

MESSAGE FROM THE CEO - INDEPENDENT MEDICAL EXAMINATIONS

Independent – What Does It Mean?

I am not a legal expert and I do not have a law degree but according to the Oxford Concise English Dictionary, the word “independent” is explained as “not depending on authority or control” and “not depending on another person for one’s opinion or livelihood”.

Is an IME really independent?

It therefore stands to reason that if an Independent Medical Examination (IME) assessor’s payment comes from the individual or business, then that person cannot be independent, according to the Oxford Concise English Dictionary. The IME is asked and paid for by either the insurer or claimant. No matter how honest an assessor is, payment is coming from a source connected to the results of the IME.

To do list when going for an IME

- Before you go for your appointment with the doctor, check with the College of Physicians & Surgeons in your Province or Territory on the doctor’s credentials and any information reported on that doctor. It won’t help you with your appointment but this kind of search gives you some background on that individual for future reference, if needed;
- Be aware that insurance companies often place insureds under surveillance to coincide with an IME to see if the insured is involved in activities that they deny being able to do during the exam;
- After your appointment, make notes on your visit:
 1. How long was the visit? When did it start and finish?

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2. Was a medical history taken? What questions were asked, who asked them, and what answers did you give?
3. Was there a physical exam? If there was, who conducted it; the doctor or a nurse? Record the details of the examination;
4. Were you asked how you have been getting along at work or home? What questions were asked, who asked them, and what answers did you give?
5. Were any tests taken? If so, what were they and what were the results?
6. Will a copy of the final report be sent to your doctor?; and
7. Did your attendance at the examination affect your ability to engage in activities the day of the examination or the day following the examination? If the answer is yes, record details.

Note: The doctor in the majority of cases will advise you that the report will go to the insurer only but you can request the insurer to send a copy to your doctor who then in turn can give you a copy of the report. However, the insurer may deny your request and a copy may only be obtained through your legal representative.

Can you get your own IME?

Your treating doctor(s) may be able to respond to the findings and opinions set out in the insurance company's IME. If an insurance doctor has a different specialty than your doctor(s), you may want the opinion of a similarly qualified doctor. If this is the case your doctor can refer you for an IME but this would be at your expense.

What can you do if your disability insurer's IME results in cutting off your disability pension?

You need to get a lawyer to represent you. Sometimes the legal representative can review your file and send out a letter pointing out the weakness of the insurance company's position and the insurer may reverse its decision. Your legal representative may also contact your physician for more details on your illness or condition in order to send more supporting medical information to your insurer. However, very often more action needs to be taken by your legal representative which may also include getting an IME from a medical professional with the same credentials as the doctor who assessed you on behalf of the insurer.

What do you need when going for legal help?

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- The information booklet given to employees or insureds outlining your benefits;
- All letters from the insurer, including the one denying your claim;
- All of your letters to the insurer;
- Any notes of verbal communications (telephone calls or meetings) with your insurance adjuster;
- Any notes of verbal communications (telephone calls or meetings) with your any other person acting on behalf of your insurer (i.e. a rehabilitation consultant); and
- A chronological summary of key events is helpful.

What kind of lawyer do you need?

If you are dealing with a disability matter, you need a legal representative who practices disability law. This is a sub-specialty of Litigation that not every legal representative is experienced in. Ask if the legal representative has worked with clients who have been diagnosed with fibromyalgia or myalgic encephalomyelitis / chronic fatigue syndrome.