

Understanding IMEs in Colorado: What Chiropractors Need to Know About Independent Medical Examinations

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When a chiropractor treats a patient injured in a motor vehicle accident, the patient's recovery may eventually be evaluated by another healthcare provider selected by an insurance company or defense attorney.

This evaluation is commonly called an Independent Medical Examination (IME).

Although the name suggests an entirely neutral examination, an IME is often requested by a party with a financial interest in the outcome of the personal injury claim.

For chiropractors, understanding how IMEs work, what examiners evaluate, and how the resulting reports can affect a patient's case is important. A well-documented treatment history can make the difference between an IME report that raises legitimate questions and one that unfairly undermines months of appropriate chiropractic care.

What Is an Independent Medical Examination?

An IME is an examination performed by a healthcare professional who generally has not been treating the injured patient.

Unlike a treating chiropractor, whose primary responsibility is providing patient care, an IME examiner is typically asked to evaluate specific issues relevant to an insurance claim or lawsuit.

These may include:

- Whether the patient's injuries are related to the accident;
- Whether the treatment provided was reasonable and necessary;
- Whether the patient has recovered;
- Whether additional treatment is warranted;
- Whether the patient has permanent limitations; and
- Whether pre-existing conditions contributed to the patient's symptoms.

In Colorado personal injury litigation, physical and mental examinations are governed by **Colorado Rule of Civil Procedure 35**.

Under that rule, a court may order an examination when a party's physical or mental condition is genuinely in controversy and good cause exists for the examination.

The Colorado Supreme Court has emphasized that these requirements must be established rather than assumed. *Tyler v. District Court*, 561 P.2d 1260 (Colo. 1977).

When Does an IME Occur?

An IME may be requested during the insurance claims process or after a lawsuit has been filed.

In litigation, Rule 35 examinations generally occur during discovery, when the parties are gathering evidence about the patient's injuries and damages.

An examination may be arranged by agreement or ordered by the court. A court-ordered examination must identify the examiner and specify the time, place, manner, conditions, and scope of the examination.

Importantly, an insurance company cannot automatically compel a Rule 35 examination simply because it disagrees with the patient's treatment. The applicable legal requirements must be satisfied.

Why Do Insurance Companies Request IMEs?

In many personal injury cases, the insurance company disputes some aspect of the patient's injuries or treatment.

For example, an insurer may contend that:

- Chiropractic treatment continued longer than medically necessary;
- The patient should have recovered within a shorter period;
- The injuries resulted from a pre-existing condition;
- The collision was too minor to cause the reported injuries; or
- The patient's ongoing symptoms are unrelated to the accident.

An IME gives the defense an opportunity to obtain another professional opinion concerning these issues.

However, an IME report is not automatically more reliable than the opinions of the patient's treating providers.

Like other expert opinions, its reliability and persuasive value depend upon the examiner's qualifications, methodology, supporting evidence, and conclusions. See **CRE 702; *People v. Shreck*, 22 P.3d 68 (Colo. 2001)**.

Why Chiropractic Documentation Matters

One of the most effective ways chiropractors can protect the credibility of their treatment is through thorough, contemporaneous documentation.

An IME examiner may review months of chiropractic records while spending relatively little time personally examining the patient.

Those records can therefore become critical evidence of the patient's condition throughout recovery.

Particularly important information includes:

- The patient's initial complaints and mechanism of injury;
- Objective examination findings;
- Range-of-motion measurements;
- Orthopedic and neurological testing;
- Functional limitations;
- Changes in symptoms;
- Re-examination findings; and
- The clinical justification for continued treatment.

A treatment record that simply repeats the same complaints and procedures at every visit may be easier to challenge than one demonstrating meaningful clinical evaluation and documented progress.

Responding to an Unfavorable IME Report

An unfavorable IME report does not necessarily mean the patient's treatment was inappropriate or that the personal injury claim is unsuccessful.

Treating chiropractors may disagree with an examiner's conclusions for legitimate clinical reasons.

For example, the IME examiner may have:

- Overlooked important examination findings;

- Mischaracterized the patient's treatment history;
- Failed to consider documented functional limitations;
- Relied upon incomplete medical records; or
- Reached conclusions inconsistent with the documented course of recovery.

When an attorney requests a treating chiropractor's response, the most effective approach is a professional, evidence-based explanation identifying specific disagreements and supporting records.

Avoid personal attacks against the examiner.

The goal is not to discredit another healthcare provider simply because the opinions differ. It is to explain why your clinical findings and treatment recommendations are supported by the evidence.

Can an Attorney Challenge the IME?

Yes.

Colorado law recognizes that the circumstances surrounding an independent medical examination may raise legitimate concerns.

In *Hayes v. District Court*, 854 P.2d 1240 (Colo. 1993), the Colorado Supreme Court explained that trial courts have discretion to establish conditions for Rule 35 examinations, including whether a third party may attend or whether the examination may be recorded.

The court also recognized that concerns about an examiner's potential bias may be explored through cross-examination.

Attorneys may challenge an IME examiner's opinions by examining the provider's qualifications, methodology, financial relationships, prior testimony, and the factual basis for the conclusions.

An IME is evidence—not the final word on the patient's injuries.

What About Workers' Compensation IMEs?

Colorado chiropractors should also understand that workers' compensation examinations operate under a different legal framework.

Colorado's workers' compensation system includes a formal Division Independent Medical Examination (DIME) process, commonly used to resolve disputes involving maximum medical improvement and permanent impairment ratings.

That process is governed primarily by **C.R.S. § 8-42-107.2** and applicable Division of Workers' Compensation rules.

Unlike a typical Rule 35 examination in a civil personal injury lawsuit, a DIME has specific statutory procedures and consequences.

Providers treating patients with both workers' compensation and third-party personal injury claims should be careful not to confuse the two processes.

Why Understanding IMEs Benefits Chiropractors

Chiropractors who understand the IME process are better positioned to:

- Maintain defensible treatment records;
- Recognize issues insurance companies frequently challenge;
- Explain the medical necessity of their treatment;
- Respond professionally to conflicting medical opinions;
- Support accurate evaluation of their patients' injuries; and
- Develop stronger working relationships with personal injury attorneys.

Importantly, good documentation also helps protect the provider's financial interests when the reasonableness or necessity of treatment becomes disputed.

Final Thoughts

Independent Medical Examinations are a common part of Colorado personal injury litigation, particularly when insurance companies dispute the nature, extent, or duration of a patient's injuries.

But an IME does not erase months of documented treatment or automatically outweigh the opinions of treating providers.

At our firm, we recognize the important role chiropractors play in documenting injuries, monitoring recovery, and explaining why treatment was medically appropriate.

When treating providers maintain thorough records and communicate effectively with personal injury counsel, they help ensure that insurance companies and juries have an accurate picture of the patient's injuries and recovery.

The best defense against an unfavorable IME begins long before the examination—with thorough, consistent, and clinically sound chiropractic documentation.

For questions or referrals, visit: www.blackandblinklaw.com or call 719-328-1616.

Sources

- [Colorado Rule of Civil Procedure 35](#) – Governing physical and mental examinations in Colorado civil litigation, including the requirements for court-ordered examinations and examination reports.
- [Tyler v. District Court, 193 Colo. 31, 561 P.2d 1260 \(1977\)](#) – Discussing the requirements that a condition be genuinely in controversy and that good cause exist before a Rule 35 examination may be ordered.
- [Braxton v. Luff, 558 P.2d 444 \(Colo. App. 1976\)](#) – Addressing physical examinations when a personal injury plaintiff places physical injuries and related damages in controversy.
- [Hayes v. District Court, 854 P.2d 1240 \(Colo. 1993\)](#) – Addressing the trial court's discretion regarding the conditions of a Rule 35 examination, including third-party observers, recording, and concerns about examiner bias.
- [Colorado Rule of Evidence 702](#) – Governing the admissibility of expert testimony.
- [People v. Shreck, 22 P.3d 68 \(Colo. 2001\)](#) – Establishing Colorado's framework for evaluating the reliability and admissibility of expert testimony.
- [C.R.S. § 8-42-107.2](#) – Governing the selection and procedures for independent medical examinations in Colorado workers' compensation disputes.
- [Colorado Division of Workers' Compensation, Rule 11](#) – Governing the Division Independent Medical Examination process.

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