

Independent Medical Exams – Hardly!

by Stuart Garson

America's most respected newspaper, the *New York Times* has blown the whistle on one of the greatest scams involving injured workers – the so-called Independent Medical Exam (IME).

The *New York Times* reporter discovered what many of you know already. These exams are neither independent nor impartial. They are ordered by the Bureau of Workers' Compensation, employers, or insurance companies to have injured parties examined by independent physicians to corroborate their claimed conditions. But incompetent, deceitful physicians often conduct the exams. Many examining physicians admitted if they told the truth they would be out of a job, or as one stated, "You'd be out on your ears and the insurers wouldn't pay for it... That's the game baby."

That despicable admission leads us to wonder how many lives have been destroyed by independent

medical examiners who are not hired for their skill, but for their willingness to sacrifice their honor for the best opinion money can buy.

And let's not overlook the millions of dollars these crooked physicians make every year at the expense of injured workers and individuals; the examiners' opinions can empower an insurer to slash benefits, withhold medical treatment or stall a case.

One physician interviewed by the *New York Times* revealed he had examined 50 people in one afternoon. How can any competent physician complete 50 thorough, fair exams, or even half that number, in less than five hours? When questioned further this physician stated he did not write his own reports. He would "submit a checklist to a company which transformed it into a narrative." If that wasn't bad enough, he would insert numbers into a checklist after the claimant left.

When asked how he could be sure of their accuracy he said, "I'm not sure of anything, they're just a guess in the first place."

Then this quack made the most astounding admission of all. When asked about attesting to the accuracy of a finished report required by law he responded, "I rarely read them, I just sign them."

Had enough? Since we know that many of these exams are a scam we need you to document your IME. Take a stop watch with you into the examining room and, if possible, record or video tape your exam. Our office intends to report any discrepancies you discover to Robert Coury, head of the BWC medical section.

Be our eyes and ears and we'll do the rest. We can't change the culture overnight, but we will put these deceitful doctors on alert and let them know they will be held accountable for their fraudulent behavior.

Referrals are always welcomed. The people who are important to you are important to us. Feel free to call us anytime with a referral. As always, the same courtesy will be extended to your family and friends as we offer you.

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"Standing With You!"

Taking On the BWC



Stuart Garson Dennis Seaman

In December 2007 our office filed a class action lawsuit against the Bureau of Workers' Compensation (BWC). The lawsuit was filed on behalf of Ohio's small businesses.

A six-day preliminary injunction hearing took place in August, 2008. Three months later, headlines across the state announced that Judge Richard McMonagle had issued an injunction against the BWC to stop its unlawful practice by July, 2009. Regrettably, powerful forces in the business community lobbied the Ohio legislature to kill the injunction by having the law changed in December 2008, thus rendering the judge's order irrelevant.

Despite this cynical and repressive action by the business community

and the legislature, we are happy to report that the BWC has made major changes in the group rating program.

By July 1, 2009 Ohio's small businesses will have an equitable premium structure that will no longer severely penalize a company for a routine claim. As a result of our efforts, the BWC has already drastically reduced the premium rebates resulting in a more equitable premium structure throughout Ohio. In the meantime our lawsuit continues on the issue of restitution (damages) for the tens of thousands of victims of the group rating program.

We are proud to have played a major role in restoring this much needed balance to the Ohio Workers' Compensation System.

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