



## How to get the most from an IME the first time

By Brian M. Solodky ■ January 30, 2018

Online and printed firm materials are for educational purposes only. Please consult your attorney for legal advice on a specific claim, case or issue.



*Brian M. Solodky is an attorney at Reinisch Wilson Weier PC. He may be reached at 503.452.7263 or BrianS@rwwcomplaw.com.*

***Follow up with IME doctors many times cannot be avoided and should not be viewed as a failure***

Independent medical examiners (IMEs) offer opinions based on the information and materials made available to them. The absence of relevant data can result in an incomplete report and/or trigger claim processing that is later determined to be incorrect. Our fundamental goal as claim professionals is to make educated decisions grounded on accurate and complete evidence.

The best case scenario is to obtain reliable medical evidence from IME providers on the first attempt, without the need for costly addendum reports. Follow up with IME doctors many times cannot be avoided and should not be viewed as a failure, especially in a litigation setting. The key is to make sure adjusters and their defense counsel are not coaxed into bad decisions by an IME report authored by an uninformed doctor.

In order to help IME doctors do their job well, it is critical to provide them with all relevant imaging study films in existence. Comparing serial films taken of an affected body part before and after an injury routinely yields very strong evidence regarding causation. Tracking down films can sometimes be challenging, but a thorough post-injury interview of the worker and claim index check will help identify treatment providers who may have ordered imaging studies for the subject body part.

Intra-operative photographs also can be very useful when available. The Workers' Compensation Board historically gives added weight to the opinions of treating surgeons. When we are faced with conflicting opinions from the treating surgeon and the IME doctor(s), it is possible to level the playing field by allowing the IME doctor to review the intra-operative photos of the subject body part. Doing so gives the IME doctor the opportunity to see the pathology visualized by the surgeon and elaborate his/her analysis accordingly. Surgeons now take intra-operative photographs during most procedures; thus, you should seek out the photos anytime a surgery is known to have taken place.

IMEs are a very useful tool. Getting imaging study films and intra-operative photos to the IME doctor will increase the productivity of the IME process and help retained medical experts do the job you ask of them.

The attorneys at Reinisch Wilson Weier PC can help you at any stage of your evidence collection, including communication with IME physicians. ■