

Ferguson-Glass Oration

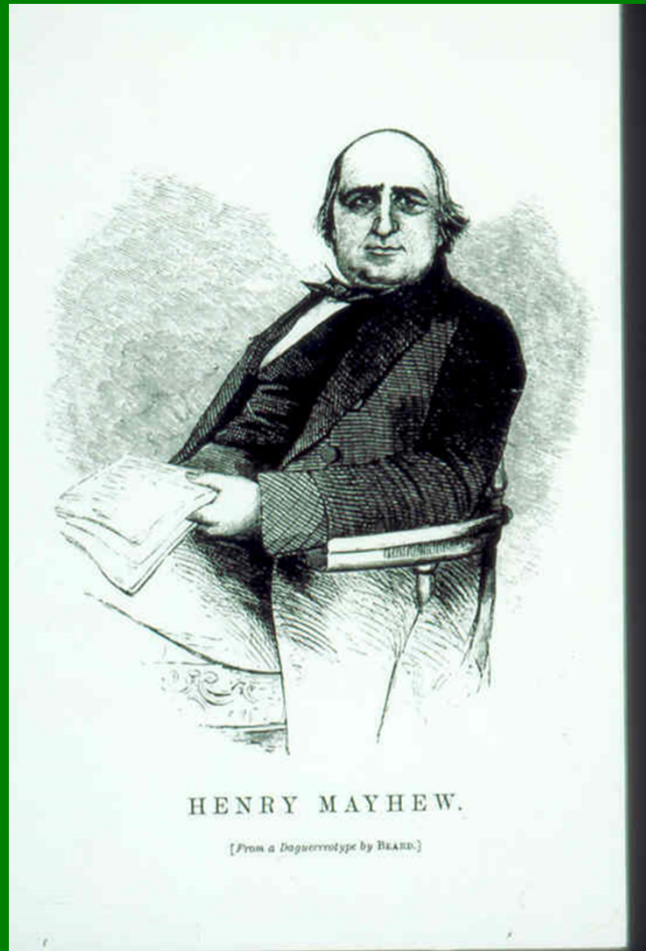
THE ILLNESS OF WORK INCAPACITY

Royal Australasian College of Physicians
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Unemployed in Victorian London



- Those who need not work
- Those who can work
- Those who can't work
- Those who won't work



THE PEOPLE OF
THE ABYSS

JACK
LONDON

David Lloyd-George
Birmingham Town Hall
June 11, 1911



Prussian “Welfare Monarchy”

Level of Worthiness	Insurance Fund	Indemnification
Consequence of a work-related injury	Workers’ Accident Insurance	Medical Care Wage Replacement Permanent Partial Awards
Consequence of an illness in a wage earner	Public Pension	Medical Care Support While Treated Pension if Totally Disabled
Never a substantial wage earner	Public Aid	Medical Care Sustenance

JANUS

Clinical Decision Node	Criterion
Causation	Injury Arising out of the Course of Working
Consolidation	Maximum Medical Improvement
Disability	Impairment Rating

Semiotics and the Prussian “Welfare Monarchy”

Injury

Consolidation

Disability Determination

Railway Spine

“rapidity of the movement, the momentum of the person injured, the suddenness of its arrest, the helplessness of the sufferers, and the natural perturbation of mind that must disturb the bravest, are all circumstances that of a necessity greatly increase the severity of the resulting injury to the nervous system....paralytic symptoms”

John Erichsen, 1866

Ruptured Disc and the “Injury” notion

- Mixer WJ, Barr JS. Rupture of the intervertebral disc with involvement of the spinal canal. N Engl J Med 1934; 211:210-5.
- Brown T, Nemiah JC, Barr JS. Psychologic factors in low-back pain. N Engl J Med 1954; 251:123-8.

Franz Kafka

1883-1924



Franz Kafka

- Doctorate in Jurisprudence in Prague
- Died in 1924 of “pulmonary fever” at age 41, imploring Max Brod that his manuscripts be “burned unread.”
- 1908-1913 worked in the Workers’ Accident Insurance Institute for the Kingdom of Bohemia in Prague
- Wrote *THE TRIAL* in 1914-1915

Regional Low Back *Injury* -Today

Regional LBP afflicts working-age adults who are otherwise well and who have suffered no violently traumatic precipitant. It hinders the performance of tasks that are customary and customarily comfortable.

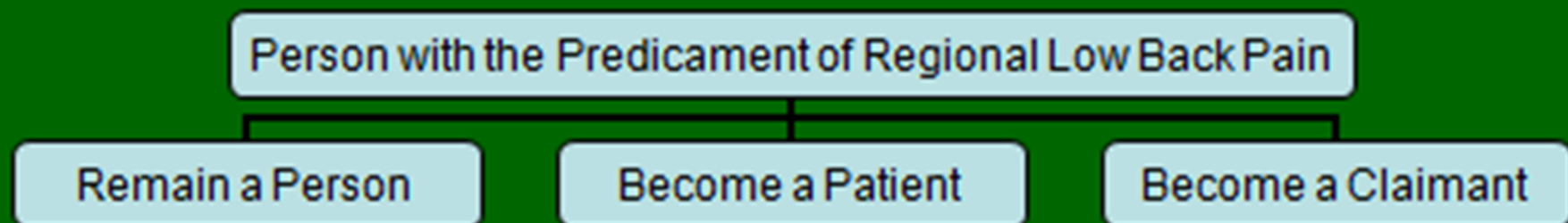
- **CAUSAL PREMISE:** The backache is the symptom of damage caused by the physical demands of the tasks that are hindered.
- **CLINICAL PREMISE:** Intervention for the acute backache will thwart chronicity.

FINE STRUCTURE OF THE CAUSAL PREMISE

Backache is the symptom of damage caused by the physical demands of the tasks.

- Social Construction of Illness: Absenteeism for Backache is Compensable but not absenteeism for “flu”.
- Sophistical inferences: “Wear and Tear” notions persist despite robust genetic deductions.

Processing Regional Low Back Pain



Whitehall Study

PSYCHOSOCIAL WORK CHARACTERISTICS

- Control
- Satisfaction
- Justice
- Pace
- Social support
- Conflict

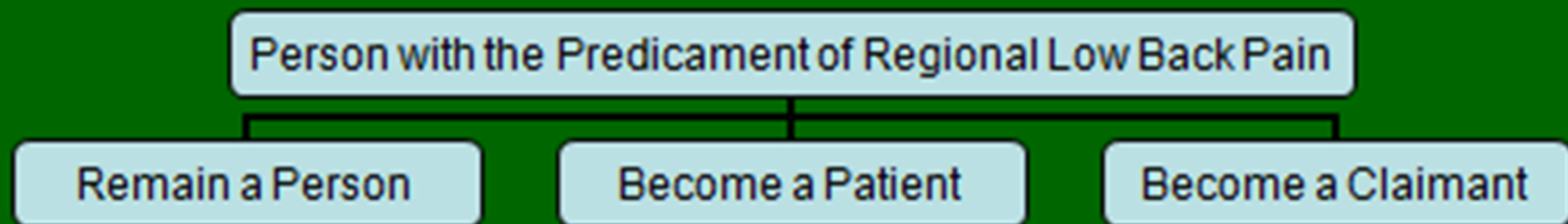
EXPLANATORY VARIABLE FOR

- Short-term LBP absences
- Metabolic Syndrome
- Mortality



“Good news. The test results show it’s a metaphor.”

Processing Regional Low Back Pain



Worker with the Predicament of Regional Musculoskeletal Pain at Work

Context **COPING IS THWARTED** Content

CLAIMANT

Causation
work relatedness
peer pressure
resentment
veracity ?

CONTEST

Consolidation
unfounded expectations
invalidity prescribed
convalescence
quest for cure

MAXIMUM MEDICAL IMPROVEMENT

Worker with the Predicament of Regional Musculoskeletal Pain at Work

Contest of Causation **THE GANTLET** Contest of Consolidation

VORTEX OF DISABILITY DETERMINATION

? impairment
? Whole man
? Residual function
? Malingering

IMEs
Pain Clinics
Work Hardening
Rehabilitation

INVALIDITY

Missouri WC Cohort Study

- Raymond Tait PhD and John Chibnall PhD
Professors, St Louis University
- Elena Andresen PhD
Professor of Epidemiology, OHSU
- Nortin Hadler MD

Missouri WC Cohort

- Claimants with Low Back “injuries”
- Claim settled between 1/1/01 and 6/1/02
- 2934 eligible: 1475 participated (50%), 432 (15%) refused, 1027 (35%) not located
- About 60%: male, white, 35-55 years old
- 85% had legal representation
- 80% radiculopathy, 21% surgery

Missouri WC Cohort Disability Ratings

- At settlement the Disability Rating correlated with a diagnosis of discal disease, surgery, and overall medical costs
- AT SURVEY, THE DISABILITY RATINGS AT SETTLEMENT DID NOT CORRELATE WITH FUNCTION OR EMPLOYMENT



M. HERRING
©1988

"IT ONLY HURTS WHEN HE LOOKS !"

If you have to prove you are ill
You can't get well

NM Hadler

Spine 1996;21:2397-400

Sociopolitical Constraints on such Social Constructions as

- Clinical Judgment
- The Experience of Illness
- Disease and Impairment
- Disability and its Determination
- Etc.

NDIS ACT

Determining Eligibility

- “Whether a person has a disability...is essentially a question of fact”
- “Delegates are to consider all of the available evidence including diagnostic evidence”
- “May refer people without diagnostic information for a specialist assessment”
- If the person has a LISTED condition, it is “expected that generally there will be sufficient evidence” of eligibility. (These are very rare conditions.)

NDIS ACT (s.24,Part 5) Becoming a Participant

- A person meets the disability requirement if the person has a disability....and
- ...**impairment(s)**...are or are likely to be permanent and...
- ...result in substantially reduced functional capacity...and
- ...affect...capacity for social and economic participation and
- ...likely to require lifetime support

THESE UNTENABLE PREMISES

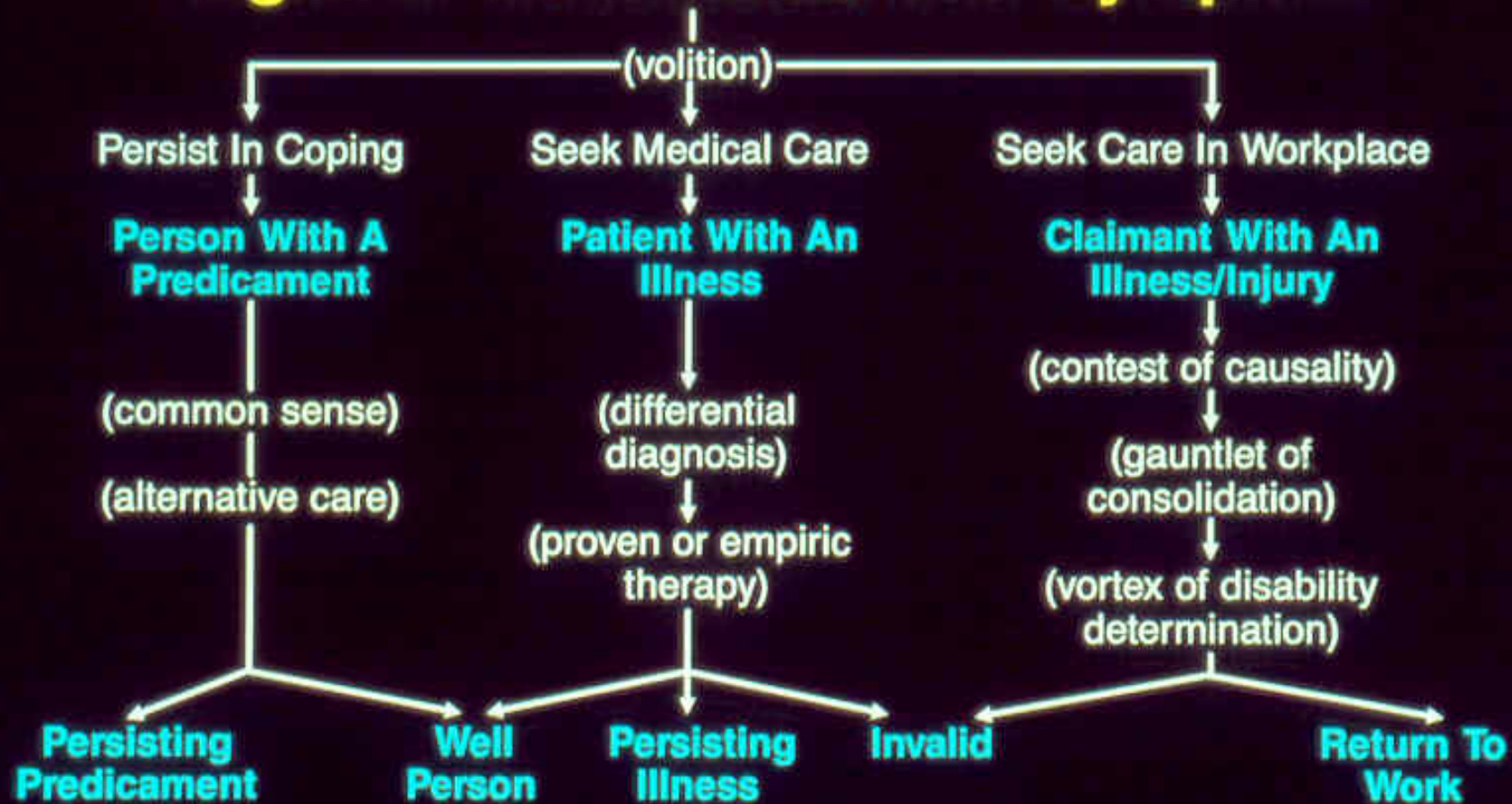
Task demands are the proximate cause
Intervention will thwart chronicity
Impairment and Disability are causally related

ARE AN ENTROPY DEBT

- Stakeholders: health care providers and insurers
- Common Practice, Common Sense
- Unions
- Ergonomists
- Bureaucrats

FOSTER VAST SOCIAL IATROGENESIS

Person Coping With A Regional Musculoskeletal Symptom





If you don't know where you're going, all roads will get you there

- The Disabled
- The Disallowed
- The Disaffected
- The Disavowed

Man wishes to be confirmed in his being by man, and wishes to have a presence in the being of the other...secretly and bashfully he watches for a YES which allows him to be and which can come only from one human person to another.

Martin Buber
The Knowledge of Man