

Your Adverse Medical Examination

Your exam will be:

➡ Why am I being asked to undergo an adverse medical examination?

In a case such as yours, that involves a personal injury, the defendant through their insurer has a right to request that you be examined by another doctor in order to determine the validity or severity of your injuries. The doctor who examines you is doing so for the defendant and will testify for the defendant about your condition if or when your case goes to trial. This doctor is paid by the defendant's insurance provider. Please remember: this examination is not to treat your injuries. Often, our first instinct is to trust all physicians or nurses. It is okay and in fact important to be cautious, while cooperative and truthful.

➡ What will happen at the exam?

The defendant's doctor will want to know how you were hurt, your complete medical history, what treatment you have had, and how you feel now. You should be honest in your answers but be careful that you understand each question before you answer it. For example, if the doctor asks, "How do you feel now?" you should find out if he/she wants to know how you feel that minute or how you feel at this point after the accident. You may feel pretty good at that moment but had pain associated with your injury earlier in the day, so it is important to be specific.

When the doctor examines your injury, be sure to tell him/her when any part of the examination or procedure causes you pain.

➡ What is the doctor looking for?

Each adverse medical examination is different depending on the physician, but the exam generally follows this structure:

Patient Interview - this is where they will gather a history of the accident, resulting injuries and medical condition.

Consultation of other medical records provided to the physician.

The **medical examination** is conducted. During this part of the appointment the doctor is looking for a variety of factors including:

General Appearance – the doctor will be observing numerous things during your examination including how you walk into the examination room, the way you stand, whether or not you have difficulty climbing onto the examination table or other mobility issues and whether they note signs of distress. The doctor is also looking at how you dress, your weight and personal hygiene and any other factor that they believe is relevant to your injury or condition.

Signs of Deception – the doctor may be looking for signs of deception or exaggeration by you and you can expect that they will report any impression they have if they believe that you are intentionally or unintentionally exaggerating any symptoms.

Objective Manifestations of Injury – the doctor will typically review any medical imaging studies such as x-rays, MRI reports, CT scans and other digital medical imaging studies to look for signs of objective manifestations of injury or objective measurable damage or injury to your body. This means that injury or damage is clearly visible in the digital studies.

Subjective Manifestations of Injury – the doctor will likely perform tests which will require you to provide subjective indications of pain, discomfort, sensitivity or insensitivity. For example, if you have a lower back injury, the doctor may ask you to perform a variety of movements which stretch or turn the back and will note the point at which you report pain, or the point where movement becomes limited by pain.

What is an Adverse Medical Examination?

An Adverse Medical Examination is called an Independent Medical Examination by the insurance industry.

Your attorney calls it an **Adverse Medical Examination** because the request to have your injuries evaluated by an 'independent' doctor has typically been requested by an insurance carrier who is seeking to limit benefit payments to you.

Other Contributing Factors – you can expect the doctor to inquire about any other ailments or injuries, including any which have occurred prior to or since the accident which may have somehow contributed to or aggravated the injury or impaired your recovery since the time of the accident. The doctor may also address any lifestyle factors discovered during the exam such as alcohol consumption, recreational drug use, smoking and overeating.

➔ **Other things to remember:**

Do not volunteer any information not requested.

Do not discuss who was at fault in your case.

Do not discuss settlement of your case. These things have nothing to do with the doctor's examination of your injury.

➔ **What should I do to prepare for the adverse medical examination?**

Before your appointment speak with your attorney. Your attorney may have special information or advice for you about the specific doctor or clinic where your exam will be conducted. Your attorney can guide you on how to conduct yourself during the examination.

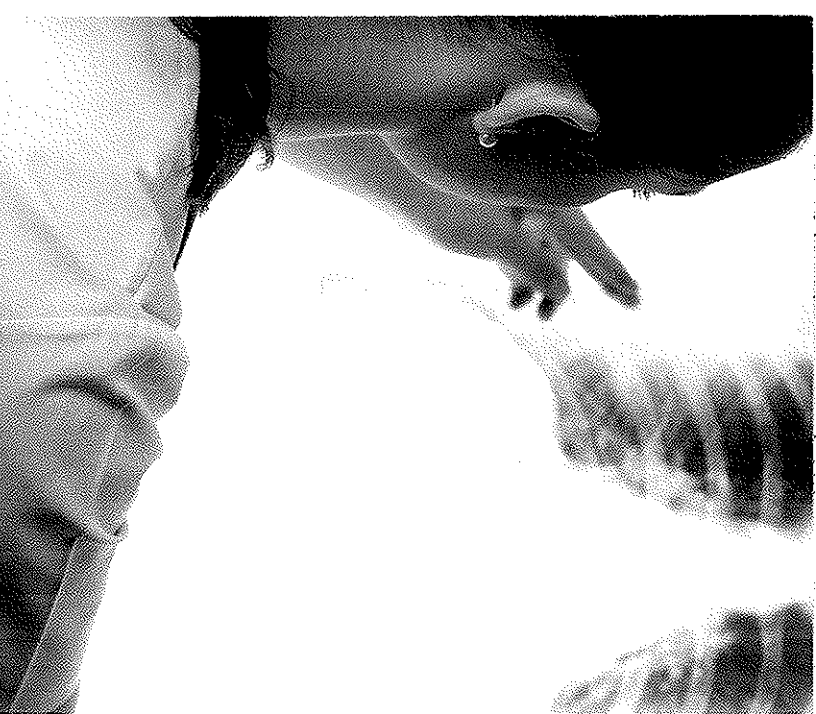
Soon after leaving the doctor's office you should document the exam. Bring blank sheets of paper with you to document your examination. Bring other sheets of paper with you in case you run out of room. Write down exactly what you did at the doctor's office. How long the doctor examined you? How much time you spent taking tests, x-rays, etc?

Here is an example:

- 2:00 pm Appt. time - arrive at Dr.'s office
- 2:30 pm Finally go to examining room
- 2:40 pm Doctor arrives
- 2:50 pm Interview ended/told to undress
- 3:10 pm Doctor returns
- 3:15 pm Examination over
- 3:20 pm Give urine specimen
- 3:23 pm Give blood sample
- 3:30 pm Took x-ray
- 3:40 pm Left clinic

Be sure to write down the questions that the doctor asks you and what your answers were to those questions. It's not necessary to write them down word for word, just so you put down the substance of the conversation. If you feel uncomfortable documenting the exam you may take your spouse or someone else along with you and ask them to help you take notes. Otherwise, document the exam as soon as you can after it is completed so that you can capture the details of the examination right away. Finally, you should relax. Everything will be OK. Please call our office if you have any questions.

➔ **For more information contact:**



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- ➔ Why am I being asked to undergo an adverse medical examination?
- ➔ What will happen at the exam?
- ➔ What is the doctor looking for?
- ➔ What should I do to prepare for the adverse medical examination?