

THE WETC PSYCHOLOGY NEWSLETTER

Dr. Bruce Leckart

"Find the Truth, Tell the Story"

Westwood Evaluation & Treatment Center
11340 Olympic Blvd., Suite 303, Los Angeles, CA 90064
(844) 444-8898, DrLeckartWETC@gmail.com, www.DrLeckartWETC.com

February, 2019
Volume 1, Issue 121

The Height of Audacity in a Psych Doctor's Agreed Medical Evaluation (AME) Workers' Compensation Report

In the words of John Henry Wigmore, cross-examination is "beyond any doubt the greatest legal engine ever invented for the discovery of truth."

3 Wigmore, Evidence §1367, p. 27 (2d ed. 1923)

Over the last 30+ years I've had the opportunity to read and critique tens of thousands of workers' compensation and personal injury psych reports. I've recently come across one that takes the cake! I think it's a worthwhile story that bears repeating around the courthouse or at lunch.

This doctor first wrote a 70+ page AME report of their initial evaluation of a workers' compensation claimant diagnosing three disorders. The report was substantially flawed by a lack of corroborating data for all the diagnoses. The bottom line is that the doctor's report obviously was not useful in determining if the claimant had a psychological disorder or suffered a psychiatric injury.

About six months later the same doctor submitted a Permanent and Stationary (P&S) report, which one would assume was based on their re-examination of the patient. As one might expect, the doctor discussed industrial causation, the Global Assessment of Functioning (GAF) score, the Whole Person Impairment (WPI) score, apportionment, the need for further treatment and rated the patient's psychiatric disability on the old set of Psychiatric Protocol criteria, which were retired eight years before the patient's injury. The real kicker is the doctor never re-examined the patient prior to writing their P&S report! All the doctor did was read some new medical records and submit an even longer report with the same six-month old data!

Email us at:
DrLeckartWETC@gmail.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 demonstrate that these flaws exist."

As you undoubtedly know, I write Apricots™ that expose substantially flawed psych reports. If you're not familiar with Apricots™, they are written for attorneys who wish to expose those flaws during trial, at a deposition or in a brief written for the court. Apricots™ discuss each and every flaw in everyday English with documentation from the current published psychological and psychiatric literature. Most importantly, I include a series of well-sequenced questions that get the flaws into the record for the jury, the judge and/or the opposing attorney to consider when negotiating a settlement.

Of course, in the case of this report, I suggested that the attorney ask the doctor the following question:

"Dr. X, considering that you did not conduct a face-to-face psychological evaluation of Ms. Y in conjunction with your permanent and stationary report of October 12, 2018, and that the last time you saw the patient was 6 months prior to your October, 2018 report, how is it possible for you to know that Ms. Y had not completely recovered from the disorders you diagnosed in your report of May 15, 2018?"

Never a dull moment! I absolutely love what I do!

This is the one hundred twenty-first 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.