

Ms. Jill Leacock
Secretary, Rules Revision Committee
The Supreme Court of British Columbia
800 Smithe Street
Vancouver, British Columbia
Canada
V6Z 2E1

October 27, 2014

Re: Audio recording independent medical examinations

Dear Ms. Leacock:

The Inter Organizational Practice Committee (IOPC) is a coalition of the American Academy of Clinical Neuropsychology (AACN), the Society for Clinical Neuropsychology/Division 40 of the American Psychological Association, the National Academy of Neuropsychology (NAN), the American Board of Professional Neuropsychology (ABN), and the American Psychological Practice Organization (APAPO) tasked with coordinating national neuropsychology advocacy efforts, and representing thousands of neuropsychologists in the United States and Canada.

The IOPC has become aware that the Rules Revision Committee has received a submission from the Trial Lawyers Association of British Columbia proposing a rule change to permit audio recording of independent medical examinations. This practice has been discouraged within the field of psychology and neuropsychology for many years with several position papers and many academic papers outlining the detriments of this practice to the validity of such examinations. We are writing now to express our strong concerns regarding this practice and ask that you oppose this proposed rule change.

AACN, NAN, and ABN have each published position papers stating that third party observers compromise examination validity. Copies of the position papers are attached as appendices. Their content can be summarized as follows:

The greatest degree of validity is obtained in Independent Medical Evaluations when examinees are motivated to cooperate with an examiner in a candid/ unbiased fashion in the context of a controlled, standardized testing environment. The physical or electronic presence (e.g. video or audio recording) of a third party observer during a neuropsychological or psychological assessment compromises both the validity of the assessment and the validity of the tests themselves.

1. Third party observers are a source of distraction in the assessment. Even when third parties are not in the room, the knowledge that a third party is listening via electronic means creates

an internal source of distraction. This undermines the ethical principal for psychologists of creating a distraction free test environment.

2. Neuropsychological and psychological measures have been developed under a specific set of highly controlled conditions that did not include third party observers. Their presence introduces an unknown variable that prevents the examinees' scores from being meaningfully compared to established norms. Valid interpretation of examinee's test data is therefore compromised.
3. The presence of third party observers obstructs the development of meaningful rapport between the psychologist and examinee. When a third party is in the room or listening via electronic recording device, an examinee's rapport may be directed solely towards the unseen observer.
4. The content of the test questions is no longer secure. Anyone who listens to the tape of the assessment knows exactly what questions are asked during the standardized assessment. If the general public knows the test questions, then examinees can be coached to provide answers favorable to their claim. The tests lose their validity, much as the validity of a professional law or medical board examination would no longer have validity if the test questions were widely known.

We thank you for your valuable time and consideration of these points and welcome any questions that you might have about the concerns outlined in this letter, and we would be happy to provide you with any additional information that you might find to be helpful (karenpostal@comcast.net; 978-475-2025).

On behalf of the American Academy of Clinical Neuropsychology, National Academy of Neuropsychology, Division 40 (Society for Clinical Neuropsychology) of the American Psychological Association, and the American Board of Professional Neuropsychology,

Thank you for your time and consideration.

Respectfully submitted,



Mark Mahone, Ph.D., APBB
President, American Academy of Clinical Neuropsychology



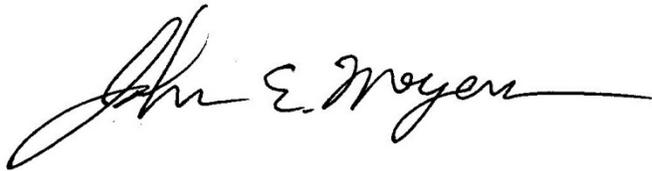
Katherine Nordal, Ph.D.
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