

# Independent Medical Examinations In Georgia Injury Cases

## The Defense Doctor Visit That Quietly Shapes Your Recovery

A Georgia injury claim quietly reaches a turning point the day the defense lawyer schedules an independent medical examination. The letter looks routine. A neutral physician, a brief evaluation, a written report. Yet that one appointment can move the value of the case by hundreds of thousands of dollars, and the insurer chose the doctor for exactly that reason.

The name itself is misleading. The "independent" part suggests neutrality. The reality is that defense medical examinations, also called IMEs or DMEs, are scheduled by the insurance carrier, paid by the insurance carrier, and presented through the defense lawyer. The doctor who sees you for an hour has been chosen because the carrier already believes the report will help its case.

At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), our [Georgia personal injury lawyers](#) have walked clients through hundreds of these exams across truck, car, motorcycle, pedestrian, and bicycle wrecks. Since 1993, we've fought for Georgia's injured and recovered [over \\$1 billion](#) for our clients. The defense IME isn't something to face alone, and the report that follows isn't something to accept without challenge.

## What An Independent Medical Examination Actually Is

A defense medical examination is a single-visit evaluation by a doctor selected and paid by the at-fault party's insurer. The doctor reviews medical records, examines the injured person, and produces a written report that the defense uses to dispute treatment, causation, prognosis, or all three. The carrier has a contractual or trial right to request the exam once litigation is filed, and in some pre-suit situations as well.

The doctor is rarely a treating physician for anyone. Most defense examiners run repeat-business practices that depend on referrals from a small group of insurers and defense firms. That economic reality shapes the conclusions the report tends to reach.

## Why Insurance Carriers Use IMEs So Aggressively

The defense IME is one of the most reliable tools the carrier has for reducing the value of a claim. The report can attack four separate parts of the case at once, and the strategy works whether or not the report is accurate.

- **Causation Disputes Tied To Pre-Existing Conditions:** The report typically argues that some or all of the injury existed before the wreck, the familiar [aggravation-of-pre-existing-injury defense](#) Georgia juries hear in nearly every disputed case.
- **Treatment Necessity Disputes:** The report often claims that the prescribed care was excessive, unnecessary, or duplicative.
- **Prognosis Disputes:** The report routinely projects a faster recovery than the treating physicians, which directly reduces the future-care portion of the damages.

- **Functional Capacity Disputes:** The report frequently states that the injured person can return to work without restriction, undercutting the [lost-earning-capacity element](#) of the claim.
- **Symptom Credibility Attacks:** The report sometimes argues that the patient is exaggerating symptoms, embellishing pain reports, or producing inconsistent effort during examination.
- **Imaging Interpretation Disputes:** The report often re-reads MRI and CT studies to claim the findings are degenerative rather than traumatic, a recurring [imaging-interpretation dispute](#) Georgia plaintiffs face.

## Georgia Law And The Defense Medical Examination

In Georgia, the right to a defense medical examination during litigation comes from [O.C.G.A. § 9-11-35](#), which is the state's version of the federal rule on physical and mental examinations. The party seeking the exam must show good cause and identify the specific scope. The injured party has the right to object to the doctor, the location, the testing methods, and any examiner who has a documented bias problem.

Pre-suit IMEs are a separate animal. Some insurance contracts, particularly first-party UM and PIP policies, contain compulsory-exam provisions that allow the carrier to demand an exam as a condition of coverage. The Georgia courts have weighed in on the limits of those provisions, and we walk clients through the distinctions before any exam is scheduled.

## Inside The Examination Room

A typical defense exam runs 90 minutes or less. The doctor takes a history, conducts a physical examination, sometimes orders one or two basic tests, and dismisses the patient. The patient never receives a copy of the doctor's notes on the day of the exam. The report appears weeks later in the defense lawyer's office and is delivered to plaintiff's counsel as an attachment to a discovery response or a settlement letter.

The doctor's observations during those ninety minutes are recorded with one purpose in mind. Any inconsistency, any failure to mention a symptom, any tightness of effort during range-of-motion testing becomes material that the defense lawyer will use later. Patients who don't know to expect that often hurt their own case without realizing it.

## Preparing For The Exam Without Coaching The Patient

Our firm prepares clients carefully for a defense exam, but we never coach the answers. The preparation is about making sure the patient understands the rules of engagement.

- **Bring A Complete List Of Current Symptoms:** Patients who minimize symptoms in the exam room give the defense a chance to claim the injury has resolved.
- **Describe The Pain Honestly And Specifically:** Vague answers give the doctor room to write that the patient couldn't articulate the problem.

- **Answer The Questions That Are Asked, Not More:** Volunteering extra information about old injuries or unrelated treatment opens doors the defense will later walk through.
- **Don't Perform Beyond Reasonable Effort:** A patient who pushes through pain during range-of-motion testing creates measurements that the defense will use against the treating physician.
- **Document The Visit Immediately Afterward:** A short written summary of what happened in the exam room is invaluable when the defense report distorts the encounter.
- **Bring A Companion Where Allowed:** Many Georgia courts permit a witness in the exam room, and we routinely arrange that protection where the law allows.

### **Cross-Examining A Bad Defense Report**

A defense medical report isn't the final word on anything. It's an opinion, and the opinion is challenged the same way any opinion testimony is challenged in Georgia courts.

- **Pulling The Examiner's Prior Testimony:** Most defense doctors testify in dozens of cases each year, and prior deposition testimony often contradicts the current report.
- **Subpoenaing The Examiner's Financial Records:** A doctor who earns \$300,000 a year from defense exams isn't independent, and Georgia jurors care about that.
- **Cross-Examining At Deposition:** Our firm takes the examiner's deposition, walks through the file, and identifies the gaps between the examination notes and the report.
- **Presenting Treating-Physician Testimony:** The doctor who actually saw the patient over weeks or months typically has more credibility than the examiner who saw the patient once, and we use [trial testimony from treating physicians](#) to anchor the medical narrative.
- **Retaining Counter-Experts:** In complex cases, we retain board-certified specialists who review the records, examine the patient, and produce a report that meets the defense report point for point.

### **A Real Example Of An IME Working Against The Plaintiff**

Consider a Georgia driver injured in a serious highway collision who undergoes months of treatment for cervical disc injuries, post-concussive symptoms, and shoulder damage. The defense schedules an IME with a Florida-based orthopedic surgeon who flies in once a quarter to see plaintiffs at an Atlanta office. The exam runs 60 minutes. The report is 14 pages long and concludes that all of the disc findings are degenerative, the concussion has resolved, and the shoulder pathology is unrelated to the wreck.

Our firm responds by subpoenaing the examiner's billing records, the prior reports the examiner has produced in similar cases, and a list of his testimony over the past five years. The records show that the examiner earned over \$400,000 from defense work the previous year and reached the same conclusions in roughly 90 percent of his reports. At deposition, the

examiner concedes the points one by one. The case settles for a number much closer to the treating physicians' projections than to the defense report.

## **The Defense IME And Adjuster Tactics Work Together**

The defense IME doesn't exist in isolation. It works in tandem with the broader insurance playbook our firm has documented across many practice areas, including the [common insurance tactics used against injured pedestrians](#) and the [tactics insurance companies use to undervalue motorcycle accident claims](#). The IME report becomes the centerpiece the adjuster cites when delivering a [lowball settlement offer](#).

Carriers also pair the IME with surveillance, social-media review, and other tools we've covered in [what happens when surveillance is used against an injury victim in Georgia](#). The strategy is to build a record that contradicts the patient's stated limitations, and the IME is the cornerstone.

## **Federal And State Medical Standards The Examiner Must Meet**

When our firm cross-examines a defense doctor, we hold the examiner to the same standards every physician must meet. The [American Medical Association](#) has issued policy statements on independent medical examinations that recognize the duty of every examining physician to perform the evaluation with objectivity. The [Centers for Medicare and Medicaid Services](#) publishes standards for documentation and billing that defense doctors are not exempt from. When the examiner's report violates those standards, the cross-examination practically writes itself.

## **Damages That Hinge On Beating The Defense IME**

The damages in a Georgia injury claim are tightly bound up with the medical narrative, and the IME tries to break that narrative apart. Compensation generally reaches past and future medical expenses, lost wages and lost earning capacity, pain and suffering, loss of enjoyment of life, and, where conduct rises to the level of conscious disregard for safety, [punitive damages](#). Each of those categories can rise or fall on whether the jury believes the treating physicians or the defense examiner.

For families who have lost a loved one, the IME analysis can also bleed into the wrongful death case, where the defense uses life-expectancy reports to argue for reduced damages. The same framework drives [liability in Georgia wrongful-death cases](#) and the related fight over damages.

## **What To Do Before An IME Is Scheduled**

If you've been injured and a letter requesting a defense medical examination has arrived, do not respond on your own. The letter looks like an administrative form. It isn't. It's the start of a strategic step that the defense lawyer has planned in detail.

Our firm reviews every IME request before any appointment is confirmed. We negotiate the scope of the exam, the identity of the examiner, the location, and the testing methods. We prepare our clients carefully, attend or arrange representation where the rules allow, and challenge any defense report that misstates the medical facts. [Contact us](#) for a free consultation. Our injury practice runs on a contingency model alone, which means our firm only

receives a fee when your case is resolved in your favor through a settlement, verdict, or court-approved recovery.