

AAPL Practice Resource for the Forensic Evaluation of Psychiatric Disability

Stuart A. Anfang, MD, Liza H. Gold, MD, and Donald J. Meyer, MD

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This updated Practice Resource is a review of legal and psychiatric factors, to give practical guidance and assistance in the performance of psychiatric impairment and disability evaluations. It was developed by a Task Force of forensic psychiatrists who routinely conduct evaluations of psychiatric impairment and disability and who have expertise in this area. The process involved a thorough review of the original 2008 American Academy of Psychiatry and the Law guideline, updated to current practice and integrating expert feedback and revisions into the final draft. (In May 2017 the AAPL Council voted to title all of AAPL's educational products as AAPL Practice Resources. This Practice Resource is a revision of the 2008 AAPL Practice Guideline for the Forensic Evaluation of Psychiatric Disability. The final text was reviewed by the AAPL Council and approved in May 2016.) It should not be construed as dictating a standard for forensic disability and impairment evaluations, nor does it present all acceptable ways of performing them. Differing fact patterns, clinical factors, relevant statutes, administrative and case law, and the psychiatrist's judgment determine how to proceed in each evaluation. It is expected that any clinician who agrees to perform forensic evaluations in this domain has the appropriate qualifications.

Sections I and II discuss disability evaluations in general, including practical considerations, definitions, and ethics. Section III provides general con-

cepts for disability evaluations. Sections IV and V address the different types of disability evaluations more specifically, using a general organizational principle to distinguish between the types of disability evaluations. Suggestions for adapting the general concepts for each type of evaluation are provided.

The first general category of disability claims, reviewed in Section IV, represent the most common source of referrals for disability evaluations related to litigation in which plaintiffs claim they are disabled as a result of psychiatric illness or injury and are seeking compensation for damages. These include Social Security Disability Insurance (SSDI), Workers' Compensation or personal injury, private disability insurance claims, and other specialized compensation and pension programs (e.g., Veterans' benefits). Such claims generally must be accompanied by psychiatric documentation to meet requirements for compensation.

Section V reviews a newer category of disability evaluations that has emerged over the years after passage of new legislation, addition to case law governing civil rights, and the increasing responsibilities of employers toward their employees. Broadly speaking, these evaluations are designed to meet requirements to continue working.

These include evaluations related to the Americans with Disabilities Act (ADA), fitness-for-duty evaluations, and return-to-work evaluations.