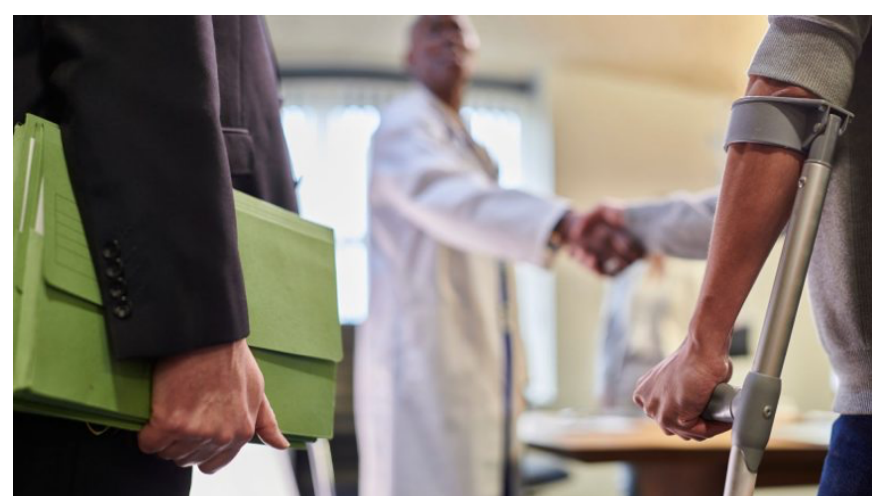




DISABILITY INSURERS / EMPLOYERS

Using IMEs in Employee Disability Decisions

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Employee disability determinations play a crucial role in ensuring workplace health and safety, affecting the physical and mental well-being of employees as well as the overall efficiency of businesses. These determinations frequently require intricate assessments in which Independent Medical Examinations (IMEs) play a crucial role. This article explores the application, challenges, and significant benefits of IMEs in the context of employee disability claims.

Definition and Significance of Employee Disability Determinations

According to the Alberta Government, employee disability is determined through a comprehensive evaluation of the injury or illness under consideration. A condition is considered a disability if it hinders an employee's ability to carry out tasks that previously made up a significant portion of their job responsibilities, or if it prevents them from being employed in a role that aligns with their skills and physical abilities, and offers a salary comparable to what they earned before their disability.

For a condition to be acknowledged as a disability, it must endure throughout the 'elimination period,' after which benefits will be granted. Exclusions commonly involve disabilities that arise from criminal activities, acts of war, or injuries caused by oneself. Consistent medical supervision and strict adherence to treatment are essential for determining eligibility for benefits.

Challenges Employers Face

Managing employee disability claims can be a complex process that poses various challenges, potentially impacting the fairness and effectiveness of disability management and return-to-work (RTW) programs:

- **Complexity of Claims:** The complexity surrounding disability claims can often result in misunderstandings, legal disputes, and insufficient care. This interplay between employers, employees, and insurance providers can be challenging to navigate.
- **Mental Health Issues:** Claims concerning mental health can be quite complex due to the subjective nature of these issues and the stigma that often surrounds them. The [Canada Safety Council](#) found that three-quarters of employers identify mental health concerns as the primary reason for both short and long-term disability claims within their companies.
- **Workplace Culture and Practices:** Proactive health and safety practices and a supportive workplace culture play a crucial role in the [success of RTW programs](#), as outlined in an article published by the *Canadian HRReporter*.
- **Legal and Regulatory Obligations:** Employers have a responsibility to accommodate disabilities and navigate legal risks. In an article posted to *Wealth Professional*, Devan Marr of Strigberger Brown Armstrong LLP defines situations where employers may be able to terminate employment, such as the [doctrine of 'frustration'](#), a contract used when an employee is unable to resume work outlined in their contract.
- **Communication Gaps:** Delays and misunderstandings frequently occur due to inadequate communication among all parties involved, which can complicate the disability determination process.
- **The Economic Impact:** Direct costs involve higher insurance premiums and the possibility of legal action, while indirect costs encompass decreased productivity and added administrative responsibilities as stated by the [Canada Safety Council](#).

Purpose and Benefits of IMEs in Disability Determinations

The purpose of Independent Medical Examinations (IMEs) is to evaluate and assess a patient's medical condition, treatment, and progress. IMEs are conducted by qualified medical professionals to provide an objective opinion on the patient's health status and any potential disability or impairment.

Benefits of IMEs

- **Objectivity:** Independent Medical Examinations (IMEs) play a vital role in minimizing biases that can occur when a treating physician is able to provide a third-party review regarding the patient's claims.
- **Clarification:** Independent Medical Examinations (IMEs) provide insights into the severity and implications of medical conditions, especially in complex cases where symptoms are multifaceted and do not align clearly with clinical findings.
- **Verification of Claims:** Medical professionals are crucial in assessing the accuracy of medical claims, ensuring that the benefits offered align with the claimant's medical requirements.
- **Legal and Compliance Assurance:** IMEs also help fulfill legal and regulatory obligations by providing essential medical evidence to either substantiate or contest disability claims in accordance with different laws and insurance policies.

When to Use an IME

- **Short-term disability (STD) and long-term disability (LTD) Transition:** Evaluating whether the conditions fulfill the requirements for long-term disability.
- **Off Work for Over 10 Weeks:** Assessing the necessity of extended disability benefits.
- **Causation in Doubt:** Examining the potential origin of the disability.
- **Disputed Rehab Plan/Avoidance of Medicalization:** Evaluating the appropriateness of rehabilitation plans and preventing unnecessary medical treatment are important considerations in healthcare.
- **Safety for RTW:** Ensuring the safety of an employee's return to work, ensuring they are in good health and not a risk to themselves or others.
- **WCB Appeals:** Offering essential evidence for appeals concerning workers' compensation claims.
- **Cost-effective Fast-track to a Specialist:** Expediting the process of getting evaluations from specialists, reducing wait times.

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