

**APPLICATION FOR APPOINTMENT**

**AS AN APPROVED MEDICAL SPECIALIST**

**TO PROVIDE SERVICES**

**TO THE WORKERS COMPENSATION COMMISSION**

**INFORMATION PACKAGE**

APPLICATION NUMBER 01AMS/15 & 02AMS/15

ISSUE DATE: 25 AUGUST 2015

**LODGEMENT OF APPLICATIONS:**

Applications, citing either the Application number 01AMS/15 or 02AMS/15, must be submitted by email to[organisationalperformanceunit@wcc.nsw.gov.au](mailto:organisationalperformanceunit@wcc.nsw.gov.au).

CLOSING DATE FOR APPLICATIONS IS: **9 September 2015**

***FURTHER ASSISTANCE REGARDING THIS APPLICATION MAY BE OBTAINED FROM:***

ENQUIRIES: Mary Walsh Telephone: (02) 8281 6342

E-mail*:* [*mary.walsh@wcc.nsw.gov.au*](mailto:mary.walsh@wcc.nsw.gov.au)

Contents

[SUMMARY OF REQUIREMENTS 3](#_Toc427147404)

[1. REQUIREMENTS OF THE WORKERS COMPENSATION COMMISSION 3](#_Toc427147405)

[2. INFORMATION TO BE PROVIDED BY APPLICANTS 4](#_Toc427147406)

[3. SELECTION PROCESS 5](#_Toc427147407)

[4. EVALUATION CRITERIA AND PROCESS 6](#_Toc427147408)

[5. LATE APPLICATIONS MAY NOT BE CONSIDERED 7](#_Toc427147409)

[6. DISCLAIMER 7](#_Toc427147410)

[7. OWNERSHIP 8](#_Toc427147411)

[8. DISCLOSURE OF INFORMATION 8](#_Toc427147412)

[9. NO ECONOMIC OPPORTUNITY 8](#_Toc427147413)

[TERMS OF APPOINTMENT 9](#_Toc427147414)

[10. TERM OF APPOINTMENT 9](#_Toc427147415)

[11. PERFORMANCE OF SERVICES AS AN APPROVED MEDICAL SPECIALIST 9](#_Toc427147416)

[12. FACILITIES 10](#_Toc427147417)

[13. REMUNERATION 10](#_Toc427147418)

[14. PAYMENT 10](#_Toc427147419)

[15. SUPERANNUATION PAYMENTS 10](#_Toc427147420)

[16. APPROVED MEDICAL SPECIALIST’S ON-COSTS 10](#_Toc427147421)

[17. NO GUARANTEE OF WORK 10](#_Toc427147422)

[18. RESTRICTIONS ON DEALING WITH MATTERS 11](#_Toc427147423)

[19. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION 11](#_Toc427147424)

[20. CONFLICT OF INTEREST 11](#_Toc427147425)

[21. INDEMNITY 12](#_Toc427147426)

[22. INSURANCE 12](#_Toc427147427)

[23. TRAINING 12](#_Toc427147428)

[24. PERFORMANCE EVALUATION 12](#_Toc427147429)

[25. ELECTRONIC OPERATING ENVIRONMENT 13](#_Toc427147430)

[26. NO PARTNERSHIP, AGENCY OR EMPLOYER RELATIONSHIP 13](#_Toc427147431)

[27. STANDARDS AND ACCOUNTING REQUIREMENTS 13](#_Toc427147432)

[28. TERMINATION 13](#_Toc427147433)

## PART A - SUMMARY OF REQUIREMENTS

1. REQUIREMENTS OF THE WORKERS COMPENSATION COMMISSION

The Workers Compensation Commission (the Commission) is established under the *Workplace Injury Management and Workers Compensation Act* 1998 and commenced operation on 1 January 2002. The Commission is an independent statutory tribunal within the justice system of New South Wales. The Commission’s primary function is to resolve workers compensation disputes between injured workers and their employers.

Applications are sought from suitably qualified persons to provide medical assessment services to the Commission.

The medical assessment process is set out in the following legislation and guidelines:

* *Workplace Injury Management & Workers Compensation Act* 1998
* *Workers Compensation Act* 1987;
* *WorkCover Guides for the Evaluation of Permanent Impairment* (3rd Edition); *and*
* *WorkCover Medical Assessment Guidelines.*

The Commission is seeking applications from suitably qualified specialists wishing to be appointed as Approved Medical Specialists (AMSs) for the Commission to undertake assessments of general medical disputes and disputes about permanent impairment. Appointments to the panel of Approved Medical Specialists are made by the President of the Commission.

Approved Medical Specialists appointed by the Commission to assess permanent impairment must have completed training in the *WorkCover Guides for the Evaluation of Permanent Impairment* in one or more of the following body systems:

* upper extremity
* lower extremity
* spine
* nervous system
* ENT and related structures
* urinary and reproductive system
* respiratory system
* hearing
* visual system
* psychiatric and psychological disorders
* haematopoetic system
* endocrine system
* the skin
* cardiovascular system
* digestive system

Approved Medical Specialists who are appointed to undertake assessment of permanent impairment may be required to act as members of Appeal Panels.

Approved Medical Specialists (AMS) are required throughout New South Wales, including regional and rural areas.

Approved Medical Specialists will be required to operate within the electronic operating environment of the Commission. To do this, Approved Medical Specialists need to be connected to the Internet, (minimum web browser Internet Explorer 7) and have sufficiently current software and hardware to open Word files, PDF files, sound wave files, and other files as required.

The Workers Compensation Commission does not guarantee or make representations that any medical assessment services will necessarily be sought from successful applicants or, if the services are called upon, what the level of use will be. The Workers Compensation Commission reserves the right to not proceed with the appointment of persons who meet the selection criteria, subject to the requirement for medical assessment services by the Commission.

1. INFORMATION TO BE PROVIDED BY APPLICANTS

The information to be provided will vary depending on whether you are currently an AMS seeking re-appointment or if you are newly seeking to be a member of the WCC AMS panel.

Form 01AMS/15 should be used for new applicants and form 02AMS/15 for those seeking re-appointment.

Current panel members will not be required to resubmit details previously submitted to the WCC in earlier applications. However you will be required to certify in writing that those details remain current and up to date. You should ensure you complete the correct application form.

New applicants seeking appointment will be required to submit:

* Completed application form 01AMS/15
* Supporting documents as outlined in the relevant selection criteria

Applicants must meet all Selection Criteria in order to be considered. Guides to assist applicants in the requirements for permanent impairment and general medical disputes are outlined in the Appendix.

Please indicate clearly on your application form whether you are applying to undertake permanent impairment or both permanent impairment and general medical dispute assessments.

Any costs incurred in preparing and submitting an application, and any subsequent expenses in relation to the application, will be the responsibility of the applicant.

Applicants are required to provide a copy of current public liability insurance cover and a copy of workers compensation insurance cover (if applicable).

1. SELECTION PROCESS

The selection process includes a number of stages. Selection is via a four-stage process. Non-complying or incomplete responses will not be considered for evaluation.

**Stage 1 is undertaken by Workers Compensation Commission**

|  |
| --- |
| * Applicants assessed against relevant selection criteria |
| * Applicants meeting the selection criteria are classified by specific area of expertise and region availability |

**Stage 2 involves verification by the relevant professional body**

* Relevant credentials will be verified through the AHPRA web site.

**Stage 3 is undertaken by the WorkCover Authority**

* The WorkCover Authority reviews the applicants from Stage 2 and provides comments for consideration by the President.

**Stage 4 is appointment by the President of the Workers Compensation Commission.**

Applications for appointment or re-appointment as Approved Medical Specialists are forwarded to the President of the Commission for decision. The President of the Commission shall determine appointments after consideration of:

* The application submitted
* The applicant’s record as an AMS and / or IME
* Information from the relevant professional bodies
* Comments provided by the Stakeholder Committee
* The operational needs of the Commission, including the number of Approved Medical Specialists required in a given specialty and regional service needs.

The President may seek further evidence or clarification of material if appropriate.

Appointment of Approved Medical Specialists is at the absolute discretion of the President. The President may elect not to proceed with appointment of applicants who have met the selection criteria and have been recommended by the Stakeholder Committee.

Recommendations may also be made for a “Reserve List” to be considered for appointment should the need for more Approved Medical Specialists arise.

Where there are insufficient suitable applicants for a particular specialty or location, the Commission may approach further applicants.

1. EVALUATION CRITERIA AND PROCESS

Applications must address the relevant criteria depending on type of assessments they wish to conduct. Approved Medical Specialist – Permanent Impairment only or both Permanent Impairment & General Medical Disputes.

**Selection criteria for the assessment of permanent impairment**

1. Medical practitioner registered under the Health Practitioner Regulation National Law, subject to any conditions of registration that may adversely impact performance of the functions and powers of an Approved Medical Specialist and/or the reputation of the Workers Compensation Commission.
2. Membership of the relevant Australian or Australasian medical college or faculty.
3. Post-specialist qualifications and experience in specialist area(s) nominated by the applicant.
4. At least 5 years’ experience in the relevant speciality, with demonstrated professional excellence.
5. Demonstrated knowledge of current research, evidence-based principles and best practice in relevant areas, including intervention by other health practitioners.
6. Good written skills, including capacity to write clear, comprehensible reports with satisfactory reasons.
7. Good verbal communication skills, including capacity to deal with workers who are from non-English speaking backgrounds, and who may be suffering from functional overlay.
8. Demonstrated capacity to provide impartial assessments.
9. Ability to see workers and provide reports within specified time periods.
10. Professional integrity and credibility.
11. No other appointments/affiliations that could be perceived as a conflict of interest.
12. Knowledge of the key objectives of the NSW workers compensation system.
13. Successful completion of training in the use of the *WorkCover Guides for the Evaluation of Permanent Impairment*, including the core module and all modules relevant to the body system for which the applicant seeks appointment, or willingness to undertake this training.

The supporting documents required to be lodged will include:

1. An up to date CV listing qualifications, experience, and professional memberships;
2. Certification of approved WorkCover training in the assessment of body parts required;
3. Where AMSs currently undertake work as independent medical experts: two de-identified medico-legal reports that have been provided within the last 12 months – one for an insurer, one for a worker;
4. A schedule of availability to perform work for the Commission within the Commission’s required timeframes for examinations and preferred locations for assessment;
5. Professional references from two persons or professional bodies.

**Selection criteria for the assessment of general medical disputes**

1. Medical practitioner registered under the Health Practitioner Regulation National Law, subject to any conditions of registration that may adversely impact performance of the functions and powers of an Approved Medical Specialist and/or the reputation of the Workers Compensation Commission.
2. Membership of the relevant Australian or Australasian medical college or faculty.
3. Post-specialist qualifications and experience in specialist area(s) nominated by the applicant.
4. At least 5 years’ experience in the relevant speciality, with demonstrated professional excellence.
5. Demonstrated knowledge of current research, evidence-based principles and best practice in relevant areas, including intervention by other health practitioners.
6. Good written skills, including capacity to write clear, comprehensible reports with satisfactory reasons.
7. Good verbal communication skills, including capacity to deal with workers who are from non-English speaking backgrounds, and who may be suffering from functional overlay.
8. Demonstrated capacity to provide impartial assessments.
9. Ability to see workers and provide reports within specified time periods.
10. Professional integrity and credibility.
11. No other appointments/affiliations that could be perceived as a conflict of interest.
12. Knowledge of the key objectives of the NSW workers compensation system.
13. Evidence of current clinical practice or teaching position in the relevant speciality.

The supporting documents required to be lodged will include:

1. An up to date CV listing qualifications, experience, and professional memberships;
2. Evidence and details of current clinical practice and/or teaching roles;
3. Where AMSs currently undertake work as independent medical experts: two de-identified medico-legal reports that have been provided within the last 12 months – one for an insurer, one for a worker;
4. A schedule of availability to perform work for the Commission within the Commission’s required timeframes for examinations and preferred locations for assessment;
5. Professional references from two persons or professional bodies.
6. LATE APPLICATIONS MAY NOT BE CONSIDERED

Applications should be submitted by the closing date to: [organisationalperformanceunit@wcc.nsw.gov.au](mailto:organisationalperformanceunit@wcc.nsw.gov.au).

The Commission reserves the right not to consider late applications.

1. DISCLAIMER

The Workers Compensation Commission is not committed contractually in any way to those persons whose applications are accepted.

Whilst the information contained in this document has been formulated with all due care, the Workers Compensation Commission does not warrant or represent that the information is free from errors or omissions. The information is made available on the understanding that the Workers Compensation Commission and their employees and members, shall have no liability (including liability by reason of negligence) for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the information and whether caused by reason of any error, omission or misrepresentation in the information or otherwise.

Furthermore, the Workers Compensation Commission takes no responsibility for the accuracy, currency, reliability and correctness of any information included in this document, in particular any information provided by third parties.

1. OWNERSHIP

All information submitted by an applicant shall become the property of the Workers Compensation Commission. All ownership in such documentation shall vest entirely in the President of the Workers Compensation Commission.

1. DISCLOSURE OF INFORMATION

No potential applicant shall disclose any information relating to this application process or the required services via any media release or any other publication without the prior written consent of the President of the Workers Compensation Commission.

The President of the Workers Compensation Commission has no objection to the applicant copying this document for internal working purposes in preparing their application.

1. NO ECONOMIC OPPORTUNITY

By lodgement of this application with the Workers Compensation Commission, the applicant affirms that he or she has not given, offered to give, nor intends to give at any time thereafter, any inducement or reward including any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favour or service to any public servant or member of the Workers Compensation Commission in connection with the submitted application.

If the applicant is found to have offered any inducement or reward in accordance with the preceding paragraph, or is found to have committed corrupt conduct in accordance with the provisions of the *Independent Commission Against Corruption Act 1988*, the applicant shall be disqualified and any resulting arrangements for medical services void.

## PART B - TERMS OF APPOINTMENT

1. TERM OF APPOINTMENT

Approved Medical Specialists will generally be appointed for a period of 3 years, unless otherwise determined by the President on a case-by-case basis.

The appointment commences on the date set out in Instrument of Appointment of the Approved Medical Specialist, and continues until the date specified in the Instrument unless terminated earlier in accordance with this agreement. Approved Medical Specialists will be notified in writing by the Workers Compensation Commission of its intentions to extend the period of appointment.

The terms of appointment may restrict an Approved Medical Specialist to medical disputes of a specified kind, as specified by the President in the Instrument of Appointment.

The appointment is governed by and construed in accordance with the laws of the State of New South Wales.

1. PERFORMANCE OF SERVICES AS AN APPROVED MEDICAL SPECIALIST

The services provided by an Approved Medical Specialist shall conform to the requirements of the Workers Compensation Acts, the *Workers Compensation Commission Rules 2011* (and any subsequent rules), relevant regulations, guidelines, procedures and practice directions. Approved Medical Specialists are required to comply with the Code of Conduct of the Workers Compensation Commission. <http://www.wcc.nsw.gov.au/Legal-Links-and-Tools/Rules-practice-directions-and-guidelines/Pages/Guidelines.aspx>

Approved Medical Specialists shall undertake medical assessments usually within 3-5 weeks of referral. The report of the Approved Medical Specialist shall be provided in the format approved by the Registrar, within 7 calendar days of the date of assessment.

Where a Medical Assessment Certificate contains an obvious error, the Commission will return it to the Approved Medical Specialist who is to provide a replacement Medical Assessment Certificate within 5 days. This does not impact on the substantive content of the Medical Assessment Certificate. No additional payment will be made for the correction of an obvious error.

Where an application for reconsideration is referred to an Approved Medical Specialist, the decision in relation to the reconsideration is required to be issued within 10 days of the application being referred.

Approved Medical Specialists appointed to undertake assessment of permanent impairment may be required to participate in Appeal Panels constituted under s328 of the *Workplace Injury Management and Workers Compensation Act 1998* to determine appeals lodged against medical assessments.

1. FACILITIES

Approved Medical Specialists are required to provide their own facilities and supplies for undertaking all work in relation to medical assessment matters referred by the Registrar.

Approved Medical Specialists are to ensure their premises are a safe working environment and meet all Occupational Health and Safety standards.

1. REMUNERATION

The Commission will pay Approved Medical Specialists in accordance with the Schedule of Fees as approved by WorkCover New South Wales.

1. PAYMENT

Approved Medical Specialists will be required to render an account for work done for the Workers Compensation Commission on completion of each matter. Completion of a matter occurs at the time of the submission by an Approved Medical Specialist of the Medical Assessment Certificate. The account is to be rendered in the format specified by the Registrar, Workers Compensation Commission, and will be paid within 28 days of the date of receipt of the invoice by electronic funds transfer, subject to the documentation provided being complete and accurate in every detail, and subject to all of the requirements of the Workers Compensation Commission being met.

If, after an account has been paid, it is found to be incorrectly rendered, any underpayment or overpayment shall be recoverable by or from an Approved Medical Specialist, as the case may be and without limiting recourse to other available means, and may be offset against any amount subsequently due to the Approved Medical Specialist.

1. SUPERANNUATION PAYMENTS

The Workers Compensation Commission is required to make superannuation payments to Approved Medical Specialists under the *Commonwealth Superannuation Guarantee (Administration) Act 1992*.

1. APPROVED MEDICAL SPECIALIST’S ON-COSTS

The Workers Compensation Commission shall not be liable for any of an Approved Medical Specialist’s employee “on-costs” such as but not exclusively, wages, salaries, holiday pay or allowances, or sick pay.

All taxes, including GST, duties and charges imposed or levied in Australia in connection with providing services to the Workers Compensation Commission shall be borne by Approved Medical Specialists.

1. NO GUARANTEE OF WORK

The Workers Compensation Commission makes no guarantee or representation regarding the allocation of work to any Approved Medical Specialist. The services of an Approved Medical Specialist will be utilized as required. This may not necessarily result in regular work or any work. Approved Medical Specialists are required to provide details as to their availability for work, as and when requested by the Workers Compensation Commission.

1. RESTRICTIONS ON DEALING WITH MATTERS

The terms of appointment may restrict an Approved Medical Specialist to medical disputes of a specified kind, as specified by the President in the Instrument of Appointment.

1. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

Each Approved Medical Specialist shall take all reasonable steps to ensure that he or she does not disclose to any person the contents of or information relating to, any document or material which has been provided by the Workers Compensation Commission to the Approved Medical Specialist and which relates to the affairs of a third person.

All reports, working papers and other documents of an Approved Medical Specialist that have been prepared or obtained in relation to Commission proceedings must be retained on the relevant file and returned to the Commission on completion of a matter.

1. CONFLICT OF INTEREST

Approved Medical Specialists should, at the earliest opportunity, advise the Registrar of the Commission and the parties (where necessary) of any actual or perceived conflict of interest that may prevent them from performing their functions. This includes any factor that may give rise to a reasonable apprehension of bias by a party to the proceedings.

Approved Medical Specialists should:

* not accept a referral to assess any person with whom they have, or may be perceived to have, a conflict of interest, including referrals of any person whom they have previously treated or medically assessed or with whom they have been previously acquainted where a perception of bias may arise;
* have regard to potential impact of activities, interests and associations in their private life on the impartial and effective performance of their responsibilities as an Approved Medical Specialist;
* not provide a medico-legal report where such report has been sought for the purpose of providing a critique of a Medical Assessment Certificate of an Approved Medical Specialist.

From time to time workers may bring a further Application to the Commission seeking additional lump sum compensation as a result of an alleged deterioration of a condition that has previously been the subject of a medical assessment by an Approved Medical Specialist. Wherever possible, the Commission will refer the worker back to the Approved Medical Specialist who made the initial assessment.

It is therefore recommended that Approved Medical Specialists not accept a referral from parties to provide an assessment, as an independent medical expert, where they have previously assessed a worker in their capacity as an Approved Medical Specialist for the Commission.

1. INDEMNITY

Section 320(6) of the *Workplace Injury Management and Workers Compensation Act 1998*, provides that:

A matter or thing done or omitted to be done by an approved medical specialist in the exercise of functions under this Act does not, if the matter or thing was done or omitted in good faith, subject the approved medical specialist personally to any action, liability, claim or demand.

An Approved Medical Specialist shall promptly notify and fully disclose to the Workers Compensation Commission in writing any occurrence actual or potential that could materially affect the Approved Medical Specialist’s ability to perform any of his or her obligations.

1. INSURANCE

Each Approved Medical Specialist is required to maintain with a reputable insurance company for the terms of the appointment the following insurances:-

1. a public liability policy of insurance as required by the appropriate professional body
2. workers’ compensation insurance as required by all relevant laws of Australia

Each Approved Medical Specialist shall on request from time to time by the Registrar of the Workers Compensation Commission, produce to the Registrar satisfactory evidence of insurance.

1. TRAINING

The Workers Compensation Commission will provide advice and training in regards to the requirements of the Commission. WorkCover NSW provides training and advice in all other aspects of the medical assessment role. Each Approved Medical Specialist is expected to undertake his or her own ongoing professional development and in particular to keep up to date with developments in the assessment of workers under the workers compensation legislation.

1. PERFORMANCE EVALUATION

The Approved Medical Specialist will be required to comply with the performance review requirements of the Workers Compensation Commission.

The Workers Compensation Commission will evaluate the performance of Approved Medical Specialists at 6 monthly intervals, or more frequently as required.

The following measures will be among those evaluated:

* Percentage of appeals which resulted in revocation of the medical assessment certificate
* Timeliness of appointments and medical assessment certificates
* Quality of medical assessment certificates
* Number of complaints substantiated.

1. ELECTRONIC OPERATING ENVIRONMENT

Each Approved Medical Specialist is required to maintain access to a PC system equipped with a modem and connected to the Internet (minimum web browser Internet Explorer 7) and have sufficiently current software and hardware to open Word files, PDF files, sound wave files, and other files as required.

Each Approved Medical Specialist is required to manage their availability for Commission work through the Commission’s electronic system and provide documentation (including Medical Assessment Certificates and invoices) electronically to the Commission.

1. NO PARTNERSHIP, AGENCY OR EMPLOYER RELATIONSHIP

Appointment as an Approved Medical Specialist does not constitute the Approved Medical Specialist as an agent, partner or employee of the Workers Compensation Commission.

1. STANDARDS AND ACCOUNTING REQUIREMENTS

Each Approved Medical Specialist is required to maintain adequate and accurate accounting practices and records in his or her dealings with the Commission.

1. TERMINATION

The President of the Workers Compensation Commission may remove an Approved Medical Specialist from office.