



HOW TO FILE A COMPLAINT AGAINST AN INDEPENDENT MEDICAL EXAMINER (IME)

The Department's website states "IMEs should provide unbiased, accurate and comprehensive information and be carried out with dignity and respect for the worker." Unfortunately, many IME providers have not read the Department's website.

I frequently review the Department's files on IMEs and I am always surprised how few complaints are filed, particularly for some of the more notorious IMEs.

Complaints about the examiner's conduct or the examination itself should be sent to:

Mr. Gary Walker
IME Quality Assurance
Provider Review and Education Unit
Department of Labor and Industries
Industries
PO Box 44322
Olympia, WA 98504-4322
360.902.6818

Or for Self-Insured Claims:
Ms. Carol Wynegar
Self-Insured Quality Assurance
Department of Labor and
P O Box 44890
Olympia, WA 98504-4890

You can file a complaint by simply writing down your concerns or by completing the Department's "Independent Medical Comments Form," which can be found by clicking this link: <http://www.lni.wa.gov/pdf/245053a0.pdf>.

The Department keeps the complaints in a file for each doctor. The Department seems to take these complaints seriously, once there are several regarding a particular examiner.

When filing a complaint, provide the examiner's name (if known), date of exam, your name and claim number. Be courteous, factual and detailed in your complaint. For example, you may say something like "I had to wait 35 minutes for a rushed 5 minute exam. The doctor was rude and discourteous making comments that I am lazy and trying to work the system, accused me of lying and kept cutting me off when I tried to answer his questions. He did not want to look at the radiological films I brought, and pushed my arms (legs, knees, hips, etc) to increase my range of motion, causing significant pain that lasted for days."

Attached is a letter from the Department to a frequent IME, providing an example of injured workers' complaints and the Department's response. Dr. Sims chose to stop performing IMEs for the Department rather than complete the necessary steps to be reinstated.

IMEs that act unprofessionally and rush through exams can cause significant harm to you and other injured workers over many years. Unless injured workers file complaints, this callous behavior and misconduct will continue. By filing complaints with the Department, you are protecting many future injured workers from this doctor. Additionally, these examiners should not get away with this type of behavior.

Dane D. Ostrander, Attorney at Law
Williams, Wyckoff & Ostrander, PLLC



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

August 30, 2010

PO Box 44000 • Olympia Washington 98504-4000

George Sims, MD
[REDACTED]

Dear Dr. Sims:

Effective this date I am changing your independent medical examiner status from "active" to "temporarily unavailable".

"Temporarily unavailable" status means that you are able to complete the independent medical examinations that you have currently scheduled. However, you are **not eligible** to receive new referrals or to conduct any independent medical examinations that need to be rescheduled for the State Fund, Self Insured Employers or Crime Victims Compensation programs.

The reason for your status change is based on the excessive number of complaints the department has received from injured workers about your conduct at their independent medical examinations.

This is a brief summary of these recent complaints.

- IME July 16, 2010, [REDACTED] at Exigere Corporation in Olympia. [REDACTED] reported that you criticized his medical providers and care, you were eating lunch while he waited in the exam room for half an hour, your clothing was not clean, you misunderstood his injuries, and you did not listen to him and dismissed his concerns. He requested another evaluation.
- IME February 25, 2010, [REDACTED] at Exigere Corporation in Longview. [REDACTED] reported that you interrupted his examination to follow events of the world stock market. He reported that you did not take measurements of his uninjured leg for comparison.
- IME April 5, 2010, [REDACTED] at Objective Medical Assessments Corporation in Wenatchee. [REDACTED] reported that you did not let him finish answering your questions, you challenged him that there was no Dr. Garver who performed an EMG at Wenatchee Valley Clinic. You asked him to get a copy of the EMG. He left the office to obtain it, but you would not see him

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again. He knew that you did not review the MRI and x-ray files he brought to the IME because the seal on the files had not been broken.

- IME January 13, 2010, [REDACTED] at Exigere Corporation in Spokane. [REDACTED] reported the secretary told her Dr. Sims was late; Dr. Haynes took her history without Dr. Sims being present. She felt Dr. Sims' examination was painful and she was intimidated by Dr. Sims' tone and demeanor.
- IME May 8, 2009, [REDACTED] at Medical Consultants Network in Vancouver: [REDACTED] reported that you took personal phone calls on your cell phone during the examination and failed to listen to what she was saying, leading to errors in your report.

These complaints appear to indicate a pattern of behavior that is unacceptable and below the professional standards expected of a medical examiner. The legislature mandated the department to develop standards for the conduct of special medical examinations, including guidelines for the appropriate treatment of injured workers during examinations. It was the intent of the legislature that medical examination be conducted fairly and objectively by qualified examiners and workers be treated respectfully.

To have your status changed back to "active", you must successfully fulfill the following requirements:

1. Submit to the department for review and approval a written training plan on how you will improve your interaction with workers sent to you for independent medical examinations. If your training plan includes any conferences, seminars, CMEs, etc., please provide the names, dates, and short description of each one.
2. After your training plan has been reviewed and approved, your training plan must be successfully implemented.
3. After you have completed your training plan, you may petition to return to "active" status. Your petition must include evidence that you have completed your approved training plan.

The Washington Administrative Code 296-23-337 provides in relevant part:

For what reasons shall the department's medical director or designee suspend or terminate approval of an independent medical examination (IME) examiner or firm?

(5) The department's medical director or designee shall consider any of the following factors in determining a change in status for all provider. These factors include, but are not limited to:

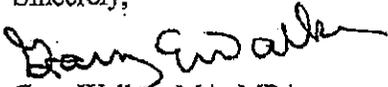
- (a) Substantiated complaints or pattern of complaints about the provider.

Please send all correspondence concerning your medical examiner status or the plan to address worker interactions to me at PO Box 44322, Olympia, WA 98504-4322.

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If you have any questions, please do not hesitate to contact me. I look forward to your reply.

Sincerely,



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360-902-4249 (fax)
Gary.walker@lni.wa.gov