

# Keys to an Effective IME



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# Effective IMEs

- Section 12 Examination
  - Governed by IL W/C laws
- Act without bias or preconceived views
- Treat claimant with respect, avoid “adverse examinations”
- “Set the table” with the claimant



# Section 12

Sec. 12. An **employee** entitled to receive disability payments shall be **required**, if requested by the employer, **to submit himself**, at the expense of the employer, for examination to a duly qualified medical practitioner or surgeon selected by the employer, at any time and place reasonably convenient for the employee, either within or without the State of Illinois, **for the purpose of determining the nature, extent and probable duration of the injury received by the employee**, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this Act. An employee may also be required to submit himself for examination by medical experts under subsection (c) of Section 19.

An employer requesting such an examination, of an employee residing within the State of Illinois, shall deliver to the employee with the notice of the time and place of examination sufficient money to defray the necessary expense of travel by the most convenient means to and from the place of examination, and the cost of meals necessary during the trip, and if the examination or travel to and from the place of examination causes any loss of working time on the part of the employee, the employer shall reimburse him for such loss of wages upon the basis of his average daily wage. Such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires.

# Section 12

.... **If** the employee **refuses** so to submit himself to examination or unnecessarily obstructs the same, his right to compensation **payments shall be temporarily suspended** until such examination shall have taken place, and no compensation shall be payable under this Act for such period.



# Effective IME Critical Components

- Cover letter
- Specific questions
  - only answer what is posed
- Treatment records
  - other relevant medical records establishing comorbid med conditions



# Critical Components of the Report

- History of the Injury
  - Claimants account matches med records
  - Timing of reporting
- Mechanism involved
  - plausible?
  - conflict with records?
- Description of work activities, confirm with job description provided
- complete HPI
- relevant PMHx (surgeries, comorbid conditions)



# Critical Components

- Physical Exam
  - Focus on objective data
  - Pertinent body part
  - Distraction
  - Symptom Magnification
    - Waddell's signs
    - Nonanatomic complaints
    - Rapid Exchange grip
    - Illness, pain focussed behavior
    - Emotional
    - Note effort
    - pain scale



# Causation

- Plausible mechanism/history?
- Evidence based on non-traumatic conditions
  - ACOEM, ODG, Cochrane
- Witnesses?
- Consistency in records?
- Chronology appropriate? Timing of evaluation/treatment
- Appropriate response to treatment
- Work duties and avocations





# Finer Points

- Surveillance
  - Piece of puzzle, snapshot in time
  - relevance to body part/use
  - does the claimant perform activities that far exceeds what was found on examination?



# Finer Points

- Aggravation of pre-existing condition
- Exacerbation, increase in symptoms with activity
  - temporary and predictable increase in symptoms



# Finer Points

- Functional Capacity Evaluations
  - Find facility/evaluator independent of treating therapist
  - Review validity testing, devil in the details
    - % not valid may reflect only use of the involved body part or vice versa
  - Claimant should understand importance of full effort



# Finer Points

- Malingering
  - symptom magnification
  - exaggeration
  - submaximal effort
  - inappropriate pain or illness behavior
  - nonorganic findings
  
- Somatization



# Medicolegal terms

- MMI - claimant not expected to improve significantly with reasonable medical treatment (condition has plateaued)
- Based upon “reasonable degree of medical and surgical certainty”
- Probable



# Disability vs Impairment

- Disability
  - Activity limitations and/or participation restrictions. The gap between what a claimant can do and what a job requires. An inability to meet personal, social, or occupational demands or to fully engage in the activities of daily living that has been caused by an impairment.
- Impairment (AMA 6th Edition)
  - Significant deviation, loss, or loss of use of any body structure or function



# Resources

- Melhorn JM, Ackerman WE, Guides to the Evaluation of Disease and Injury Causation, AMA, 2008
- American Academy of Orthopaedic Surgeons, A Physician's Primer on Worker's Compensation, 1992
- Grace TG, Independent Medical Evaluations, American Academy of Orthopaedic Surgeons, 2001
- Rondinelli RD, Guides to the Evaluation of Permanent Impairment, 6th edition, American Medical Association, 2008

# Thank You

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