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Independent Medical Exam Tips

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How to Beat an Independent Medical Exam (IME)

The decision handed down by the IME doctor can make or break your L&I claim, so it's crucial to ready yourself ahead of time. Undergoing an IME can be stressful and overwhelming. However, it is an important process for your L&I claim. With ample preparation and knowledge, you will be able to complete your IME appointment and maximize your chances of receiving the L&I benefits to which you may be entitled.

Here are our tips on how to beat an IME and see past IME doctor tricks:

Prepare and Provide a Thorough Medical History

Before your evaluation, review and gather all your medical records and any imaging results related to your workplace injury or illness. Being familiar with your own medical history allows you to give the IME provider important and accurate information regarding your claim, including your symptoms, injuries, and medical care. Be sure to bring these with you to your IME.

Chart notes and test results that have been covered on your claim may already be available to your IME provider, but it is always a good idea to be prepared in case they do not have access to such records. Additionally, your file may be missing notes and results from any appointment that was covered by your private insurance. If you are

attempting to add an injury to your existing claim, this can be a crucial step in ensuring that the IME provider has all of the facts about your condition.

Provide an Accurate Account of the Incident or Cause of Injury

During your IME, the examiner will likely ask you to provide an account of what happened and might also have you submit an IME questionnaire. Prepare beforehand by listing important details to ensure you can provide an accurate account of the incident.

Here are some sample questions your examiner may ask you during your IME that you should be prepared to answer:

- How did the injury happen?
- What symptoms are you experiencing?
- How would you rate your pain?
- Have you had the condition or been treated for it before?
- What is your current treatment plan?
- What are your current physical limitations?
- How do you spend your day (before and after injury or illness)?

Bring an Observer to Your IME and Have Them Take Notes

When faced with an IME, it is normal to be nervous. If you are stressed, you may forget what the provider has stated

or what questions that they have asked. Bringing an observer with you can be helpful.

Have someone accompany you to the exam—preferably your significant other or trusted friend. The observer should take detailed notes; you can prevent scenarios in which the IME doctor omits facts relevant to your case.

You may not bring an observer to a psychiatric IME exam.



Record Your Examination

You have the right to record an IME using audio and/or video. If you would like to record, you or your representative must formally notify the IME provider of your intent to record the examination no fewer than seven days in advance. The IME provider should supply any equipment associated with recording the examination; however, it is wise to be prepared with a recording device of your own that you can set down for the duration of the IME.

Just as it is your right to record the examination, it is the IME provider's right to deny your request if they do not consent to be recorded. In order to accommodate both parties, the IME scheduler will cancel the IME and attempt to schedule your examination with a provider who does consent to be recorded. Some providers only allow recording in their examinations under the condition that they also record a copy for themselves, in which case you may be asked to consent to co-recording. For additional details regarding your rights and obligations regarding recording of IMEs, visit the L&I website.

Obtain a Copy of Your IME Report

L&I or the self-insured employer must provide a copy of

your IME report to you, your attending physician, and your representative. The IME examiner will use your intake as a baseline and reference when evaluating your injury or illness. Obtaining a copy of your IME report will help avoid misunderstandings and inconsistencies between you and L&I as you navigate the L&I claim process.

Be Honest

It is important to be honest and open with your examiner. More specifically, be honest about relevant previous injuries. Insurance companies are skilled at uncovering past injuries. Provide a thorough history of the symptoms, injuries, and medical care related to your case.

Withholding or exaggerating any information can damage your credibility, and may have legal consequences—so be accurate and truthful. Your objective is to help the provider get a clear understanding of your injury. If you experience pain at any point during the examination, let the doctor know. Describe how the pain feels and where it hurts, using words like searing, stabbing, or throbbing. L&I considers pain to be subjective. If you are not able to describe what kind of pain you are feeling and where, the IME provider may not take you seriously and could discredit your injury.

Be Polite and Cooperative

On the day of your IME, make sure to dress appropriately and arrive at least 30 minutes early.

During your IME, make sure to stay composed at all times. Be polite and cooperative with the IME doctor, but do not answer questions that pertain to fault or that are irrelevant to your case (such as questions about unrelated medical problems), as this is a typical IME doctor trick. It is also crucial not to interrupt your examiner or react to the length of the exam.

Remember that the doctor conducting your IME is hired to get the necessary information on your claim. Do not consider them a threat or a hurdle. Rather, your examiner is there to help you get the support and evidence necessary to win your case, so always remain on your best behavior during the exam.

Remember You Are Being Observed at All Times

Be aware that you will be under observation at all times, from the moment you get out of your car in the parking lot until you leave the premises. The IME doctor will be looking for any signs that cause suspicion or that contradict your claim of injury. If you spring out of your car or a waiting room chair, the doctor may testify that

you are not experiencing pain. In addition, some IME providers set up scenarios that catch patients off-guard; for instance, a doctor may drop something or make a sudden movement that triggers the patient to quickly turn his or her head.



Mistakes to Avoid during Your IME

Undergoing an IME often makes people feel uncomfortable. However, it is important to remember that being defensive or aggressive during your IME appointment will not help to support your claim. An IME is conducted to establish findings, opinions, and conclusions about your physical condition, and you should consider it as a stepping stone rather than a stumbling block. Be aware of your attitude and mindset, and do your part to ensure that the examination rating is an accurate determination of your injury or illness.

Some of the most important things to avoid during your IME include:

Avoid Providing Lengthy Answers

Your IME doctor only has a limited time to conduct the exam, so it is important to keep your answers brief but thorough, elaborating only when your examiner asks you to. Preparing a detailed but concise account of your injury or occupational illness before your appointment will help you avoid this common IME mistake.

Additionally, IME doctors sometimes ask irrelevant questions in order to distract you or get you to say something that might jeopardize your claim. For example, an examiner might ask an injured worker with a healing leg what they did over the weekend, hoping that they might say they did something that requires walking or standing. Even if the amount of movement is within the

restrictions set by the worker's attending provider, the examiner can easily misunderstand or even twist your response to make it seem like you are not as injured as you claim.

Do Not Sign Anything Other than the Sign-in Sheet

Be cautious of signing anything other than a sign-in sheet or evaluation consent form. Importantly, read any paper you are given to make sure you are not signing anything you shouldn't. By signing without fully understanding the document, you might accidentally waive legal rights, subject yourself to unfair terms, or agree to provide information that could be used against you.

Do Not Discuss Your Representation

The purpose of the IME is to assess your medical condition, not your lawyer. Focus on your injury and the evaluation. If the IME doctor asks you why you hired representation, keep your answer brief. You do not need to go into detail about your case.

Do Not Agree to Invasive Testing

Do not agree to invasive tests or submit to procedures that your regular doctor has already performed. There is no reason to endure painful or repetitive procedures.

Avoid Discussing Pain Medications

You do not want to give your examiner the impression that you are abusing over-the-counter or prescription drugs—or that your condition is not bad enough to require a higher or more frequent dosage. If you are asked about pain medication, answer it with a simple yes or no.

IME Doctor Tricks

In addition to knowing which mistakes to avoid during your IME appointment, you also need to be aware of IME doctor tricks that could be used against you in an attempt to devalue your L&I claim.

IME doctor tricks might include:

Asking about Your L&I Claim Value

Your IME is conducted purely for the purpose of establishing medical finding and opinions. There is no reason for them to ask you any further or in-depth

questions about your claim or case value. Anything discussed during your IME is recorded in your file and passed along to your employer and the insurance company, so it's best to avoid talking about your claim at all to prevent saying something that could harm the case.

Asking Irrelevant Questions

Another popular IME doctor trick is to ask questions that have nothing to do with your injury. It may seem as though they are just being friendly and making conversation, but this is rarely the case. As an example, maybe you've injured your shoulder on the job, but during your exam, the IME doctor asks if you play tennis. This could be a tactic to blame a different scenario on your injury instead of the work-related accident.

Surveilling You or Trying to Catch You Lying or Exaggerating

This IME doctor trick can be particularly problematic for injured workers. An IME doctor or one of their associates may surveil you—follow you without your knowledge—to try and catch you doing things you shouldn't be able to do if you are, in fact, injured.

This trick could also extend to your IME, where the doctor may ask you different questions that counteract things you've previously said. They do this to see if you'll change your story or suddenly exaggerate what happened or how you're feeling. This is because, while IME doctors are meant to be independent contractors, they are often biased as they are paid by the insurance company and could make more money if they deny your claim.

Tying Your Injury or Illness to Prior Injuries or Symptoms

If you have a previous injury or occupational illness that could have similar symptoms to your industrial injury, a common IME doctor trick is to connect your new injury to your old one. Doing this could discredit you or weaken your claim as it could cause the insurance company to question your L&I claim and ultimately deny it.

Speculating about Alternate Causes

Without a previous injury or occupational illness, your IME doctor may start suggesting other causes of your injury. They may imply that the medication you're taking, your lifestyle, your family history, or even a hobby could be to blame. This ties into our previous point of them asking you irrelevant questions, as they can use your answers to

speculate that anything other than work could have led to your injury.

Performing Fake Tests

IME doctor tricks often include performing unnecessary or fake tests to "find" pain that couldn't possibly be related to your injury. For example, maybe you've hurt your wrist in a fall at work, but they want to test your inner ear to see if a balance issue could have been the real culprit behind the injury.



Don't be afraid to politely question any recommended tests to see exactly what the IME doctor is trying to test for before moving forward.

Writing an Incomplete Summary of Your Medical Records

Another IME doctor trick of which to be aware is a provider's purposeful decision to omit relevant details of your examination in their summary report. Instead, the IME doctor could highlight irrelevant details that discredit your claim and lead to a denial. This is why we recommended bringing an observer to take notes on everything discussed or requesting to record the examination; you can then compare their notes and the recording to what is listed in your assessment.

If you suspect the IME doctor is withholding important details or relevant information for your claim, your L&I attorney can help identify and expose the inaccuracies of the IME report.