

**OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
OAR CHAPTER 436**

**436-010-0265 Independent Medical Exams (IMEs) and
Worker Requested Medical Exams (WRMEs)**

Independent Medical Examination (IME)

Requirements and Standards of Professional Conduct

Appendix B

1. IME providers must maintain effective communication, which includes but is not limited to:

- a. Taking steps to avoid personal conflicts during the IME and to the extent they arise, an IME provider must be prepared to address the conflict in a professional and constructive manner and adapt to situations by changing strategy or communication style when appropriate.
- b. Maintaining the confidentiality of the parties involved in the exam subject to applicable laws.
- c. Allowing the worker to express themselves fully without unnecessary interruption. If the IME provider needs more information after a worker has answered a question, the IME provider must rephrase the question and explain why they are asking again.

2. IME providers must conduct an objective and impartial examination, which includes but is not limited to:

- a. Conducting the IME without any preconceived notions or premature conclusions.
- b. Not sharing personal feelings or personal opinions.
- c. Remaining objective and impartial, both in reporting and during the examination.
- d. Basing findings and opinions only on established medical fact, practice, and theory, and not on an accepted fee for services.
- e. Recusing themselves prior to the IME if there is any sort of pre-existing conflict, whether apparent or actual.
- f. Being fair, truthful, and forthright in interactions with the worker and insurers whether through written documentation or oral communication.

3. IME providers must maintain dignity and respect for the parties involved, which includes but is not limited to:

- a. Treating the worker with dignity and respect and listening attentively.
- b. Giving the worker appropriate empathy for pain, discomfort, and anxiety.
- c. Using an appropriate tone and being aware of the worker's demeanor and body language when conducting the IME.
- d. Being courteous and polite to the worker.
- e. Being respectful of the worker's scheduled time for the IME and minimizing the necessary preparation for the IME while the worker waits.
- f. Refraining from making disparaging or insulting comments to the worker about any party to the claim.
- g. Refraining from criticizing or degrading the worker about their behavior or the history they provide.
- h. Respecting a worker's answer of no, if the IME provider asks for permission to allow someone other than a scribe or

chaperone to sit in on the IME without further questioning or encouraging a worker to provide permission.

4. Before the IME starts, the IME provider must:

- a. Identify themselves to the worker as an IME provider;
- b. Verify the worker's identity;
- c. Tell the worker who requested the IME;
- d. Tell the worker that an ongoing physician-patient relationship will not be sought or established;
- e. Tell the worker that any information provided during the IME will be documented in a report;
- f. Let the worker know that the IME provider cannot share opinions with them but will document findings in the report;
- g. Explain the procedures that will be used during the IME;
- h. Tell the worker that they may terminate a procedure if the worker feels the activity is beyond the worker's physical capacity or when pain occurs; and
- i. Ask the worker if they have any questions about the IME process.

5. During the IME, the IME provider must:

- a. Ensure the worker has privacy to disrobe;
- b. Sufficiently examine the conditions being evaluated to answer the requesting party's questions; and
- c. Let the worker know when the exam has concluded, and ask if the worker wants to provide more information or has questions.