

SANJAY ADHIA, M.D.

Board-Certified in Forensic Psychiatry
Board-Certified Brain Injury Medicine
Board-Certified in Psychiatry
American Board of Psychiatry and Neurology

TELEPHONE: (832) 746-5905

SGAMD@SGAMD.COM

WWW.SGAMD.COM

5826 New Territory Blvd.

Suite 803

Sugar Land, TX 77479
Houston Metropolitan Area

FORENSIC PSYCHIATRY

CLINICAL PSYCHIATRY

LICENSED PHYSICIAN, TEXAS

Know When Brain Injury Medicine Board-Certification is important in an Expert Witness

By Sanjay Adhia, M.D.
Board-Certified
Brain Injury Medicine
Forensic Psychiatry
Psychiatry

I am Board-Certified in Brain Injury Medicine as well as Psychiatry and Forensic Psychiatry by the American Board of Psychiatry and Neurology (ABPN).

Board-Certification follows a rigorous course of study and examination. Qualified Board-Certified Psychiatrists, Neurologists, Psychiatrists (Physical Medicine and Rehab) and Sports Medicine physicians are permitted to take the exam.

Brain Injury Medicine encompasses disorders of brain function due to injury. These disorders involve a range of medical, physical, neurological, cognitive and psychiatric disorders that result in psychosocial, educational, and vocational consequences. A specialist in BIM would have expertise in other central nervous system disruptions (e.g., encephalopathies, anoxia) with similar neurocognitive and psychiatric symptoms.

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BIM qualifications enable the forensic psychiatrist to treat and render medico-legal opinions on the neuropsychiatric manifestations of Traumatic Brain Injury (TBI) with a high level of expertise. The psychiatrist with this training is not a substitute for a Neurologist. The relationship between Brain Injury and Psychiatry speaks to behavior, personality and emotional response—the primary purview of the Psychiatrist. There is overlap with Neurology and it may make sense in a lawsuit involving a brain injury, or suspected brain injury, to assemble a team of experts including a Forensic Psychiatrist with BIM Board Certification, a Neurologist and a Neuropsychologist who is trained to conduct testing and interpret data.

Personal Injury cases

If a physical injury to the body includes the brain, such as a motor vehicle accident, psychiatric conditions should not be automatically attributed as an emotional response to the accident. If an MVA results in chronic pain associated with, for example, a back injury, we might see severe depression. It is logical for an attorney, or even a psychiatrist without BIM or Forensic training to conclude the depression is associated with pain or a prognosis that changes the ability to work or family dynamics. If the Depression is related to a brain injury, diagnosis, prognosis and, ultimately, damages awarded in litigation, can look very different. If one expert believes brain injury to drive other psychiatric conditions, but that expert does not have the qualifications to opine in this way, it behooves an attorney to consider an expert witness who is better qualified in this area. Testimony is only one piece. An attorney preparing to depose an expert witness who has rendered an opinion might want to consult with a BIM Board-Certified doctor to prepare questions that invite a better understanding of an expert's opinions—including if they are founded on sound experience and qualifications.

Competency, Testamentary Capacity, Undue Influence.

Brain function impacted by Dementia or Alzheimer's Disease is degenerative. Competency implies the exercise of free will with clear-thinking and lucid decision-making—and a functioning brain. Testamentary Capacity cases, and susceptibility to undue influence, especially alleged in the elderly, (brain function can impact vulnerability and emotional decision-making), Disability and other cases.

Criminal Allegations and TBI

About half of all criminal offenders have a history of TBI. In criminal cases, TBI may play a role in Mitigation, Competency to Stand Trial and Insanity (NGRI) questions. A brain injury can interfere with decision-making, clarity and even behavior, including criminal behavior.

(Dr. Adhia is one of fewer than a dozen doctors in the US with Board-Certification in both Forensic Psychiatry and Brain Injury Medicine.

Read [more articles by Dr. Adhia on Brain Injury Medicine and Brain Injury Medico-Legal Topics](#)