

Dr. Emile Ramlochan - chiropractor

[Xavier and Old Republic Insurance Company](#) Arbitration, 2009-02-06

Relying on the opinions of Dr. Gary Challis, a psychologist, and Dr. Emile Ramlochan, a chiropractor, Old Republic refused to approve the program on the grounds that the proposed treatment is not reasonable and necessary, within the terms of section 14 of the *Schedule...*

...I also do not accept Dr. Ramlochan's similar conclusions. Dr. Ramlochan is not an orthopaedic specialist and specifically deferred expertise in assessing Mr. Xavier's injuries to the appropriate specialist in that field. He indicated that his opinion is based in part on the "existence of disabling pathology." He did not review the available imaging and did not incorporate the available orthopaedic opinions into his assessment. He was therefore not in a good position to make conclusions on the extent of Mr. Xavier's ongoing impairment. There is also no indication that Dr. Ramlochan has any expertise on how chronic pain, Mr. Xavier's psychological conditions and the numerous medications he was taking, might affect his ability to complete the tests administered.

This lack of information and expertise on Mr. Xavier's injuries devalues Dr. Ramlochan's opinion on the sincerity of Mr. Xavier's efforts on testing. Had Dr. Ramlochan been aware of the objective evidence of Mr. Xavier's ongoing impairment, he might have attributed Mr. Xavier's inability to complete the required tests to "disabling pathology", rather than sub-maximal effort. I find that Dr. Ramlochan's observation that Mr. Xavier did not achieve target heart rates when unable to complete tests does not enhance his opinion that Mr. Xavier was not trying. I would not expect a person who is unable to give maximum effort because of pain or disability to achieve the heart rate of a person able to give maximum effort. Applying Dr. Ramlochan's logic, one would absurdly conclude that a person with two broken arms, who does not reach the expected heart rate while unable to complete the prescribed number of push-ups, is simply not trying hard enough. Because he applied Dr. Ramlochan's logic, I also reject Mr. Ford's conclusion that Mr. Xavier did not give maximum effort when he was unable to complete the tests Mr. Ford later conducted.

.....
.....

[Carr and TD General](#) [+] Arbitration, 2010-07-23,

Dr. Emile Ramlochan, a chiropractor, was qualified as an expert witness in chiropractic and functional capacity evaluations. He performed an insurer's examination on May 29, 2008. [See note 14 below] In his report, he outlines Mr. Carr's job duties but he did not know how much he had to lift, how many hours a day he worked, or essentially what his pre-accident employment duties were as he did not know what he did at his job. Mr. Fugler's list of physical demands was not reviewed nor was any job site analysis. It took Dr. Ramlochan approximately 2 hours to conduct his assessment.

Dr. Ramlochan testified that Mr. Carr did not complain of pain during his assessment. In his report, there is no mention of two broken ribs as Mr. Carr did not complain of fractured ribs or any chest area problems. He noted that Mr. Carr was a poor historian and he needed to rely on a body chart. [See note 15 below] However, the body chart did not reflect any injury to Mr. Carr's

chest or ribs. According to the chart, Mr. Carr's spinal pain was localized to his cervical, thoracic, and lumbar regions. In Dr. Ramlochan's opinion, Mr. Carr's soft tissue injuries in his neck and back did not meet the definition of an impairment under the *Schedule*. During his functional capacity evaluation, he focussed on Mr. Carr's neck, shoulders, back and wrist...
...Dr. Ramlochan concluded that although Mr. Carr's functional testing revealed serious deficits this was not a reliable representation of his maximal capabilities due to evidence of symptom magnification and the lack of an underlying, accident organic pathology. [See note 16 below]
Although Dr. Ramlochan performed a physical exam of Mr. Carr, he did not do strength testing so he did not know how much he could lift. Dr. Ramlochan listed "medium" for job demands but did not quantify the overall job demands. Mr. Carr declined to perform certain tasks which Dr. Ramlochan attributed to self-limited effort. Mr. Carr was asked to walk for a total time of 31.9 seconds. Although his job required a good deal of standing, he was tested for alternating repeatedly between standing and sitting. Also, Mr. Carr's reaching abilities on the right and left are documented but he was tested while sitting down. Dr. Ramlochan concluded that he was dealing with a healthy male who could walk and meet the physical demands of his job with no pathology related to the accident...

There were inconsistencies and weaknesses in both Dr. Boynton and Dr. Ramlochan's reports and in their testimony. Dr. Ramlochan had no knowledge of the job hours Mr. Carr worked, the weight he was required to lift and did not have a job site assessment to inform him. The human body diagram, which he relied on, does not document Mr. Carr's 2 broken ribs and resulting chest problems.

Dr. Ramlochan commented that soft tissue injuries did not constitute impairment and says so throughout his report. He relied on an erroneous definition of impairment, which includes loss of function, to find that Mr. Carr suffered no impairment of his neck, shoulders, back, wrists and knees. He ignored the pain experienced by Mr. Carr and seemed to say that if he could not see the injury, it did not exist. Dr. Boynton had incomplete information about Mr. Carr, including no worksite assessment and she was adamant that Mr. Carr simply needed to exercise more and was capable of returning to his pre-accident employment. I placed little weight on the reports and testimony of Dr. Boynton and Dr. Ramlochan....

...Dr. Ramlochan testified that Mr. Carr failed to give maximal effort while being tested. However, he did not consider that Mr. Carr might be incapable of exerting maximal effort due to pain. If Mr. Carr had been capable of providing maximal effort, he would have succeeded in returning to his old job.