

WORKERS' COMPENSATION

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presents

2023 Spring Education Conference

MCLE: 6 Hours

Legal Specialization: 6 Hours in Workers' Compensation Specialization

Understanding Psych Reports and Cross-Examining Psych Doctors

Saturday, May 20, 2023
8:30 a.m. – 9:30 a.m.

Speaker:

Dr. Ronald Heredia, Good Mood Legal

Conference Reference Materials

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UNDERSTANDING PSYCH REPORTS AND CROSS-EXAMINING PSYCH DOCTORS

Five potential sources of information are used to support a Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnosis

1. The patient's life history and their presenting complaints or symptoms
 - a. every credible psych report contains a complete history of the patient's symptoms or complaints
2. The doctor's report of their Mental Status Examination
 - a. a Mental Status Examination produces a set of observations of the patient that are made by the doctor under reasonably controlled conditions employing a relatively standard set of examining techniques and questions in the context of a face to-face interview
3. The psychological testing data
 - a. a credible report should have some form of objective psychological data that can be presented to the court that supports the doctor's conclusion
4. A review and discussion of the patient's medical records
 - a. a credible report may have some medical record support for the doctor's diagnoses
5. Collateral sources of information
 - a. a credible report may have collateral sources of information in the form of interview data collected from friends, relatives and/or co-workers or business associates of the patient

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Newport Beach, CA


Understanding Psych Reports and Cross-Examining Psych Doctors

Dr. Ron Heredia

GOOD
MOOD
LEGAL

*Scan now to
participate in
questions later in
the session.*



 SCAN ME

-Goals for this Session-

- Introduction
- What should be in psych reports
- “Red flags” in the report
- Questions to ask
- Rules and tips for deposing psych doctors



Substantial Medical Evidence

- Psychological Disorder LC 3208.3
- DSM diagnosis (DSM-IV-TR, DSM-5, DSM-5-TR)
- SUPPORT for the diagnosis
- Substantial Medical Evidence
- Question the doctor appropriately



Scan now to participate in questions later in the session.



SCAN ME

What are the reasons being identified as the cause of psych claims you are seeing?

boss



FIVE SOURCES OF DATA

1. The patient's life history and their presenting complaints or symptoms
2. The doctor's report of their Mental Status Examination
3. The psychological testing data
4. A review and discussion of the patient's medical records
5. Collateral sources of information

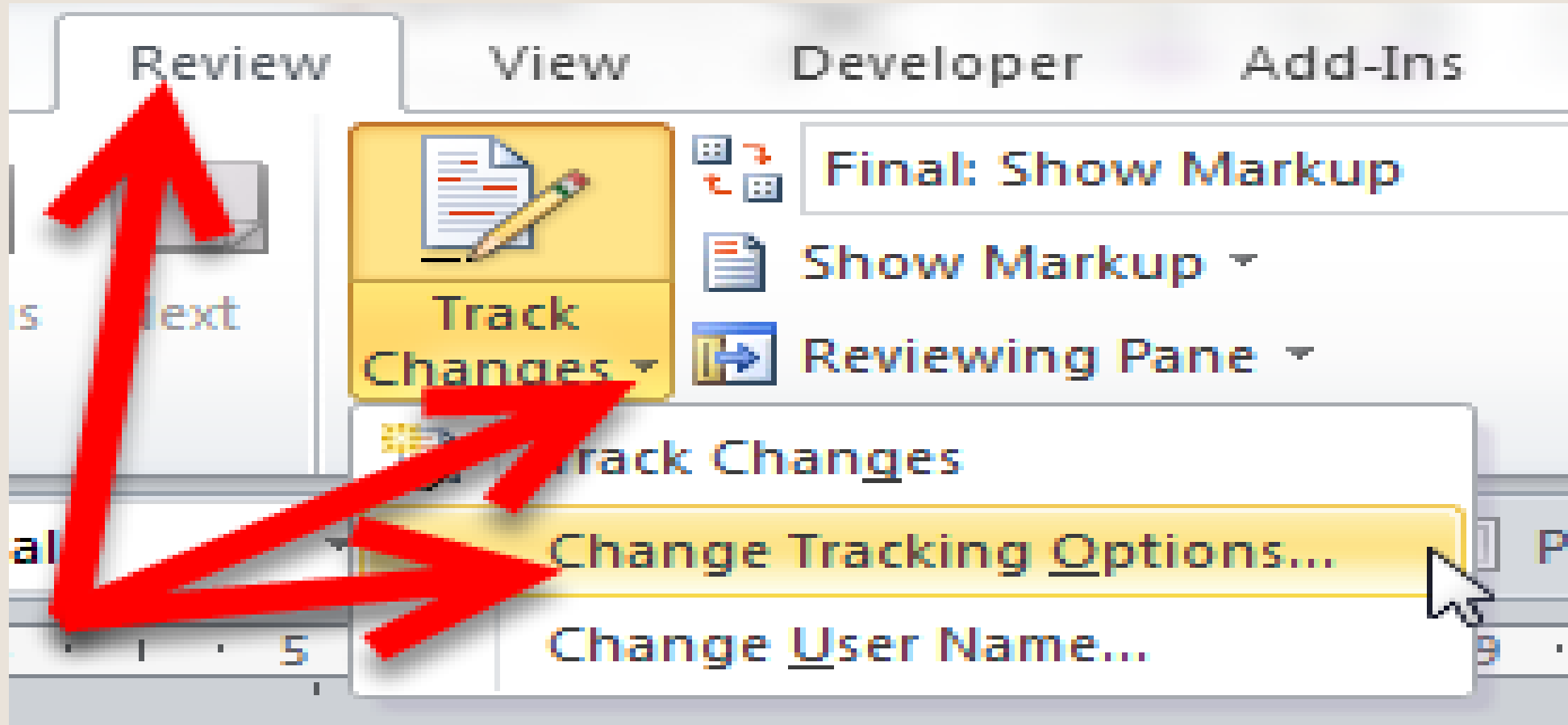
COMMON RED FLAGS

Essentials of a Psych Report

Attack the diagnosis **ONLY!**



Question the report ONLY!



What psychological diagnosis do you see most often diagnosed by psych doctors?

Major Depressive Disorder

Generalized Anxiety Disorder

Posttraumatic Stress Disorder

Adjustment Disorder

Depressive Disorder Not Otherwise Specified

Anxiety Disorder Not Otherwise Specified



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Effectively Cross Examine A Psych Doctor

□ Patient's life history and presenting complaints

-Every report must have a complete history of symptoms or complaints

- **FIDOC**

(frequency, intensity, duration, onset, course over time)

Did the doctor conduct the evaluation
Or have someone else participate?

Methodological concerns (e.g. double
Signature)



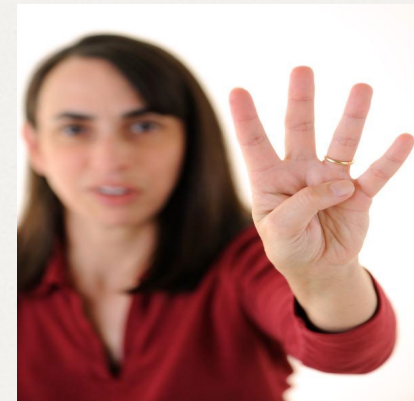
Effectively Cross Examine A Psych Doctor

□ The Mental Status Examination (MSE)

A Mental Status Examination produces a set of observations of the patient that are made by the doctor under reasonably controlled conditions employing a relatively standard set of examining techniques and questions in the context of a face to-face interview: Mood, Memory, Concentration, Insight, Judgment.

- Where is the observational Data
- Presence of summary conclusions

- Inconsistent information
- Presence of complaints



What psychological tests do you see discussed in psych reports?

MMPI

Epworth Sleepiness Scale

Bender

Beck Anxiety Inventory

Beck Depression Inventory

PTSD Checklist

Wahler

Weschler Adult Intelligence Scale

Millon Clinical Multiaxial Inventory (MCMI)



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Effectively Cross Examine A Psych Doctor

□ Psychological Testing:

A credible Psych report should have some form of objective psychological data that can be presented to the court that supports the doctor's conclusions

-Questions about the patient's credibility – 1st Priority!

-Questions Impossible MMPI-2 Scores

-No tests measuring the patient's credibility

- What about MMPI-3 (12/2020)



Effectively Cross Examine A Psych Doctor

- A review and discussion of the patient's medical records:

Doctor did you review any records from a credible mental health practitioner who concurred with your diagnosis?



1. Ask the doctor about the report and the patient
2. Focus all of your questions on the substantial medical evidence
3. Be persistent in questioning!
4. Always determine if the doctor has taken a complete history of the patient's symptoms or complaints that supports their diagnosis
5. Always determine if the doctor has provided a credible patient history that supports their diagnosis
6. Always determine if the doctor has provided a credible report of their Mental Status Examination that supports their diagnosis
7. Always determine if the doctor has provided psychological testing data that supports their diagnosis

Rules and Tips



CE/MCLE Topics

- o • Understanding Psych Reports and Cross-Examining Psych Doctors (most popular)
- o • Psych Deposition as Leverage to Settle
- o • Detect Faking with Psych Testing
- o • PTSD and PTSD Presumption
- o • COVID-19 Psych Problems: Normal or a Mental Injury
- o • Do's and Don'ts of Neuropsychological Evaluations
- o • The Rise of the DSM-5-TR (new)
- o • Drafting A "Winning" Advocacy Letter to Psych Doctors (new)

QUESTIONS



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Dr. Heredia teaches a variety of courses at East Los Angeles College: General Psychology, Lifespan Psychology, Research Methods, Child Psychology and Psychological Aspects of Human Sexuality. He is the Director of Good Mood Legal, a medical-legal psychology practice that provides psychological evaluations and produced work product privileged consultation reports for attorneys and adjusters that describe a psych report's flaws in jargon-free language; discusses specific techniques to cross-examine the doctor; and provides multiple simple questions that get those flaws on the record despite the doctor's resistant behavior.

Dr. Heredia earned a B.A. in psychology from UCLA, an M.A. in Education with a concentration in psychology from Pepperdine University and a doctorate at Pepperdine Graduate School of Education & Psychology. He has authored multiple academic papers presented at conferences including meetings of the American Educational Research Association and guest lectured an undergraduate education course at UCLA. In his spare time, he serves as Chair of the Board of Directors of Inland Empire Future Leaders Program, an educational non-profit organization devoted to leadership and the educational success for high school students in San Bernardino, Riverside and Los Angeles counties. He also serves on the Diversity and Equity as well as the Budget Advisory committees of his local K-12 school district.