



FUNCTIONAL CAPACITY EXPERTS, LLC
1611 Jimmie Davis Hwy.
Suite C
Bossier City, Louisiana 71112
318-658-9950 Phone
318-658-9951 Fax
www.functionalcapacityexperts.com



SECOND MEDICAL OPINION

A **Second Medical Opinion (SMO)** is usually a one-time evaluation performed by a physician who is not treating the injured worker or claimant, to answer questions posed by the party requesting the SMO.

SMOs are routinely requested by **insurance companies and insurance defense attorneys** in cases involving workers' compensation and personal injury claims to address issues related to:

- Diagnosis
- Causation
- Appropriateness of care
- Need for additional care or surgery
- Current medical status
- Prognosis
- Maximum medical improvement
- Permanent impairment
- Work capacity

However, sometimes the **treating physician** may request a SMO from a same specialty physician regarding diagnosis and medical care. It is important that the referral source provide **clear questions or issues** for the SMO physician to address.

The **AMA Code of Medical Ethics** provides a guidelines for physicians performing SMOs:

Opinion 8.041 - Second Opinions

Physicians should recommend that a patient obtain a second opinion whenever they believe it would be helpful in the care of the patient. When recommending a second opinion, physicians should explain the reasons for the recommendation and inform their patients that patients are free to choose a second-opinion physician on their own or with the assistance of the first physician. Patients are also free to obtain second opinions on their own initiative, with or without their physician's knowledge.

With the patient's consent, the first physician should provide a history of the case and such other information as the second-opinion physician may need, including the recommendations about management. The second-opinion physician should maintain the confidentiality of the evaluation and should report to the first physician if the consent of the patient has been obtained. After evaluating the patient, a second-opinion physician should provide the patient with a clear understanding of the opinion, whether or not it agrees with the recommendations of the first physician.

When a patient initiates a second opinion, it is inappropriate for the primary physician to terminate the patient-physician relationship solely because of the patient's decision to obtain a second opinion.

In some cases, patients may ask the second-opinion physician to provide the needed medical care. In general, second-opinion physicians are free to assume responsibility for the care of the patient. It is not unethical to enter into a patient-physician relationship with a patient who has been receiving care from another physician. By accepting second-opinion patients for treatment, physicians affirm the right of patients to have free choice in the selection of their physicians.

There are situations in which physicians may choose not to treat patients for whom they provide second opinions. Physicians may decide not to treat the patient in order to avoid any perceived conflict of interest or loss of objectivity in rendering the requested second opinion. However, the concern about conflicts of interest does not require physicians to decline to treat second-opinion patients. This inherent conflict in the practice of medicine is resolved by the responsible exercise of professional judgment.

Physicians may agree not to treat second-opinion patients as part of their arrangements with insurers or other third party payers. Physicians who enter into such contractual agreements must honor their commitments.

Physicians must decide independently of their colleagues whether to treat second-opinion patients. Physicians may not establish an agreement or understanding among themselves that they will refuse to treat each others' patients when asked to provide a second opinion. Such agreements compromise the ability of patients to receive care from the physicians of their choice and are therefore not only unethical but also unlawful. (IV, V)

The AMA published an excellent article related to the standards for SMOs in "The Guides Newsletter" November/December 2005 edition which also applies to IMEs.

www.amehi.com/PDFs/IME%20standards%20for%20AIMEHI%20web%20site.pdf