

The Elderlaw Forum: money talks; as do orthopedists

by Professor_Michael_Myers

Money talks; and doctors—particularly orthopedic physicians—often talk the way they are paid to talk by insurance companies.

That allegation was put forth by a 73-year-old Arizona man who called my senior legal helpline. He asked for advice with respect to injuries sustained while employed by an auto rental agency. He was involved in an auto accident while driving an agency car—a workers compensation injury arising out of his employment.

“They put me on some pain medication, paid for a few weeks of physical therapy” which would have been covered by Medicare anyway” then told me my continuing back problems are due to my age, not the accident. He was so informed by his employer’s workers compensation insurance carrier with an enclosed medical report from the orthopedic surgeon who performed an independent examination.

The report concluded that the caller’s persistent symptoms were due to disc space narrowing, most likely related to aging. The carrier announced it would not pay for further medical care and was closing its file.

“I rarely went to doctors because I’ve been in good shape my entire life,” said the caller. “I have never had back problems, but now I can’t sleep at night and have continued leg pain. I know it is all a result of the accident.”

It left the caller with a temporary partial disability or perhaps a permanent partial disability compensable under the Arizona workers compensation program. The physician who examined him was bought by the insurance company.

I informed the caller that the examining physician was not his friend; rather he was a friend of the insurance company. Most orthopedic practices generate substantial revenues from insurance companies by examining people with personal injury claims. Insurance-funded exams are "conservative" and not patient-friendly.

"It was just a part-time, minimum-wage job," said the caller. "It wasn't worth this." I advised that he engage an attorney with workers compensation experience. Also he should ask his family physician for a referral to an orthopedist that functions outside the insurance-defense business. In all probability he will not be able to find one.

Why? Money talks.

(Pro bono legal information, advice available to persons over 55 at USD Senior Legal Helpline, 1-800-747-1895; mmyers@usd.edu; opinions solely those of author, not the University of South Dakota).

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