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Twenty-One Questions to Ask Your IME Vendor

***a guide for disability claim managers and adjusters
in the age of litigation and increased security demands***

By Leonard Grossman, Ph.D.

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INTRODUCTION

If you're responsible for scheduling an Independent Medical Evaluation (IME) or choosing an IME vendor, this handy guide is for you.

Circumstances have changed a great deal since I first ventured into the IME business some twenty-three years ago. What once would have been considered an excellent level of service would today leave our clients open to all sorts of potential law suits.

The greatest messenger of change has been the newly emerging technologies in computers and communications. But this is far from the entire story, as you will discover as you read through this guide. Some of the most frequently neglected security procedures are relatively low tech in nature.

In working with my clients, mainly disability insurers, I have found varying degrees of investigative inquiry into how our company is operated or the way in which we administer our IME services. But even companies with stringent requirements fail to inquire into how we handle important service and security areas.

Looking back, I would have loved access to a handy business guide for running an IME company. Alas, no such publications were available and most of us learned the trade via the "school of hard knocks." Which brings me to the reason for writing this guide: to share what I have learned with those entrusted with the responsibility of scheduling an IME, or with the more daunting task of selecting an IME vendor from among the many that are available.

HOW TO USE THIS GUIDE

Getting hit over the head from time to time taught me the value of having a "hands on approach" in a business that demands the highest possible level of security.

To get the most out of this publication *I am encouraging the reader to grab a hold of some recent IME reports* and keep them handy as you thumb through our various sections. Examining the content of actual reports as you read will definitely liven things up and sharpen your thinking as to what belongs in an IME report. You may be surprised (but hopefully not shocked!) by what you find and/or what appears to be missing.

HOW THIS GUIDE IS ORGANIZED

We have organized the main body of this guide into a “Twenty-One Questions to Ask Your IME Vendor” format. These questions are in no particular order as opinions will vary as to which are the most important. This is followed by a “Ten Common IME Vendor Errors” section. Both are supported by “Close-up” appendices which provide additional details on the concerns and issues covered.

The last “Close-up” section, titled “Mental Health versus Medical IMEs,” is perhaps the most important one. One in three IMEs are of the mental health variety requiring an evaluation by a psychiatrist, psychologist, or neuropsychologist.

While your IME vendor may offer both medical and mental health IME services, what goes into the latter differs qualitatively from putting together your typical medical IME evaluation.

Finally, I’d like to thank my operations manager and editor in chief, Mr. Michael Castellano, for his dedication and hard work in helping to make “Twenty-One” questions possible.

Sincerely,



Leonard Grossman, Ph.D.
Diplomate, American Board of Forensic Examiners

TWENTY-ONE QUESTIONS YOU SHOULD ASK YOUR IME VENDOR

1 – How does your IME vendor evaluate examiner CVs?

Every IME company obtains an examiner's CV. But who reviews it and are they capable of understanding what's contained in it? Some vendors have a nurse look them over, and while most have sufficient medical experience for this task they may not be familiar with credentialing criteria for mental health examiners.

For example, in the case of a psychologist practicing in the sub-specialty of neuropsychology, does the reviewer know how to determine if they actually have the necessary qualifications and experience? Determining this is complicated because there is no mandatory board certification associated with practicing as a neuropsychologist. Consequently, one has to know what to look for in terms of internships and specialized training. If the individual reviewing the CV is not aware of this, you could wind up with an unqualified IME examiner—which at best is an embarrassment and at a serious liability if a case goes to litigation.

(see “Credentialing IME Examiners” on page 15 for more information)

2 – How does your IME vendor process medical records?

Most companies merely copy the records received and send them as is. This can add to costs if the examiner has to organize them and remove duplicates.

In addition, many companies leave it up to the examiner to include a records description, the result being an incomplete one along the lines of “I reviewed the records provided to me.”

So, have you checked recently to see how many of your reports contain a complete listing of records? Keep in mind that reports without one are highly vulnerable to challenge during any subsequent litigation process because they do not document all the records used to base their conclusions on.

3 – Does your IME vendor require reports to include an “Informed Consent” statement?

I am always surprised by how many reports I come across which fail to indicate that a claimant was informed of the nature of an IME evaluation.

“Informed Consent” statements can vary according to emphasis and level of detail, but at minimum should indicate that the examinee has been informed of the nature and purpose of an IME evaluation and that he or she has expressed an understanding of these facts and agreed to proceed with the evaluation.

Failure to include an “Informed Consent” statement is a very serious omission that directly compromises report integrity. We recommend checking your IME reports regularly for their inclusion.

4 – Does your IME vendor make sure your reports are marked “Confidential”?

While all concerned parties involved in an IME evaluation are aware of the confidential nature of a report, it is relatively rare to find one marked as “CONFIDENTIAL” in a conspicuous way. In fact, I suspect that if you selected ten reports at random not one will be marked as such. Making sure this gets done provides an added measure of protection and demonstrates that due diligence has been taken in matters of security.

5 – Are your IME vendor’s reports signed with an examiner attestation?

Technically speaking, all that is required of an IME examiner is that they sign their report on top of a printed version of their name and specialty. However, from a medico-legal perspective it is preferable that a report be signed with an attestation. While precise language varies according to preferences, the following is representative of what one should include:

"I, Dr. _____, being duly licensed to practice in the State of _____, hereby affirm under penalties of perjury that the statements contained herein are true and accurate to the best of my knowledge and information, and are the work product of the undersigned."

Attestation statements should be located at the very end of the report.

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