

## **INDEPENDENT MEDICAL EXAM (IME)**

As you know, the purpose of the Insurance Company is not to obtain an impartial review, but to obtain a medical opinion which could justify the discontinuance and/or denial of benefits. The Physician hired is to prove that you are not disabled or that any disability that you have didn't come from the incident that you claim it came from.

### **PREPARATION PRIOR TO IME (To Do List)**

1. You should never attend an IME alone. Try to have them provide you with a physician who is close to your home, the further away from home the exam is scheduled, the more inconvenient for you, have a friend or relative take you, stay with you, act as sergeant at arms, and bring you back home.
2. Request payment for travel to and from the IME location before you go to the IME, do not agree to reimbursement because once you have gone through with the IME they will deny travel expense payment.
3. Send a written certified notice by mail to the insurer or its agent requesting a written reply from the company and/or from the physician indicating what percentage of his/her practice is devoted to diagnosing and treating patients who are totally disabled by the same conditions.
4. Obtain a copy of the physicians' curriculum vitae, including any articles he or she may have published related to your condition. Ask the adjuster and/or agent to put it in writing to you the basis for the agent or adjuster or the company selecting this particular physician to conduct this IME.
5. Find out what the IME's specialty is, and how many times re/she has performed IME's for Insurance Companies or solely for examinations for opposing counsel and what percentage of did he/she agree that the patient suffered the symptoms complained of so severely that he/she agreed that the patient was unable to engage in and more importantly maintain gainful employment activity. If the materials requested have not been

satisfactorily provided so that your primary care physician may have an opportunity to review the IME physician's credentials as stated above, then ask again in writing by certified mail return receipt requesting that the exam be continued (rescheduled) until such time as you have been provided with the curriculum vitae, etc, of the examining IME and the other materials requested.

6. Create an outline about your injury; this will keep you from getting confused and keep your story consistent. General history of what happened to you and a run down on the treatment you have had. Prepare a list of all your symptoms related to your work injury. List all medications taken over the course of disability and there side effects which in addition to your regular symptoms would prohibit you from returning back to work. List all medical testing that supports your injury claim. Give a copy of this list to the IME Physician and have your copy signed by him/her, if he/she refuses, state you want it signed as part of your history then. Be alert to schemes to avoid accepting this material, another reason to never attend IME alone.

## **DAY OF IME (To Do List)**

1. Have another person present during IME, never attend IME alone.
2. Make sure IME Physician is the same physician you were assigned to see.
3. No rehab nurse has a right to go into your IME.
4. You and your witness should note the time you arrive, the time you go into the exam room, the time the IME physician arrived, the time he left, and the time you left.
5. Bring all of your X-rays, and other test results with you the day of the exam. Some attorneys say you can object to any invasive procedures that include x-rays. You should have your attorney help you make the decision on whether you will object to new tests or x-rays before your exam day.
6. If during the course of the exam, it is necessary to lie down, use the facilities, or drink a beverage, do not hesitate to have your friend ask for anything you need and indicate what (true) reactions you are experiencing during the testing process, which would explain your need for this type of relief.
  - a. It is imperative that you speak up and tell the IME examiner exactly what it is that is causing pain and/or discomfort to you at the time. It is a time for candor not courage.
  - b. If the IME does not heed your explanation, then have your friend or relative intercede and (Tell him/her off) and explain what it is that is causing the pain or discomfort and/or the need for a break.
    - i. Have your friend/relative be outspoken, not shy and able to intervene in your behalf if, as when he or she feels based upon your reactions that the exam is going to far, or has gone too far, and/or is to lengthy and is causing you to experience extreme discomfort or excruciating pain.
    - ii. In the event the testing process becomes so overwhelming and you feel extremely sick or are having problems with overwhelming pain,

weakness, exhaustion etc, and if absolutely warranted, DO NOT HESITATE to let your friend or relative take charge of the situation and call an ambulance on your behalf to take you to the nearest emergency room.

c. Take a camera. If your injury looks different, swollen, discolored, and shiny or anything else that will show up, take a picture that shows you were at the IME's exam location. An example would be his certificate on the wall, name plate on his desk, etc. (include yourself or your hand in the picture if possible.)

7. Arrive on time and dress neatly. You want to make a favorable impression. Be courteous to the Physician and his staff. Don't exaggerate or fake any injuries or any part of the examination, exams are designed to detect faking.
8. Before you leave the IME location request that any report generated by the IME physician be simultaneously forwarded to you and your treating physician and put that request in writing also get a signature on a copy of the request for your records.

## **AFTER IME IS COMPLETED (To Do List)**

1. After the examination is over, make some general notes. If you have an attorney call him and let him know what happened while it is fresh in your memory.
2. You should see your own treating physician the same day you saw the IME Physician. Make sure you have a scheduled appointment time for your treating physician after the IME's. Your treating physician will be able to say what he found on the same day you saw the IME Physician. Sometimes the IME's examination will hurt you and your Physician should be able to document this, such as swelling. This is important to detect any sort of medical malpractice that may have occurred during the IME exam.
3. Request the IME report from the workers compensation insurers / self insured employer's compensation claim agent or the designated agent by certified mail. Allow approximately 15 days from date of return receipt. In some instances the workers compensation insurers / self-insurer cannot use medical testimony of that IME physician if carrier fails to provide IME report within 15 days. Federal Law states you are entitled to all your medical records, state what reports you want in writing.
4. When received make sure all of the IME reports are the same. Sometimes reports have a way of changing. If they are different and you have an attorney contact him/her immediately to report the discrepancy.

### **BE PREPARED IN OTHER WAYS.**

If the curriculum vitae of the proposed IME Physician does not seem to be suitable for evaluating your condition, then in writing by certified return receipt, request the workers compensation insurers / self-insurer to provide an IME Physician who has more background, training, experience and treats patients who have been totally disabled by the disease and condition which disables you.

Ask the IME physician what he is being paid to perform the exam and report, be sure to record it in your log book. Also be sure to record in your log book, any conversations between friends or relative and IME physician and/or between you and IME physician or any members of his/her staff. An IME is very serious! What this person writes about you can easily override all your primary care Physicians.

## **REPORT OF DEFENSE MEDICAL EXAMINATION**

Your name and address:

Name and address of doctor:

Name, address and phone number of your witness:

Date of examination:

Time of arrival at doctor's office:

Time you were taken into examination room:

Time you first saw the doctors:

Time doctor started to examine you:

Time of examination ended:

Time you left the doctor's office:

Parts of your body the doctor examined:

What you told the doctor about your injuries:

Comments the doctor made to you:

Describe anything unusual that happened: