

## Claimant Attorney Survey on IMEs

### Highlights

- Annually, 67% of defense attorneys represent over 30 workers' compensation clients a year, 9% between 11 and 30, 9% between 6 and 10, 12% between 1 and 5, and 2% represent no workers' compensation clients.
- Forty-seven percent of claimant attorneys reported that from 90% to 100% of the injured workers they represent attend an IME, 26% said between 75% and 89%, and 21% said between 50% and 74% attend an IME.
- Seventy-four percent of claimant attorneys rated their clients' experience with IMEs as poor, 23% rated it as fair, 2% as good, and none rated it as excellent.
- The top categories for specific feedback attorneys received about an IME from clients indicated that they were treated rudely by the physician (28%), that the exam was cursory and superficial (23%), that the report submitted did not reflect what happened at the exam (16%), that the doctors are biased toward insurers (12%), and that the physician does not listen to the client (9%).
- Claimant attorneys use various processes for handling complaints about IMEs from their clients. Forty-seven percent stated they do nothing because there is no remedy, another 18% use the information at hearing in cross examination, 12% either follow up or direct the worker to follow up with the treating physician, 7% pass the complaint on to the insurance company, and 4% refer the complaint to the Workers' Compensation Division.
- The three greatest concerns regarding the IME process for claimant attorneys are: physician and exam bias toward the insurer (48%), the lack of practicing doctors performing IMEs (7%), and reports submitted by doctors that do not accurately reflect what happened in the exam (7%).
- Eighty-one percent of claimant attorneys felt that insurers prepare injured workers for what to expect in IMEs not at all adequately, 14% slightly adequately, 4% moderately accurately and .8% very adequately.
- Forty-three percent of attorneys felt that injured workers understand IMEs not at all well, 32% slightly well, 19% moderately well, and 7% very well.
- When asked what they do to prepare clients for IMEs, the top ways included explaining the process and their rights (21%), instructing them to be truthful (20%), explaining that the exam is biased for insurer (13%), instructing them not to exaggerate their symptoms or pain (7%), and instructing them to be cooperative (7%).
- The most frequent suggestions provided by claimant attorneys for improving the IME process were: doctors should have an active practice, a process similar to the medical arbiter process should be used, find a way to make the IME physician objective, get rid of the process completely, and limit the number of IMEs.