IM LAWYERS



Independent medical examinations in personal injury claims

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In many personal injury claims, claimants (the injured person) may be required to attend what is called an Independent Medical Examination ('IME') or medico-legal appointment. IMEs are a bit different to a standard medical appointment, so we thought we would provide some information about the IME and its impact on your personal injury claim.

Why do I need to attend an independent medical examination (IME)?

The purpose of an IME report is so that your lawyer (and the other side can obtain an independent opinion about your accident-related injuries and the effect they have had on your life.

During an IME appointment, the doctor will not provide you with any medical advice or treatment. They are simply interviewing and examining you as part of the process of gathering information about the injury. Following the IME, the doctor will write a report (called a medico-legal report) providing their opinion regarding your injury.

In the medico-legal report, the doctor will usually provide an opinion about some or all of the below information:

Their diagnosis of the nature and extent of your injury;

Whether the injury was caused by the subject accident/incident;

Whether the injury has affected other aspects of your life, including employment and day-to-day activities; and

A whole-person impairment assessment (this is a percentage rating calculated using various applicable guidelines).

In many cases, both your lawyer and the other side will each organise an IME with different doctors. So, you may be required to attend two appointments even if your personal injury claim only relates to one injury. If you have sustained more than one injury, you may be required to attend multiple IME appointments with doctors with different specialties.

Example of arrangements for IME appointments

Trevor was injured in a motor vehicle accident and lodged a CTP compensation claim. He sustained a knee injury and has been suffering from anxiety symptoms ever since the accident. It is possible that Trevor's lawyer may choose to organise an IME appointment with:

an orthopaedic surgeon to assess Trevor's knee injury; and

a psychiatrist to assess Trevor's anxiety symptoms.

The CTP insurer may also exercise their right to organise appointments with each of those specialties. Therefore, Trevor may be required to attend four appointments in total.

What will happen in an IME appointment?

During an IME appointment, the doctor will ask you questions about your injury, the circumstances of the accident/incident, and any other related information. This will typically include questions regarding:

your medical history;

your employment history;

treatments you have sought for your accident-related injuries;

whether the injury has impacted your ability to work or other aspects of your life.

It is important to be truthful and as accurate as possible when answering the doctors' questions to ensure the doctor can complete

the report as accurately as possible.

It is useful to have clear in your mind all the relevant information about these factors before you attend your IME appointment so that the appointment runs as smoothly as possible. It can be helpful to make some notes about these things and take them with you to the appointment. You are also permitted to write notes of your own during the IME appointment.

> *Example of information to take to your IME appointment*
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> Jeffrey has commenced a common law claim for psychiatric injuries he sustained because of abuse he suffered when he was a child. He sometimes gets confused about the names and dosages of the various medications that he is prescribed. In this scenario, Jeffrey should take a list of his medications with him to refer to when answering the doctor's questions.
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> During an IME appointment, the doctor may also perform a physical examination (i.e. beyond simply asking you questions) to better understand the extent of your injury.
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> *Example of other examinations that may occur at an IME appointment*
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> Janice injured her ankle in an accident at work. She has commenced a worker's compensation claim in relation to the ankle injury. In an IME appointment with a doctor assessing Janice's ankle injury:

she may be required to perform various physical exercises using the ankle (such as observing Janice walking); and/or

the doctor may need to do a physical examination of the ankle by gently moving the injured ankle.

Can I bring a support person with me to an IME?

In most instances, you will be able to bring a support person with you to the IME appointment. Some doctors may prefer that you attend alone during the actual examination process. Others will be happy for the support person to come into the appointment with you.

If you would like to bring a support person to your appointment, it is important to contact your lawyer to discuss whether that is possible for your particular appointment.

What if I cannot attend the IME appointment?

The IME report is usually an important part of a personal injury claim, and it can be difficult to obtain appointments for these examinations. Wait times can frequently be several months or more, and it is, therefore, important that claimants make every effort to attend their scheduled IME appointment.

If you are unable to attend your scheduled appointment, it is important that you notify your solicitor as soon as possible to avoid the doctor charging a cancellation fee and to ensure another appointment can be arranged as soon as possible. Usually, there will be a cancellation fee which applies if the appointment is cancelled within two weeks (sometimes even longer) of the date of the appointment.

A few administrative things to remember about attending a medico-legal (IME) appointment

Here are a few quick tips to remember when attending an IME appointment to ensure the appointment runs as smoothly as possible.

Make sure you arrive at your appointment at least half an hour before the appointment time. If you are attending your appointment in person, please ensure you allow time for traffic and parking etc. If you are attending your appointment via video link, it's helpful to ensure you allow time to understand and set up the technology properly for the appointment. If you are late, the doctor may charge a late fee or cancel the appointment and charge a cancellation fee.

Before your appointment, gather any important information to have available. You may be required to complete some paperwork before the actual examination, which may include information about:

- your injury;
- your personal contact information;
- your emergency contact information;
- other medical or administrative information.

You should ensure you bring a government-issued photo ID (for example, a driver's licence or a passport) with you to the appointment so that the specialist can confirm your identity quickly and easily.

If you have any hard copy x-rays or other imaging relevant to your injury, then you should take these to the appointment as well. You do not, however, need to take any medical reports you may have from other health professionals you have attended.

If you have any queries about the IME process, then you should speak to your solicitor well before the appointment to allow sufficient time to address your query.

Get help from a personal injury lawyer

If you've been asked to attend an independent medical examination related to a personal injury claim, and you're unsure about your rights and obligations at the IME, or you have any other queries or issues related to your claim, you should seek legal advice from an experienced personal injury lawyer.

At IM Lawyers, we are highly experienced in personal injury claims. We offer 'no win no fee' options, and your first appointment is always free. So, it costs you absolutely nothing to find out where you stand.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.