

# Hawaii Medical Evaluators

Physicians Helping Attorneys Helping People™

[www.himedeval.com](http://www.himedeval.com) 808-437-2881

## Newsletter

May 2021

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### **This Month's Question:**

#### **Can an IME Report be Disregarded due to Examiner Bias?**

#### **Hawaii Medical Evaluators Answer:**

We recently had a case of a 33-year-old man who suffered a compound fracture (bone fracture resulting in an open wound through which bone fragments usually protrude) of his right humerus bone while working in the warehouse area of a large fulfillment company when several items fell off an elevated palate. The fracture required a surgical repair and follow up treatment.

Approximately 8 weeks after surgery this client began to experience severe pain in his right forearm followed by pain in his left upper extremity a few months later. He was subsequently diagnosed with Complex Regional Pain Syndrome (CRPS) following a traumatic injury to his right arm.

He started treatment for CRPS including pain management and psychiatric care. Shortly into the course of his psychiatric treatment a psychiatric IME was ordered by opposing counsel. The IME doctor characterized the client as "inappropriate and he was easily agitated. His mood was angry and hostile. He was upset to have to go through this whole process." However, if one actually listens to the audio recording of the IME; it is absolutely clear the client was not "inappropriate" or "easily agitated." The client's demeanor if one listens to the audio recording, is even, measured, appropriate to the situation and what one would expect of an individual engaged in normal communication. In observing the IME, we did not observe inappropriate behavior or an inappropriate communication style from the client and we doubt an impartial listener of the audio recording would find the client to be inappropriate or agitated.

In fact, contrary to the IME doctor's report, the client never stated (as was described in the IME report) that he was upset at having to be party to the IME.

It was our opinion to a reasonable degree of medical probability all the IME doctor's conclusions about the client should be disregarded due to the IME examiner's clear bias and incorrect & inaccurate reporting. We don't presume to know or understand why the IME examiner exhibited these biases in this particular IME, however, it was clear to us this IME report should be disregarded.

This situation is another example of how we can assist you with all the medical issues in your cases and occasionally find cause for an IME report to be exempted as medical evidence.

Please reply to this email or call 1-808-437-2881 to schedule a time to talk.

### Let Us Know How We Can Help You

- Medical Summary Reports for Settlement Letters
- IME Review & IME Rebuttal Reports
- Reports Answering Specific Medical Questions
- Standard of Care Reviews
- Liaison with Treating Doctors
- Help with Strategies to Promote Medical Theories
- Interpretation of Meaning, or lack thereof, of Medical Reports & Records
- Independent Record Reviews
- Assessment of Case Validity Regarding Medical Issues
- Referral to Expert Medical Witnesses
- Medical Research
- Facilitation of Communication with Clients, Families, Professionals and Service & Governmental Agencies
- Case Coordination
- Deposition & Trial Question Preparation
- Table-side Deposition & Trial Assistance

As you know, we have purposefully kept our fees exceptionally low allowing you the opportunity to have us review your cases early in your representation while controlling your expenses.

CONTACT US for information or fee schedule.

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