

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Circumstances when you should use an Apricot™ to challenge a psych report

Attorneys can find good outcomes in challenging a psych report that contains substantial flaws. Two ways to challenge a psych report are to 1) cross-examine the psych doctor and 2) draft a trial brief for the court. In both instances, an Apricot™ will be helpful.

An Apricot™ is a written document that provides information about a psych report's substantial flaws, using non-technical jargon and includes citations to the psychological literature where necessary. An Apricot™ can also provide the attorney with a list of simple questions to use in cross-examination of the psych doctor that are designed to expose the flaws in their report. Additionally, Apricots™ are work-product privileged reports that are not subject to discovery and can be used in any jurisdiction in the United States or abroad, wherever there is a psych report written for the court.

My newsletters from May, June and July, 2018 describe situations when an attorney should get an Apricot™. Those situations, as they appear in my previous newsletters, are:

Situation #1

When the doctor's account of the patient's symptoms or complaints does not contain a complete jargon free history of the qualitative nature of the symptoms or clear information about their frequency, onset, duration when present, intensity, or course over time.

Browse Dr. Leckart's Book at
www.DrLeckartWETC.com

"An Apricot™ is a written-analysis of a psych report that you have that may not be in your favor. I find every flaw in the report, explain why they are flaws, and provide documentation from the published psychological and psychiatric literature that supports the contention that these flaws exist."

Situation #2

When the doctor's report of their Mental Status Examination does not contain clear observational descriptions of the patient's behavior during the doctor's face-to-face evaluation that supports their diagnosis.

Situation #3

When the doctor's report of their Mental Status Examination contains statements about the patient's complaints.

Situation #4

When the doctor's report of their Mental Status Examination contains discrepancies between the doctor's description of their observations and their report of the patient's complaints.

Situation #5

When the doctor provides a diagnosis, such as a Major Depressive Disorder, but declines to state the required modifiers or specifiers for that diagnosis.

Situation #6

When the doctor's report of their Mental Status Examination lacks a description of objective techniques the doctor used during their evaluation to measure the patient's memory functions.

This month's newsletter discusses two additional circumstances when you should use an Apricot™ to challenge a psych report.

Situation #7

When the doctor's report does not include psychological testing data.

Usually, the only form of objective data that is open to public inspection and can be presented to the court is the psychological testing. Therefore, when reading the doctor's report you notice that he/she declined to give the patient any psychological tests, the absence of psychological testing would be a substantial flaw in their report. Objective psychological testing is clearly needed in medical-legal reports where the first responsibility of the examiner in either psychology or psychiatry is determining the credibility of the patient's complaints and clinical presentation. If the doctor has declined to administer and report upon the results of a psychological test battery, their report is flawed and incapable of providing any meaningful psychological information about the patient.

Situation #8

When the doctor's report discusses the results of a Minnesota Multiphasic Personality Inventory (MMPI) but the MMPI scores are missing from the report.

The first responsibility of any medical-legal evaluator is to demonstrate the patient's credibility. One measure of credibility is the objective psychological test scores in the doctor's report. The MMPI is an instrument that is widely accepted by psychologists and psychiatrists as being capable of measuring any existing psychopathology and an individual's test-taking attitudes or credibility. Unfortunately, many psych doctors decline to provide MMPI scores in their report. The reason for their omission of MMPI scores is unknown. Nonetheless, the absence of those scores means that the reader of their report is unable to verify the basis for their summary conclusions. When you notice that a psych report lacks the patient's MMPI scores, you should get an Apricot™ that will be useful in describing the utility of the scores and providing questions to ask the doctor about the absence of the scores in their report.

Clearly, there are many circumstances when an attorney should challenge a psych report. It is also clear that an Apricot™ will be useful in seeing favorable outcomes when challenging a psych report. When you have a psych report that you feel should be challenged, and you would like more information about Apricots™, please visit www.drleckartwetc.com or call (844) 444-8898.

FREE MMPI Score Validation involving testing reports of a

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(e-mail us at DrLeckartWETC@gmail.com
for more information)

This is the one-hundred fifteenth of a series of monthly newsletters aimed at providing information about pre-deposition/pre-trial consultations, psychological evaluations and treatment that may be of interest to attorneys and insurance adjusters working in the areas of workers' compensation and personal injury. If you have not received some or all of our past newsletters, and would like copies, send us an email requesting the newsletter(s) that you would like forwarded to you.