



PHYSICIAN LEGAL CONSULTANTS OF NEBRASKA

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NEWSLETTER

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This Month's Question:

[Can an IME Report be Disregarded due to Examiner Bias?](#)

Physician Legal Consultants Response:

A colleague recently had a case of a 31-year-old man who suffered substantial injuries in a work-related accident. The client was hit with several 40-pound bags of fertilizer that fell off pallet located 10 feet above his head in the warehouse of a landscaping company. He sustained several injuries including ruptured discs at C3, C4 and C5. The client subsequently developed Complex Regional Pain Syndrome (CRPS) of the left upper extremity after surgical intervention for the ruptured discs.

During the course of treatment, opposing counsel ordered a psychiatric IME. My colleague attended the IME as a medical observer for the client and his attorney. It should be noted the client hired an attorney to represent him after treatment was denied for his surgical cervical spine procedure and subsequent denial of treatment for comprehensive treatment through a pain clinic after his CRPS diagnosis.

The first IME our colleague observed regarding the disc problems was quite straightforward. When he observed the client's psychiatric IME, he was actually astounded by the demeanor and behavior of the IME examiner. The examiner was hostile to and argumentative with the client. The IME report reflected the examiner's attitude and behavior towards the client.

It was our colleague's opinion the IME report should be completely disregarded regarding this client's medical conditions and treatment due to examiner bias.

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