

Dr Richman's Article "Manufacturing Disability"

(excerpt from Rivard Judgement 20014)

The Canadian Insurance Magazine is a trade magazine with a narrow circulation of approximately 10,500 subscribers. The majority of its readers are insurance brokers and insurance adjusters. AssessMed advertised in this publication.

In September of 1998, an article entitled "Manufacturing Disability", authored by Dr. Richman, appeared in this magazine. In this article, Dr. Richman asserted that, having conducted medical assessments for more than 29 years, he found an increasing number of claimants with minor injuries wilfully misrepresented their situation, often backed by health care practitioners. He said that at AssessMed, where more than 3,000 assessments had been done, only "approximately ten percent of patients were found to have significant impairments". He said that of this ten percent, only three percent required long-term disability benefits. Of the remaining 90%, more than half wilfully failed to give a fair effort. He accused the medical, psychological and rehabilitation community of supporting these claimants, thereby manufacturing disability to obtain lucrative disability benefits. He argued that pain could not be defined as an impairment because it was subjective and could not be measured.

Dr. Richman went on to say that the most appropriate measure to determine functional abilities was an Independent Medical Evaluation plus a Functional Abilities Evaluation. He alleged a majority of health care workers, who were held in high esteem by society, had become unaccountable and closed their eyes to fraudulent behaviour, believing they would not be challenged. He argued these members of the health care profession created illness and did far more psychological harm than any accident could. [78] This article manifested an intellectual tendency on the part of Dr. Richman to treat claimants with suspicion and to question the validity of the opinions expressed by their treating health care workers. It was an attractive approach for those insurers who questioned the extent of their insured's disability, but left doubt as to whether the approach resulting from this ideology was objective or impartial.

While Dr. Richman's opinions find some support in medical literature, they are considered too skeptical by others. Dr. Richman's research in this area was based on discussions with assessors at AssessMed but not on any empirical or validated study. In my view, it reflected a tendentious approach to assessments, which subjected AssessMed to being viewed as partial to insurers.