



ISR Physical Therapy

FCE Tip August, 2014

By Richard W. Bunch, PhD, PT

FCEs and Pregnancy – Being Compliant with the Pregnancy Discrimination Act.

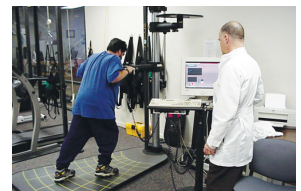
Occasionally, we are asked to conduct a functional capacity evaluation on a pregnant woman for the purpose of return to work capacities assessment or for determination of ability to perform work safely as a new hire. The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring and return to work. Regardless of the nature of the FCE, there should be accommodations (restrictions) in place that ensure safety in testing for a pregnant woman. The employer should establish clear policies for reasonable accommodations such as leave or modifications that enable an employee to perform her job absent undue hardship (significant difficulty or expense). Impairments resulting from pregnancy (for example, gestational diabetes or preeclampsia) meet the definitions of disabilities under the 2008 amended Americans with Disabilities Act (ADA). In regards to FCEs, physically demanding tests (e.g. lift and carry tests) should be avoided on a pregnant test recipient due to adverse effects of hormonal changes and altered body mechanics, particularly in the 2nd and 3rd trimesters. A miscarriage or birth abnormality is an emotionally charged issue. Should the test recipient feel that a FCE caused injury to her unborn child, she has the right to file a claim. The statute of limitations for filing such a liability claim varies with each state, and may range from one year after birth to a person's twenty-first year of age, and possibly longer in certain circumstances. After pregnancy and full recovery to normal status, the employer can require a job-specific fit-for-duty FCE to determine if accommodations can be removed for safe return to full duty. At such a time, the FCE can provide accurate assessment of residual functional capacities and identify specific accommodations, if still needed, to work safely.

LOCATIONS:

HOUMA WEST
478 Corporate Dr.
Houma, LA 70360
985-872-5911

HOUMA EAST
814 Grand Caillou Rd. Ste 17
Houma, LA 70363
985-346-0383

NEW ORLEANS
1516 River Oaks Rd. West
Harahan, LA 70123
504-733-2111



ABOUT OUR EVALUATORS:



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Dr. Bunch is founder and CEO of ISR Institute. He is a nationally renowned professional speaker, author and consultant on the topics of wellness, ergonomics, injury prevention and injury management.



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Trevor is a Board Certified Orthopedic Specialist and Certified Behavioral Based Ergonomic Specialist. He is also Certified in Mechanical Diagnosis and Therapy of the Spine by the McKenzie Institute USA, is a Certified Strength and Conditioning Specialist, and is currently the Training Director for the Worksaver FCE Protocol. Mr. Bardarson is also the Vice President of Clinical Operations for Industrial Safety and Rehabilitation Institute and Clinic Director/Partner of ISR Physical Therapy of Houma, LLC.



Marc Cavallino, MPT, OCS
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Marc completed his Masters of Physical Therapy at Emory University in 2001. He has had the opportunity since his graduation to work with a variety of orthopedic conditions and is experienced in FCEs, work conditioning, sports injuries as well as back and neck injuries.