

Personal injury

The medical examination

Why do I need to go to a medical examination?

Any claim for compensation must have a medical report to support it, prepared by a medical expert, which has been agreed with the other side. The medical expert must examine you to assess your injuries and any ongoing symptoms from which you may be suffering.

But I have already seen my GP/physiotherapist

The medical expert that we have chosen will be qualified and experienced not only in dealing with medical issues for the type of injuries you have suffered, but will also understand the legal aspects of your claim. They must be completely independent from any previous examinations or treatment that you may have had.

What is involved in the medical examination?

The medical expert will talk to you about the accident, the injuries that you suffered, and how they have affected your working, social and other activities. You will undergo a physical examination. You may choose to take a partner or friend with you if you wish.

How long will it take?

This will vary but the appointment usually takes no more than 30 minutes.

Does the medical expert need to see my medical records?

Yes. At the beginning of the claim you will have signed a medical authority form. This enables us to obtain copies of your medical records from your GP and any hospitals that you have been to. If you have had any treatment from a physiotherapist, chiropractor or osteopath then we will need to obtain copies of these notes as well.

Why do they need to see all of my medical records?

The medical expert needs to know whether you have suffered any similar injuries or symptoms in the past, as that might affect your recovery from this accident. Normally all of your medical records are provided for the expert and he will then review them and decide what is relevant and what is not. Things mentioned in your medical notes that are not at all relevant are generally not mentioned at all in the report. If you are not prepared to release copies of all of your medical notes to the expert, then the defendant's insurance company may feel suspicious that you are trying to hide something, which might be relevant to your claim and that may cause delays later on.

What happens after the examination?

The expert will prepare a medical report. This will state what injuries you suffered as a result of the accident and how they have affected you. The report will usually contain a 'prognosis'. This tells us the expert's

opinion as to how your recovery will progress, for example how long it will take your remaining symptoms to completely disappear. Sometimes an expert will recommend some further investigation such as x-rays, or treatment such as physiotherapy. Sometimes the expert is unable to give a prognosis and may recommend that you be re-examined again in the future.

What if some treatment is recommended?

The cost of treatment is not treated as part of the legal costs and therefore we cannot pay this for you. We will ask the defendant's insurance company to pay for private treatment. In the meantime though it is worth asking your GP to put you on the NHS waiting list as we cannot guarantee that the insurance company will pay for the treatment.

When will I receive the report?

The report will normally be completed within about four weeks. Sometimes it takes longer, for example if we have not received copies of all of your medical notes.

What if I don't agree the report?

The report cannot be disclosed to the insurance company until you have authorised us to do so, as it is a confidential document. (That is unless it has been prepared as a joint instruction). If there is anything in the report that you are not happy with, we need to discuss this. If necessary we can refer back to the medical expert and ask him to clarify or amend his report. However, you must remember that the expert is completely independent and he must state his professional medical opinion as he sees it. In some circumstances it may be appropriate to consider obtaining a second opinion from another medical expert. We would need to discuss how this would be paid for.

Does this mean my claim can be settled soon?

This will depend on the contents of the medical report and whether it contains a definite prognosis. We will advise you in more detail when the report is sent to you. You may have a choice about settling now or waiting until you are completely recovered. This is an important decision as once your claim is settled, you cannot return at any time in the future for any more compensation.

Can I claim the costs of going to the examination?

Yes. If you travel by public transport or taxi then keep receipts. If you travel by car then keep a note of the mileage for the journey. The expenses will then be included with your claim.

Contact

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