

**JANUARY  
2009**



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## *Reflections on* **THE INDEPENDENT MEDICAL EXAMINATION (IME)**

**DEFINITION:** When an insurance company requires a claimant or personal injury plaintiff to submit to examination by its own chosen doctor.

A few contextual observations: IMEs pay doctors a pittance. Few are the doctors who make a living at it; most do IMEs while they're trying to jump-start their medical (or chiropractic) practices, or if their practices are in decline and they need the money. Occasionally, a retired doctor will perform IMEs and do nothing else, but that's usually a supplement to receiving retirement benefits. Also, an IME practice does not carry a risk of malpractice, and hence there's no need for expensive medical malpractice insurance; or, perhaps, a very inexpensive policy can be purchased by a doctor performing only IMEs, because an IME does not give rise to a doctor-patient relationship. The point is, the IME business is a volume business, with no incentive for an IME doctor to practice actual or honest medicine.

Since there is no doctor-client relationship in the IME context, short of outright fraud there's little restraint or oversight on what IME doctors report. However, they certainly know where their "bread is buttered," so if they want that parade of

IME patients to continue and some insurance company to keep paying them, they have every economic incentive to find little or no injury, and to reach that dreaded yet meaningless conclusion to justify not paying for more treatment or denying an injured accident victim's claim: "Maximum Medical Improvement."

I've had clients go to IMEs that ran a few minutes and been asked to bend this or that, or extend this or that, and then gotten back IME reports showing a full range of in-office testing, with negative findings, of course. I've had clients go to IME doctors and have the doctor agree verbally with the client that "yes," my client is really hurt and needs more therapy or future surgery, and had the IME report come back and (do you see it coming?) say, "Maximum Medical Improvement—no further treatment necessary."

Also, IME doctors are always looking for an excuse to say that a claimant is "malingering." I've gotten reports where they'll discuss seeing clients get on or off examining tables or walk with a normal gait or without need of a cane, or what have you, in contradiction to the client's claimed injury. This may even be true once in a while, but I'm skeptical.



**PLEASE CALL US IF YOU HAVE ANY LEGAL QUESTIONS OR PROBLEMS.**

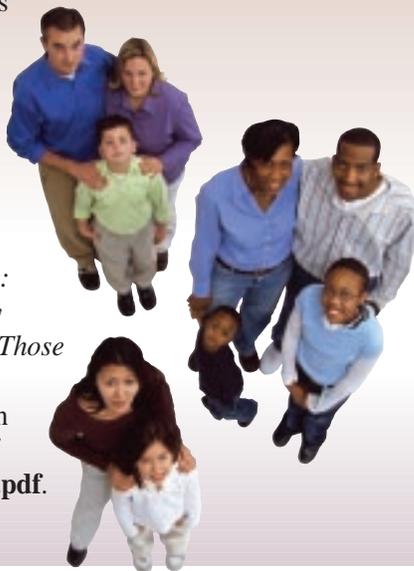
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## AAJ says that **Allstate is the worst**

The American Association for Justice (the former Association of Trial Lawyers of America) reports that its original research and investigation—involving thousands of insurance company legal documents and financial filings—finds that Allstate is the worst insurer for consumers.

AAJ's report, *The Ten Worst Insurance Companies in America: How They Raise Premiums, Deny Claims, and Refuse Insurance to Those Who Need It Most*, has received extensive media coverage and can be read at [www.justice.org/docs/TenWorstInsuranceCompanies.pdf](http://www.justice.org/docs/TenWorstInsuranceCompanies.pdf).

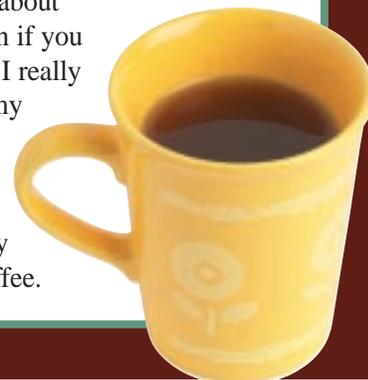


## **Gary says:** **Jury duty**

When called, serve. It's your opportunity to ensure that trials are fair and defendants, plaintiffs, and witnesses get a fair hearing.

## **COME IN AND SEE ME**

I've had clients complain that we have never met. This should not happen. If you're ever curious about your case, or want to complain about something, or even if you just want to see if I really exist, please call my office for an appointment. I'm charming and really funny. I may even offer you coffee.



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