

DOCTOR'S NEWSLETTER NO. 10: THE LAW OFFICE OF NEAL H. SOBOL PROTECTS YOUR PATIENTS FROM "INDEPENDENT" MEDICAL EXAMINATIONS

Insurance companies often require a so-called "Independent Medical Examination" (IME) to be conducted in personal injury cases. This can occur during litigation but also can be demanded where no lawsuit exists (for instance, requiring an IME before making Med-Pay benefits under a client's own policy). We are frequently surprised to find that some lawyers do not aggressively protect chiropractic patients from these examinations. While insurance carriers sometimes are entitled to demand these intrusive examinations, there are also legal limits placed on what can be demanded. We have been successful in avoiding the inconvenience of IMEs through experience, negotiation and by providing comprehensive reports of the patient's claim. These examinations should never just be accepted as a matter of course because they are not "independent" since they are paid for by insurance companies, using doctors of their choice, for the purpose of defending against your patient's claim.

In cases where the examination must go forward, the law provides many ways to protect your patient. For instance, the attorney representing such a patient is entitled to have a representative attend the examination, and to observe, tape-record and time the entire examination. This provides valuable information in terms of tests not performed, the extent of the history taken (or not taken), and amount of time spent with the patient. Additionally, we routinely insist that no x-rays, or such, be allowed at the examination, nor will any examination be permitted that is painful, protracted or intrusive. These and other protections are provided under the law and should always be enforced (See Code of Civil Procedure § 2032).

At The Law Office of Neal H. Sobol, we routinely limit such examinations. We protect patient's rights and observe and record examinations where they must go forward. If you are working with an attorney on personal injury claims who does not insist on fully using these measures to protect your patients from intrusive examinations, you should question that attorney's commitment to your patient's claim [For more information contact Neal H. Sobol, Esq. at 818-547-6650]