers may encounter the e problems due to confusion and misperceptions about the Temporary Disability Insurance program, or because they don't fully understand their role in these matters. Others may not be aware of their option when presented with a patient seeking Temporary Disability Insurance.

The Rules of the Road for evaluating such patients begins with the Temporary Disability Insurance program overview provided by the Rhode Island Department of Labor and Training, which administers the program: "TDI provides benefit payments to insured RI workers for weeks of unemployment caused by a temporary disability or injury. The TD/ program, enacted in 1942, was the first of its kind in the United States. It protects workers against wage loss resulting from a non-work-related illness or injury and is funded exclusively by Rhode Island workers."

The Temporary Disability Insurance program requires impartial qualified healthcare providers to certify these patient as having a non-work-related illness or disability. The qualified healthcare provider must:

1. Come to a defemination regarding ability of the patient to return to work using standard medical practice and sound judgment. The Temporary Disability Insurance program is designed for workers who " ... become ill or injured, and an examination by a healthcare provider indicates that you cannot work for at least seven consecutive days."

2. Provide an appropriate documentation of the patient's condition in the medical record. relationship of injury or illness to work, and its relevance to the patient's inability to work. It is expected that a review of the medical record would justify the determination for disability, functional limitations as well as the expected time for recovery.
3. Give the patient an honest answer, which at times will be, 'No, you are not temporarily disabled. Temporary disability ordinarily should not have a seasonal pattern.

The Board of Medical Licensure and Discipline reminds all healthcare providers that if an investigation were to reveal an inappropriate pattern of Temporary Disability Insurance approvals, appearance of "rubber stamping" request, or inadequate documentation, this would be grounds for Unprofessional Conduct.

Please also remember the importance of proper documentation for every patient encounter. Rhode Island's Rules and Regulation for the Licensure and Discipline of Physicians Section 11.4 states, "Medical Records shall be legible ... The records must contain sufficient information to justify the course of treatment, including, but not limited to: active problem and medication lists; patient histories; examination results; test results; records of prescribed, dispensed, or administered; and reports of consultations and hospitalizations."