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Physician's Medical/Legal

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Physicians Helping Attorneys Helping People™

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Newsletter

March 2023

This Month's Question

What can be gained by having a medical observer at an Independent Medical Exam (IME)?

PMLCtex Answer

Nationally, our medical/legal consultants have attended over 200 IME's. We continue to be amazed at what we find observing IMEs and in IME reports. Here are two examples of what can be accomplished by having a physician attend the IME and then review the IME report.

Case 1

Jane Doe, a 42 year-old woman was involved in a rear-end auto accident resulting in her developing unremitting low back pain with radiation into the left leg accompanied by numbness, tingling and loss of sensation in the foot. Jane described her average pain level as 6-7/10. Jane also complained of depression starting after the accident.

Jane had worked as a laborer before the auto crash and has been unable to work since her symptoms started approximately 48 hours after the accident. It should be noted Jane had worked for the same company for 15 years without incident and cared for two children before getting injured. She had no previous accidents and her health had been good.

The client had an excellent primary care provider. Jane had appropriate treatment after the accident which was not effective. Early on, this lead one IME provider to report Jane

was having an exaggerated pain response or perhaps outright malingering and a "delayed treatment response."

It was the consultant's belief these assertions were made due to the fact Jane's case was difficult to sort out. Jane's primary care doctor obtained a consultation from a spine specialist and a discogram was done. The discogram showed anterior and posterior annular tears at L3-4 and L4-5. Annular tears by definition are herniated discs. In our opinion given that Jane had never complained of back pain and now had a positive discogram the mechanism of injury and diagnosis was clear.

Two years after the accident the defense asked for another IME. Jane was sent to a well-known IME provider. We observed the IME. In reviewing the IME report the evaluator made a case for the client having a Somatization Disorder unrelated to the accident.

The evaluator's arguments were compelling except that he completely left out of his report the two lumbar herniated discs found on discography! The consultant was able to pick up on the flawed IME findings, helping the client to receive a substantial settlement.

Case 2

This client had a Workers Compensation claim. When observing the IME, the medical/legal consultant noticed that the evaluator asked a number of questions concerning the minutia of the client's past medical history and questions about minute details of the work-related accident. The client had difficulty remembering the small details asked of her. It was also noticed that the evaluator became overtly more and more angry at the client as the client was unable to answer questions about minutia.

In the IME report the evaluator stated the client was not forthcoming in answering questions and determined the client either had secondary gain issues or was malingering. The medical/legal consultant was able to report the nature of the questions asked by the evaluator and was able to comment on the evaluator's obvious angry reaction to the client.

It was therefore opined that it was the evaluator who had secondary gain issues and because of her anger the evaluator's report was biased and should be thrown out. The client went on to receive a settlement for injuries sustained in the work-related accident

Let Us Know How We Can Help You

- Review of case validity
- Help with strategies to promote medical theories
- Medical Summary Reports
- Interpretation of meaning, or lack thereof, of medical reports & records
- Independent Record Reviews

- Attendance at IMEs
- Referral to appropriate expert medical witnesses
- Medical Research
- Facilitation of communication with clients, families, professionals and service & governmental agencies
- Case Coordination
- Facilitation of communication with treating doctors
- Table-side deposition assistance or deposition question preparation

As you know, we have purposefully **kept our fees exceptionally low; a fraction of typical expert witness fees** allowing you the opportunity to have us review your cases early in your representation while controlling your expenses.

Please CONTACT US for information or fee schedule.

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