

ENGLAND & ASSOCIATES

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'EXPERIENCE IS NOT EXPENSIVE.....IT IS PRICELESS'



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EAssociates Rehab News

Warm Wishes This Holiday Season!

2013 has been an eventful year thanks to our Referral Sources, Customers, and Colleagues. We appreciate the challenge of unique case work. We have continued to build a Team of Rehabilitation Professionals. We have expanded with new office space in Tampa. We continue to contribute to our profession through presentations to Graduate Students, Colleagues, Adjusters, and Attorneys.

Florida Legislative Changes for Rehabilitation Experts

The **Daubert Standard** became the Florida Standard for Expert Witnesses on **July 1, 2013, with House Bill (HB) 7105**. This will bring Florida in line with the current **Federal Rules of Evidence** for all Expert Witness Testimony.

The **Florida Statute Rules of Evidence Code**, Section 90.702 and 90.704 have been changed.

Previously, under the Frye Standard, an Expert could offer opinion based simply upon their education, expertise, experience and specialized knowledge.

The Frye "**general acceptance**" test is no longer sufficient for assessing the admissibility of expert testimony. The Federal Rules of Evidence (FRE), **Rule 702** was amended in 2000 to reflect the rulings of the US Supreme Court in the cases of Daubert (1993), Joiner (1997), and Kumho (1999).

The Daubert Standard will require objective support of opinion, based upon recognized

professional standards, methods, procedures, and process.

Under the Daubert Standard an **Expert Witness**, who is qualified by knowledge, skill, experience, training, or education, **may testify if** (1) testimony is based on sufficient facts or data; (2) the testimony is the product of reliable principles and methods; and (3) the expert has reliably applied the principles and methods to the facts of the case.

The **Legislative Intent** written within HB 7105 is to "**prohibit in the courts of this state pure opinion Testimony**".

This will require Rehabilitation Specialists, Vocational Evaluators and Life Care Planners to support their opinion with recognized Evaluation technique, process, procedures, and standards.

Claim Adjusters, Defense Attorneys, and Claimant Attorneys, may expect their Vocational Experts to Administer Vocational Testing, reference Labor Market Survey

(LMS) Research, and explain their methodology for Vocational Evaluations. More thorough documentation will be required under Daubert.

Good documentation will always be defensible. Unsupported



opinion has less value than ever.

This will now apply to all Florida venues: Workers' Compensation, Family Court, Civil Court, and any Federal Case.

Vocational & Medical Rehabilitation Professionals

Bill R. England, MS, CRC, CDMS, CCM, OWCP RCC
 Daniel Giles, MA, CRC, DVR Vocational / Work Evaluator
 Leah Braswell, BA, Administrative Assistant
 Amy M. Ice, MA, CRC, Vocational Evaluator
 Pamela Barnette, BA, MS, LMS Research Specialist

Phyllis Rothman, RN, MS, CDMS, CCM, CLCP
 Devon Willette, BA, MA, CRC, Vocational Evaluator
 Danny Kessie, CMTS Software Programmer
 Marian England, Business Marketing Consultant
 Melody Mansour, BA, LMS Research Specialist

EAssociates - Employee Holiday Spotlights:

Leah Braswell:



Leah began her 4th year with England & Associates this season. She is the key Administrative resource. Leah has begun taking on case work assignments 50% of the time. She has obtained her Associate Disability Management Specialist Certificate. She will take the CDMS Exam in 2014. She has a BA in Health Administration and an AA in Human Services. We are now scheduling Interviews for a second Administrative Assistant to facilitate Leah's transition to more case management assignments. In her free time she enjoys a family night with fun, food and entertainment!

Daniel Giles:

Dan Giles provides training and supervision to our new employees and Interns. He provides public and private sector evaluations.

Dan is the President Elect for the International Association of Rehabilitation Professionals (IARP) Florida Chapter, 2013–2014. Dan has provided presentations at the



University of South Florida (USF) this year on "private sector Rehabilitation" and Vocational Evaluations.

He continues to provide Comprehensive Vocational Evaluations for our DVR Customers from the Palmetto Office, which he opened 3 years ago.

Dan just returned from a Thanksgiving trip to Georgia at the family's hunting lodge. He plans to spend the Holidays with his wife Sheryl.

Amy Ice:

Amy joined the firm as a Vocational Evaluator. She has been dually trained in

DVR Evaluations.

Amy earned her MA in Rehabilitation & Mental Health Counseling at USF in 2010. She became a Certified Rehabilitation Counselor (CRC) in 2011.

Amy enjoyed her Thanksgiving Vacation this year with her entire family in Hawaii .



Melody Mansour:

Melody joined the team this year as a Vocational Research Specialist. Melody is completing her



She plans to complete her Internship at our office. Melody is responsible for Labor Market Survey Research. She conducts Medical File Reviews (MFRs). Melody enjoyed a trip to Hawaii with her Family for the Thanksgiving Holiday.

Devon Willette:

Devon Willette obtained her CRC credential and became a DVR Certified Vocational / Work Evaluator in January of



2013. Devon remains an active member of IARP. She is Secretary of WRCMA (West Coast Regional Case Management Association). Devon has become the go-to Evaluator for Family Law Casework. She has presented our Evaluation methodology to graduate students at USF. She plans to spend the holiday

England & Associates Tampa, St. Petersburg & Palmetto Offices

In 2013 England & Associates expanded to satellite offices in Tampa. Our Palmetto Office continues to provide services for Manatee County and Sarasota County. Our main office remains in St. Petersburg. To accommodate our Clients in the Tampa area we now offer 4 locations for Interviews and Vocational Testing. You may obtain more information on our office locations at our web site: <http://www.breaREHAB.com> or call (727) 347-0386.

Florida Bar Forum, USF Presentations, FWCI Conference & IARP Seminars

England & Associates had the Opportunity to participate in several professional seminars and conferences this year. The SW District of IARP held a seminar on March 8, 2013 at the USF St. Petersburg Campus, ***Pathways to Serving our Clients***. Our entire staff of IARP Members participated as volunteers. This year Bill England was the Moderator for an Expert Vocational Panel at the ***Florida Bar WC Forum*** in April 2013.

The Florida Bar WC Forum Committee has invited Bill England for a 5th year to present ***Trial Practice: Use of Vocational Experts*** at the Florida Bar Forum on April 10, 2014. Panel Members will include: Defense Attorney, Rob Grace; Claimant Attorney, Jeffery Appel; and Vocational Evaluators: Steven Cooley, Gil Spruance, and David Patten. This will be the 5th year for most of the Panel Members. The Panel will address JCC Orders and 1st DCA Decisions involving Vocational Testimony.



We attended the ***WCI Conference*** in August 2013. IARP Members from our office participated for four days as Exhibit Booth Volunteers for the Florida Chapter of IARP. England & Associates sponsored the IARP reception for Chapter Members. Mr. England participated with the ***Legislative Committee*** meetings including the Division of Worker's Compensation Director, Associate Director, and Reemployment Services Bureau Chief.

Daniel Giles was invited to present at USF on September 16, 2013, as a member of an ***Expert Panel on Professional Identity of Therapeutic Professionals***. The ***Expert Panel*** presented at the University of South Florida for the Rehabilitation & Mental Health Counseling Program, graduate students, colleagues, and alumni.

The SE District of IARP held their ***15th Annual IARP SE Florida W/C Claims Conference*** on November 15, 2013, in Sunrise, Florida. Five Case Managers from our St. Petersburg Office attended the all day seminar.

Devon Willette and Amy Ice recently presented to graduate students on December 5, 2013, for the course on ***Career & Life Style Assessment***. Professor, Tina Dellahunt-Aspillaga, Ph.D., CRC, CVE, PVE, CLCP, has

Labor Market Surveys: Plan Development & Reemployment Services

Labor Market Survey (LMS) Research has become increasingly important within all jurisdictions of Rehabilitation Forensic Case Work.

Effective, and defensible LMS Research will require a well documented Medical File Review and analysis of Vocational Factors to establish a profile.

Plan Development LMS Research will be conducted upon completion of medical record review and the Initial Vocational Interview to support Plan Goals for a Rehabilitation Return to Work (RTW) Plan.

Reemployment Services are conducted to implement Rehabilitation Plans for Direct Placement.

Family Law case work has a focus on answering three distinct questions: **1.** Are the Jobs Open and Available? **2.** May the Client "physically" perform the Jobs identified? **3.** Does the Client have the Vocational Skills or Capacity to obtain Skills and perform the Job?

Job Openings must be sufficiently evaluated to confirm "feasibility" or "suitability" for the Client's profile. Wage and Salary information is significant in Family Law Case Work. Research may result in ***imputed wages*** that could reduce Alimony payments.

Personal Injury case work may require evaluation of Job Availability, Wage Analysis, Physical Ability and Vocational Factors Analysis to determine

England & Associates - Rehabilitation Services

Rehabilitation Services are provided by our Vocational and Medical Case Managers. Our professional staff includes: **Certified Rehabilitation Counselors (CRCs), Labor Market Survey Specialists and Nurse Case Manager.** We provide services in both the Public and Private sectors. We can provide long-term services or limited task assignments upon request.

**Wishing you
well this
Holiday Season
and New Year!
Glad Tidings!**

Rehabilitation Service Venues include: Florida Workers' Compensation, Family Law, Auto Injury, Personal Injury, Jones Act, Longshore & Harbor Workers Act, Employee Discrimination and ADA Case Work. Testimony has been provided in State District Courts and Federal Court.

Medical Case Management Services are provided within all venues. **Nurse Case Manager** Phyllis Rothman, RN, MS, CDMS, CCM, CLCP, is an experienced Medical Case Manager, who will **expedite return to work** for Clients. She is able to

expedite Job Descriptions, Medical review, Job Analysis Review, Work Releases, and documentation of Functional Capacity.

Preliminary Reemployment Services and Labor Market Survey Research provide a picture of current statistical information. Client Based and geographically specific Labor Markets. Vocational Evaluators may provide a **Preliminary Vocational Evaluation** with review of Depositions, Medical, and employment records.

Life Care Plans are prepared by our Nurse Case Manager, Phyllis Rothman, RN, MS, for case work in multiple venues.



England & Associates has a primary office located in the City of St. Petersburg. We have two satellite offices in Palmetto and Tampa. We serve the entire State and provide out-of-state case services upon request from our referral sources.



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See our Web Site for Referral Forms

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