

permanent disability or a partial permanent disability and are looking for a settlement as to the amount of injury that they have suffered and will suffer in the future. These are the kinds of cases that get litigated and taken before the court, sometimes settled, sometimes there's a trial. The independent medical examiner, the IME, is a tool to facilitate the settlement of contested cases. This is not the treatment of injured workers, this is now a contested case before the court. The common practice is for the employee to have a doctor, their treating physician and maybe an expert who has rendered an opinion as to how much they're injured. It's common for the employer to have a doctor who has done an examination of the employee to claim how much they think the worker is injured. And these two dueling doctors take their expert testimony to the court and the court then renders a decision based on the evidence before the court. The IME, however, is a new tool for the court to utilize in an attempt to promote settlements, arrive at objective decisions, minimize some of the expense and cost of the litigation process. The court will create a list of independent medical examiners in various expertise fields. The two parties, the contesting parties, have one of two routes. They can either choose an IME jointly. If they make that choice, the IME will do a study of the employee, render a decision and the decision by the IME, the factual question of how much they're injured, the factual question of the nature of the injury, the reasonableness of the treatment, that will be a conclusive factual decision by the IME and I would expect the court then to use that...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...as the basis for a court order. This is where both parties agree to the identity of the IME. Let's say that they don't agree to the identity. In that case, the court will appoint an IME on their own motion. The IME will do this study of the injured worker, make their findings available to the parties and to the court, be prepared to testify to that effect in court and, in so doing, provide a figure that doesn't come from the most attractive employee oriented doctor or the most attractive employer oriented doctor but, hopefully, a reasoned objective number without allegiance some place in the middle. The most valuable place would be as a reasonable settlement tool for parties to use. However, it would also be a valuable body of information for the court to have rendered to it...