

Directions

Winter 2014

IN PHYSIOTHERAPY



A publication of the Physiotherapy Association of British Columbia

Urban Poling, an Emerging Trend for Many Patient Conditions

by Barb Gormley, Director of Education with Urban Poling Inc.

Physiotherapist Dolores Langford was a keen early adopter when ACTIVATOR walking poles were introduced to the BC physiotherapy community several years ago. "I took one of the very first ACTIVATOR workshops ever offered by Urban Poling in 2007," recalls Langford, who is the regional clinical resource physiotherapist for Vancouver Coastal Health and teaches at Capilano University and UBC. "At the workshop, I immediately understood the benefits that the poles could offer to some of my clients as an alternative to canes, crutches and sometimes even walkers," she says.

Ideal for many populations

Today, Langford prescribes ACTIVATOR poles for clients with age-related changes in the spine, Parkinson's disease and osteoarthritis of the hips, knees and ankles. She has also introduced them

to mental health clients to increase their aerobic activity and to reduce the metabolic side effects of medications. "The poles encourage an upright and symmetrical posture, rather than the forward lean of a walker or an asymmetrical lean from one cane," says Langford, noting that the ACTIVATOR poles were co-developed by an occupational therapist. "There's also an immediate reduction in lower extremity pain when weight bearing, as well as improved balance and walking confidence. And the rhythmic placing of the poles helps to pace and cue gait."

Special design features

ACTIVATOR poles are similar to traditional Nordic walking poles, but they have several special features that make them safer and more effective for clients with balance concerns:



Dolores Langford demonstrates Activator walking poles

1. wide bell-shaped tips
2. large ergonomic handles
3. a strapless handle design that makes them simple to grasp and helps prevent injuries
4. a locking system that withstands 200 pounds of pressure
5. anti-vibration features that prevent rattling

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ASSOCIATION OF
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Urban Poling for higher-functioning clients

As a runner with problem knees, Toronto physiotherapist Sharon Switzer-McIntyre switched over to Nordic walking about five years ago.

"I was pleasantly surprised at how much upper extremity and deep abdominal activation occurred," says Switzer-McIntyre, an assistant professor in the Department of Physical Therapy at the

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The Remuneration of Physiotherapists for Court Testimony: Avoiding Disappointment

by David J. Wallin, Barrister & Solicitor, Director of Whitelaw Twining Law Corporation

Treating professionals are often uncertain as to their legal rights and obligations when it comes to providing testimony in court proceedings. This most frequently arises in the context of the legal proceedings commenced by a patient for the injuries that brought the patient to the clinic in the first place.

One of the practice issues that can arise for a treating physiotherapist relates to the issue of payment for the physiotherapist's time expended in the context of such bodily injury litigation.

Time is Money

As with many professions the value of the services we provide to our clients is measured in the form of the time spent assisting the client with their problem. This being the case, the concept that "time is money" is an axiom well understood by all busy professionals, regardless of the nature of their particular expertise.

The issue of the physiotherapist's entitlement to remuneration for services provided to legal counsel in the context of legal proceedings (including courtroom testimony) is often misunderstood. This lack of understanding can lead to a general reluctance for physiotherapists to become involved in such legal proceedings. This is unfortunate, as most physiotherapists and other "front line" treating professionals have a wealth of practical knowledge and clinical experience to offer in the context of such legal proceedings.

In order to avoid such disinclination when encountering the court process, it is first important to understand the general parameters which a treating professional providing litigation or courtroom assistance is generally entitled to.

A discussion of the formal "Subpoena to Witness" from a lawyer pursuant

to the Supreme Court Civil Rules is unfortunately beyond the scope of this article. Instead, this article will focus on the more common scenario for which a physiotherapist is introduced to the legal system.

What Can I Expect?

Most counsel will agree to reimburse the physiotherapist for any time spent in relation to general discussions with counsel; preparation of the witness for court; as well as the time taken to provide such evidence in court.


However, it is important to note that such matters need to be determined in advance between the engaging law firm and the physiotherapist and not taken for granted. Accordingly, it is important that both parties have a clear understanding and agreement in relation to issues of witness scheduling and remuneration for professional services in advance.

Despite efforts to try to settle cases well in advance of the trial, the fact of the matter is that cases frequently settle very close to the time that the trial is scheduled to proceed or the time that the physiotherapist is expected to testify. When this happens, it is often the case that the physiotherapist has already made scheduling arrangements to be out of the clinic and available to testify in court. In the event that settlement occurs close to the date that the physiotherapist is scheduled to testify, the physiotherapist may not be able to reschedule client appointments to make productive use of this time. If this happens, it is not unreasonable to expect that the physiotherapist may request fair compensation for such lost opportunity for productive work.

In order to avoid such practice issues, many treating professionals and medical-legal consultants have developed their own policies with respect to charges for late cancellation in such circumstances. Many of these policies will require full

payment for the anticipated time that was to be spent in court if the witness is provided with less than a stipulated working notice for such cancellation. A notice requirement of two to three working days is not unreasonable and it would rarely be the case that such a request for remuneration for lost clinical time would be challenged by the lawyer or law firm that wishes to introduce the evidence of the treating physiotherapist.

Conclusion

Most lawyers practising in the area of bodily injury litigation recognize the valuable insights that can be provided by calling evidence from treating professionals such as physiotherapists. Accordingly, it would be the rarest of cases that such a lawyer, recognizing the value in calling such evidence to assist the trier of fact in understanding the nature and extent of the plaintiff's injuries, course of treatment and the anticipated future treatment requirements of the plaintiff, would then refuse to fairly compensate the physiotherapist for the fair value of his or her time expended in seeking to assist the court process. However, as with any working relationship, it is never a bad idea to ensure from the outset that all parties have a clear understanding of their respective expectations and obligations. www.WTinjury.com 

Website Kudos

What are members saying about the new website?

We've launched our revamped website, which includes: new Find a Physio/Clinic search features, a community section for members to exchange ideas, the virtual forum for discussion, updated ICBC/WSBC help content, quicker access to library resources, a section just for students/new grads, a job seekers board, and much, much more! Have you visited yet? **Visit bcphysio.org** and feel free to send me your feedback to fiona@bcphysio.org anytime.