



# What will happen at a medical appointment organised by the insurer? Do I have to go?

## What is an independent medico-legal appointment or examination?

A medical appointment organised by an insurer is known as an independent medico-legal examination. In most cases, if you are making a [\*\*Compulsory Third Party \(CTP\) Insurance claim\*\*](#) for injuries sustained as a result of a car accident, you will be required to attend a medical appointment arranged by the relevant insurer.

The appointment will involve a medical professional (typically a doctor or a specialist) evaluating your medical condition and/or injuries for legal purposes (or anticipated legal purposes). The aim is to gather information about your injuries or medical situation to help determine the extent of your injuries, your treatment needs and the degree of potential impact that your accident-related injuries have had, and may continue to have, on your ability to work and/or perform your activities daily living.

It is not uncommon for an injured person to feel hesitant or concerned when they are asked by an insurer to consult an independent expert. On occasions, clients report feeling disappointed following an independent medical examination in the sense that they felt 'rushed' or upset with the final opinion of the expert. It is important to note that opinions of medical experts can be challenged and are just one opinion for consideration in the assessment of a claim.

An independent medical examination is intended to be an objective examination to assist with providing a fair evaluation of your claim. It is a standard part of the claims process and may be arranged at any time during the course of a claim. Multiple independent medical examinations may be required throughout the conduct of the claim and are usually arranged before the commencement of settlement discussions with the insurer.

## Do I need to attend a medical examination organised by an insurer?

In most cases and assuming adequate notice has been given, the answer is yes. Refusing to attend a medical examination arranged by an insurer could have adverse consequences on your claim. Regulation 20 of the South Australian Civil Liability Regulations 2013 compels an injured person to submit himself or herself to any medical examination or assessment nominated and organised by an insurer.

## What will happen at an independent medico-

## legal examination?

The medical professional will carry out an examination of an injured person. This may include a physical examination and an interview with the injured person to obtain their medical history and the circumstances surrounding their accident-related injuries and conditions. In most cases, the medical expert will have been provided with a detailed letter of instruction from the insurer, together with any supporting materials for consideration in advance of the examination.

Based on the examination and information gathered, the medical expert will then provide a medical report to the insurer in which they provide their opinion on the injured person's injuries and medical conditions arising from the accident, any relevant pre-existing conditions, the extent of the injuries and impact of them on an injured person's ability to work and carry out daily activities and a prognosis of the accident related conditions (including any need for future treatment and care).

The purpose of an independent medico-legal examination and report is to provide an objective expert opinion of an injured person's compensable medical conditions arising from the accident. This expert evidence then assists the respective parties to quantify the losses associated with the compensable injuries and make informed decisions with respect to the conduct of the claim and ultimately the resolution of the claim.

## How Can Andersons Help?

Andersons has a team of experienced [car accident injury lawyers](#) who can help you through the claims process. We offer a free 30 minute initial conversation where we can advise the likelihood of a successful claim. This is a no obligation appointment which means if you decide not to engage our services, you don't have to proceed.

If you would like to discuss your personal circumstances with our team [please contact us here](#).