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INDEPENDENT MEDICAL EXAMINATIONS

An **Independent Medical Examination (IME)** is one time evaluation done for the purpose of settling a dispute between the injured workers' treating doctor and the SMO doctor regarding their condition or their capacity to work.

Under L.R.S. 23:1123, **if a dispute arises as to an injured worker's condition or their capacity to work** (i.e. company doctor's opinion differs from the injured worker's treating doctor's opinion), any party can file a 1015 Form with the Office of Workers' Compensation Administration. The Director of the Office of Workers' Compensation shall order an examination of the injured worker to be made by a medical practitioner selected and appointed by the director.

Under L.R.S. 23:1124, **if an injured worker refuses to attend the medical examination**, workers' compensation benefits may be suspended by the employer or payor until the examination takes place.

The **AMA Code of Medical Ethics** provides a good outline of the responsibilities of physicians performing independent medical examinations as follows:

"Opinion 10.03 - Patient-Physician Relationship in the Context of Work-Related and Independent Medical Examinations

When a physician is responsible for performing an isolated assessment of an individual's health or disability for an employer, business, or insurer, a limited patient-physician relationship should be considered to exist. Both "Industry Employed Physicians" (IEPs), who are employed by businesses or insurance companies for the purpose of conducting medical examinations, and Independent Medical Examiners" (IMEs), who are independent contractors providing medical examinations within the realm of their specialty, may perform such medical examinations.

Despite their ties to a third party, the responsibilities of IEPs and IMEs are in some basic respects very similar to those of other physicians. IEPs and IMEs have the same obligations as physicians in other contexts to:

- (1) Evaluate objectively the patient's health or disability. In order to maintain objectivity, IEPs and IMEs should not be influenced by the preferences of the patient-employee, employer, or insurance company when making a diagnosis during a work-related or independent medical examination.
- (2) Maintain patient confidentiality as outlined by Opinion 5.09, "Industry Employed Physicians and Independent Medical Examiners."
- (3) Disclose fully potential or perceived conflicts of interest. The physician should inform the patient about the terms of the agreement between himself or herself and the third party as well as the fact that he or she is acting as an agent of that entity. This should be done at the outset of the examination, before health information is gathered from the patient-employee. Before the physician proceeds with the exam, he or she should ensure to the extent possible

that the patient understands the physician's unaltered ethical obligations, as well as the differences that exist between the physician's role in this context and the physician's traditional fiduciary role.

IEPs and IMEs are responsible for administering an objective medical evaluation but not for monitoring patients' health over time, treating patients, or fulfilling many other duties traditionally held by physicians. Consequently, a limited patient-physician relationship should be considered to exist during isolated assessments of an individual's health or disability for an employer, business, or insurer.

The physician has a responsibility to inform the patient about important health information or abnormalities that he or she discovers during the course of the examination. In addition, the physician should ensure to the extent possible that the patient understands the problem or diagnosis. Furthermore, when appropriate, the physician should suggest that the patient seek care from a qualified physician and, if requested, provide reasonable assistance in securing follow-up care. (I)

Issued December 1999 based on the report "[Patient-Physician Relationship in the Context of Work-Related and Independent Medical Examinations](#),"  adopted June 1999."

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

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