

Forced by Insurer to Undergo a Medical Assessment in Your Car Accident Lawsuit

The Issue

When you are injured in a car accident and sue, can the insurance company force you to attend at various different medical doctors, who will review your medical history and examine you and then write a report on your condition and commenting on your claims in your lawsuit?

Why This Matters

People hurt in Ontario car accidents should expect to undergo a number of different medical assessments if they make a claim to their Accident Benefits insurer for benefits, as well as if they sue one of the drivers/owners of the vehicle which caused the accident.

These medical assessments can be difficult on plaintiffs, particularly if they have been suffering from the negative effects of their car accident.

The question of how many medical assessments you will have to undergo is an issue for your lawyer to contest, when faced with a request by the insurance company's lawyer for assessments. Sometimes, a court motion is required to determine the issue, as in the recent case of [**Nasir v. Kochmanski, 2012 ONSC 4088 \(CanLII\)**](#).

The Details

In this case, the plaintiff was only a 3 year old boy at the time of the accident (and 9 years old at the time of this motion).

The insurance company defending wanted the 3 year old boy to be examined by a psychologist, to test some of the claims in the lawsuit. This would be the second medical assessment in this lawsuit by the insurer, the first being a paediatric neurology assessment.

In this situation, the Court allowed this second assessment by a psychologist and ordered that the plaintiff pay motion costs to the insurer, for having contested / resisted this request for a second medical assessment.

For more information on medical assessments in lawsuits and your rights, see our various other blogs:

- [**Injured in a Car Accident > Medical Assessments > What are the Limits?**](#)
- [**Multiple Medical Assessments in Your Car Accident Lawsuit > How Many is Too Much?**](#)
- [**Ontario Accident Benefits \(SABS\) – The Role of Doctors and Their Medical Assessments**](#)
- [**Being Examined by an Insurance Doctor > Videotaping the Assessment**](#)
- [**Videotaping the Medical Expert Who Is Examining You \(on Behalf of the Opposing Insurance Company\) – Part 2**](#)



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- [**Videotaping Medical Experts \(Examining You on Behalf of the Opposing Insurance Company\) – Part 3**](#)

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