

# FROM THE GROUND UP

## *What You Should Know About* **Independent Medical Examinations**

If you are sick as a result of the work you did at Ground Zero, you could be eligible for workers' compensation benefits. If you file a workers' compensation claim and you win your case, you have the right to full coverage of all medical costs related to that 9/11-related illness. In some cases, but not all, you may also be eligible for some lost wages.

It can be difficult to understand the workers' compensation system. This fact sheet will focus on a small part of the larger picture – the role of the **Independent Medical Examination (IME)**. **You will learn what to expect from an IME, how to prepare, and what your rights are.**

If you have a 9/11-related illness, you must see a **"coded" workers' compensation physician, which is a doctor who is registered with the Workers' Compensation Board.** Tell the doctor about any health problems and



symptoms that you have that started during or after your clean-up work at Ground Zero. The doctor will then determine if your illness is related to your work at Ground Zero. The success of your workers' compensation claim hinges on your doctor's diagnosis. It will be difficult or impossible for you to win your case if your doctor doesn't think your illness is related to your 9/11 clean-up work. The next important step is to complete and submit a C-3 form to the **New York State Workers' Compensation Board.**

Once you have filed a workers' compensation claim, your **employer's insurer** is notified. The insurer will set up an appointment for you with a doctor they select in order to conduct an Independent Medical Examination. They will then send you a **"Notice of Examination"** to alert you of the appointment. The purpose of the examination is to minimize your disability, which in turn, can reduce the amount of compensation that they will have to pay you.

There is a law that regulates the Independent Medical Examination (IME). It is important that you know your rights under this law so that you can exercise them.

### **What is an Independent Medical Examination?**

An Independent Medical Examination (IME) is an appointment with a doctor who is picked by, and paid for, by the employer's insurer. **You will be examined, but you will not receive treatment during this visit.** Keep in mind that the doctor is acting on behalf of the employer, so he/she may want to prove that your illness is NOT related to your work at Ground Zero.

The exam will include:

- Looking over documents provided by your employer or its insurer;
- Asking you questions about your symptoms and/or illnesses, and any treatment you have received;
- In some cases, a brief physical examination;
- Note taking by the doctor about your illness and about what treatment, if any, you have received.

**Note: Nothing in the law entitles the IME to take a written statement from you, or ask you to fill out any forms regarding your medical history. If you are asked for this information, do not provide any information in writing to the doctor.**

**What are your rights under the law?**

- IME offices must be in an accessible location and within reasonable distance from your residence.
- The Notice of Examination sent to you must be in writing and received seven business days prior to the examination. This notice should also inform you of your rights.
- Examinations must be performed during regular business hours, except with your consent or for your convenience.
- Examinations must be conducted at a facility that is suitable for conducting medical examinations.
- You're allowed to videotape the examination and to be accompanied by a person of your choice
- Any communication between the insurer and the IME must be relayed to the Workers' Compensation Board.
- The examiner must be a board-certified doctor.
- The regulations require the Independent Medical Examiner to mail a copy of his/her report to you, your workers' compensation doctor and your lawyer, within 10 business days.

**Workers' Compensation Checklist**

**If you are ill or you suffered an injury as a result of your 9/11-clean-up work, follow these important steps:**

- See a doctor immediately. **Remember that the New York State workers' compensation law allows you to see any "coded" doctor you want.** If you go the World Trade Center Medical Monitoring Program, and you have a 9/11-related illness, they can refer you to a worker compensation doctor.
- File a claim with the Workers' Compensation Board. By law, you have two years from when you are told by the doctor that your illness is work-related, **BUT DON'T WAIT TOO LONG TO FILE.** The process is usually long, so the sooner you file, the better. Work with a case manager or a workers' compensation lawyer who will help you through the process.
- Many 9/11-related cases are being **controverted** (challenged), so it is important to stay in touch with your lawyer/case worker throughout the process.

**When the time comes for your visit to the IME, follow these steps:**

1. Inform your case manager or your Workers' Compensation lawyer of your appointment and discuss which forms you should take with you. Remember that you may bring someone with you to the appointment.
2. See your doctor **after** your visit the IME and before your next hearing.
3. At the IME appointment, if you are asked to move any body parts, cooperate, but do not aggravate your illness/injury. Let the IME doctor know whenever something hurts.



**Know your rights under the law and use them to your advantage.**

**For more information on workers' compensation, contact:**

**The New York Committee for Occupational Safety and Health  
(NYCOSH)**

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