

SENATOR ABBODD: Mr. Speaker and members, in the...in the discussion that we've had dealing with independent medical examiners, the primary concern has been the choice of these IMEs because if you choose an IME or you choose from a panel of doctors, physicians, and these physicians are chosen in a manner that is biased towards either labor or business, the independent medical examiners will not be fair and unbiased in their decision making. A number of physicians have a label. They're labeled and this is something that plaintiffs as well as defense attorneys realize, that you have a group of physicians and some of them are kind of in the middle and some of them tend to look at that injury and they say, well, yeah, you know, it's not a good injury, and they tend to side more with the patient. Whereas, some of the other physicians, they tend to look at the injury and they say, well, yeah, it may look bad but it will get better. And if you take some...instead of getting, let's say, surgery or therapy, let's say for a back injury, they say, well, there's really not a heck of a lot we can do about it. We realize that your back hurts because of lifting that side of beef but it's all soft tissue injury and because the back is...the back injuries are such that you can't really put a cast around it, or really do much for them besides physical therapy or possibly an operation, those physicians may say, the best thing I can tell you to do is to take some prescription drugs or some nonprescription drugs and then rest on the weekends and go back to work. So you have a group of physicians that, for example, with back injuries that have a different approach on how to treat a particular patient, and this continues on with a number of treating physicians, and they have a difference of philosophy and I mean that's accepted. But a lot of times when we're looking for this independent medical examiner, which, as we talked about in the past, is something that's revolutionary when it comes to judicial decisions, normally you have the plaintiff come in, the advocate for the injured worker, and then you have the defense come in, the advocate for the insurance companies and the business interests, and those two fight it out in the courtroom, and they bring in their experts, they bring in their physicians and they go before an impartial third party, that being the judge. And that judge is reviewed by our citizens every six years. That judge is appointed by a group of lay people as well as attorneys and that recommendation is sent to the Governor for his approval, an elected official. And then from that elected official that judge serves a period of time and then he's voted on by the citizens of this state. Well, an independent medical examiner will be doing essentially the same