

## How Can You Help?

Be punctual. The doctor will try and be punctual too, but remember that doctors sometimes have to deal with urgent matters. It is best to turn off your mobile phone.

Be pleasant to the doctor, particularly if the examination has been arranged by the other side. Remember that the doctor will be giving an independent report. No one benefits from an unpleasant atmosphere. A hostile attitude might mean deferral or termination of the examination.

Be prepared if possible with important dates and names. Don't be worried if you cannot remember – the doctor wants your best recollection. Be honest and straightforward with your answers, even if you think that the questions are not closely related to the main problem.

Wear clothes that are suitable. It is never necessary to fully disrobe a patient. Modesty will be considered at all times, but an adequate examination requires adequate exposure. The doctor's report may mention the fact if a patient is unwilling to undress sufficiently for adequate examination.

## What If There Are Problems During An Examination?

Reading this brochure should help you know what to expect. If the doctor asks you a question that you do not wish to answer, then you may say so. However, this may be mentioned in the medical report. If the doctor asks you to do something that would cause pain, then mention this to the doctor. But don't forget that the doctor is expecting your best cooperation during the examination.

If you believe that there is a complete breakdown in your relationship with the doctor, then you may

choose to say so and to leave the examination. However, if you do, you may be liable for the cost of the examination and report.

If you are in doubt about something during the examination, a quick phone call to your lawyer may help.

## Repeat Examinations

Sometimes legal cases can go on for a long time. Repeat examinations are arranged so that the doctor can report on your progress. The doctor has no say about whether the case is resolved or whether you get compensation – and simply reports on your condition.

## Feedback

Please let the AMA or the Law Society know if you think this brochure can be improved; everyone is keen to make this necessary examination as easy as possible for you. Comments in writing on suggested brochure improvements will be received by:

The Australian Medical Association (NSW)  
Level 6, 69 Christie Street  
St Leonards NSW 2065

And

The Law Society of New South Wales  
170 Phillip Street  
Sydney NSW 2000

## UNDERSTANDING MEDICO-LEGAL EXAMINATIONS

You have been asked to go to a medical examination as part of the legal action you are taking. This brochure will help you understand the examination and your part in it.



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## **Aims**

This examination aims:

- To find out what injury or medical condition you have;
- To find out whether a medical condition has caused or aggravated an existing medical condition;
- To find out its cause;

The examination is intended to be an independent and honest effort to assess your problem.

## **Who Arranges The Examination?**

The examination has been arranged by your lawyer or by one of the other parties to the legal action (such as the employer, the insurance company or a lawyer acting for one of the other parties).

You have the right to know who has arranged the examination, and you may ask your lawyer or the doctor who carries out the examination.

The doctor will send a report to the person who has arranged the examination. That person pays the doctor for the report. The doctor will not be able to give you an opinion about your condition or about any treatment you have had, regardless of who, in fact, pays for the report.

## **About The Doctor**

The doctor is a specialist who is generally an expert in diagnosing and advising about conditions such as yours. You are entitled to know the precise specialty in which the doctor practices.

The doctor is usually not an employee of any insurance company or legal firm but a privately or self-employed doctor. The doctor will write a report based on what he/she learns from you, and your

cooperation will be most important. The report will be independent; that is, it will be saying exactly what the doctor thinks about your condition and not aiming to be for or against any side in the legal case. As you are not seeing the examining doctor as his/her patient, the doctor is not able to give you advice about your problem. The doctor cannot give you treatment. Please do not ask the doctor for advice or an opinion. You should ask your own doctor about such matters.

## **Before The Appointment**

Please check that you have the correct appointment time and address. You should tell your lawyer or the person arranging the appointment if you are likely to need an interpreter. You should bring all x-rays, other imaging studies and tests relevant to your condition so that the doctor can make a thorough assessment.

## **The Report**

This will be sent to the person who has arranged the examination and who has paid for it. The report could be used in determining the outcome of your claim. It becomes a legal document and could be used as evidence in court.

## **The Examination**

The examination has several parts. The doctor's staff will ask you to give some routine particulars. The doctor will introduce himself/herself and try to put you at ease.

The examining doctor will not know whether you need the help of an interpreter. If such help is needed, your lawyer should arrange for the attendance of an independent accredited interpreter (not being a family member) fluent in your language/dialect and of an appropriate gender. By

mutual agreement with the doctor, you may wish to have a friend or relative with you, but that person should not interrupt or interfere with the examination.

The doctor will ask you about your work history and will ask you about the accident or circumstances that caused your injury or condition. He/she will ask you about the treatment you have had and about how the injury or condition affects you now. He/she will ask you about your past medical history. The questions may be wide-ranging and not just about the body part that has been injured. Your x-rays, imaging studies and other test results will be examined.

The doctor may carry out a physical examination and will explain or demonstrate what he/she wants you to do. The doctor will examine the injured parts of your body and possibly other parts of your body as well. The examination may involve measuring height and weight and the movement of various joints and reflexes.

## **Every Consideration Will Be Given**

The doctor will carry out an examination of you in a respectful manner. In the physical examination he/she will not hurt you. The doctor will not expect you to do anything that would cause pain.

A complex medical history may take an hour or more, but many examinations are completed in less than that time. The doctor will be aiming to let you go as soon as possible.