

Important Information Concerning Neuropsychological Services in a Possible Legal Context

The purpose of this document is to explain some of the important differences between neuropsychological services when they are offered as part of a patient's routine healthcare, as opposed to when services are provided in the context of potential legal proceedings. Each patient and his/her attorney (if applicable) should review this document very carefully and bring any questions or concerns to one of the neuropsychologists at Houston Neuropsychology Associates, PLLC.

Neuropsychological evaluation entails objective measurement of human brain functioning by means of standardized tests. Such evaluations are typically undertaken when patients seek our services directly, or when their physicians or other health care professionals refer them to us. Information resulting from the evaluation is then used to make diagnostic and treatment recommendations. The primary objective of the evaluation is to provide clinically useful information that will assist with improving patient care and quality of life.

When an individual is involved in a lawsuit, or when there is a reasonable expectation that a lawsuit or other litigious issue will emerge, the purpose of neuropsychological evaluation (as well as the use of the resulting information) typically differs. Lawsuits involve adversarial scenarios between or among individuals appealing to a judge or jury. The opposing party's attorney will heavily scrutinize the evidence submitted. The attorney's goal is to win the case for his/her client, which may involve different tactics and motivations than the desire to promote the client's health care. In contrast, the typical healthcare context of neuropsychological practice is not adversarial.

When neuropsychological evaluation is undertaken for legal purposes, it is necessary to obtain and review a patient's medical, school, and other records. Specific documentation of claims asserted must be verified through records. A thorough investigation of the individual's history must be undertaken, which may include interviews with family members or others in the person's life. Such records and collateral information are significantly more time consuming to obtain and review than medical records received as part of a typical outpatient neuropsychological evaluation. Also, the length of the test session is greater when a patient is seen in the context of litigation. Should evidence of cognitive deficits be found, for example, the opposing side will likely attempt to dismiss the deficits as having originated before an accident (for example), to result from emotional factors (such as depression), or even to be feigned by the patient. Needless to say, it takes considerably more time, testing, and elucidation of an individual's neuropsychological and emotional functioning to produce evidence at a level sufficient to address these concerns.

To summarize, neuropsychological evaluation conducted for routine patient health care differs in many respects from evaluations conducted in the context of litigation. For these reasons, we require that patients specify the nature of the reason for their evaluation. **It is for the protection of our patients that this policy exists. Moreover, it is considered insurance fraud to bill a patient's insurance for services that are being conducted for forensic purposes.** Patients who seek our services knowing that they are involved in (or may expect to become involved in) litigation must inform us of their situation at the outset when they first request an appointment. Withholding this information potentially jeopardizes the patient's legal case, as the neuropsychological evaluation that will be conducted will not have been designed to address the specific concerns present in a legal context. Patients who withhold information about their legal affairs may be putting their case at risk.

At Houston Neuropsychology Associates, PLLC, we request full disclosure of any current, pending, or possible legal action related to each patient's case. Every evaluation is considered either primarily medical or legal (not both). Medical cases are those for which a referral is received from a healthcare professional seeking neuropsychological evaluation of the patient, or from a patient or his/her family members directly. In medical cases, there is no reasonable expectation of litigious or legal embroilment. Health insurance or private pay is the means through which services are funded. The neuropsychologist acts as a treating doctor in medical cases, not an expert witness.

By contrast, legal cases are those for which an evaluation is requested by the patient, his/her attorney, or other representative in which there is reasonable expectation of involvement with a legal case. The neuropsychologist acts as an expert witness in such cases, not a treating doctor. It is not possible to bill medical insurance for any of the fees conducted in a legal case on both ethical and legal grounds.

My signature below indicates that I have fully read and understood the information in this form. I hereby request services from Houston Neuropsychology Associates, PLLC as a medical case. A faxed, scanned, or photocopied version of this letter shall have the same force as an original.

Signature of Patient/Authorizing Person

Date Signed

Printed Name of Patient/Authorizing Person

Clinician or Witness