**INDEPENDENT MEDICAL EXAMINERS**

**Independent Medical Examiners**

The requirements for psychiatrists to become independent medical examiners vary from state to state.

The states and territories of Australia do not have a unified scheme for either becoming a recognized independent medical examiner, or in the methods of assessing psychiatric impairment. Each state may have multiple schemes depending on the type of matter - workers compensation, motor vehicle accidents, or public liability. In this chapter I have noted the requirements to work as a medical examiner in each state and territory (to the extent that this information is available).

It is useful to have some background in understanding the history of compensation and how the different schemes have developed. An introductory textbook to the law may be of benefit.

Each scheme is vulnerable to the whims of government, and the thresholds and legal tests in one year can be markedly different in the next.

It is unlikely there will ever be a unified scheme given compensation is dictated by state legislature although SafeWork Australia has a mandate to try and facilitate this process (see later). Those starting out are recommended to focus on their home state, become comfortable with its schemes, and, if interested, explore further.

Some states provide in-house training, with yearly or less regular intakes (at your cost), that includes basic training. Others require mandatory, that is either delivered by the AMA acting as a contractor or by the state funded regulatory agencies. Some states, recommend training, but do not provide training either in-house or through a recognized government body, and allow doctors to source their own tutelage.

Enterprising organizations such as the American Board of Independent Medical Examiners ABIME (see later), provide an annual training weekend in Australia with regard to training in use of the AMA 5 and AMA 6. No training is provided with regard to assessment of psychiatric conditions, specifically no training is provided with regard to the Psychiatric Impairment Rating Scale PIRS or the GEPIC. Only the Western Australia WorkCover scheme recognises an ABIME certificate as one of the two options to become accredited (the other is training in New South Wales or South Australia, although training in South Australia does not provide any training with regard to the PIRS.

There are infrequent ad hoc civil forensic psychiatry training workshops, I have run two of these myself with Dr Nigel Strauss over a weekend. This training is much more comprehensive providing information on the whole gamut of the work.

**Australian Capitol Territory**

No information can be found with regard to workers compensation or accident claims. The NSW Guides are used to determine impairment so I assume training in their use is required.

**New South Wales**

**WorkCover**

IMEs use theNSW Workers Compensation Guidelines for the Evaluation of Permanent

Impairment Fourth Edition – 1 April 2016 – it can be downloaded at https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/health-professionals-for-workers-compensation/nsw-workers-comp-guidelines-perm-impair-4th-edition.pdf

NSW Workcover Guidelines on Independent Medical Examinations and Reports can be viewed at <https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/workers-compensation-policies/independent-medical-examinations-reports-guidelines-3740.pdf>

Appendix A in these Guidelines provides a format for reports

**Report format**

Worker’s details including:

* date of examination
* worker’s name
* date of birth/age
* details of who attended the examination (ie interpreter, family member or friend).

General history including:

* date of injuries
* brief history of the circumstances of the injuries
* job description/work tasks (when relevant).

Clinical history including:

* summary of injuries received and diagnoses made of the worker’s condition.
* summary of all treatment provided
* details and dates of clinical investigations carried out
* details of any previous or subsequent injuries, condition or abnormality.

Examination

findings including:

* list of injuries assessed
* your findings on comprehensive clinical examination, including negative
* findings
* your comments on consistency of presentation and, where appropriate, how this compares to the medical reports and other material sighted.

Conclusions

* Your opinion in relation to the specific questions asked in the letter of referral

# Workers compensation definitions

A permanent impairment assessor is a registered medical practitioner trained to assess a worker's permanent impairment as a result of a work related injury or illness.

## In brief

A permanent impairment assessor is a registered medical practitioner recognised as a specialist with qualifications, training and experience relevant to the specific body system or systems being assessed.

To provide services within the NSW workers compensation system, you must be a trained assessor of permanent impairment for each body system you intend to assess. You may be one of the worker’s treating specialists or you may be engaged on behalf of the worker, employer or insurer for the purposes of assessing the level of permanent impairment.

A permanent impairment assessment is used to measure how much permanent change has happened to the worker’s body because of their injury.

In assessing permanent impairment, the assessor must determine:

* whether the worker's condition has resulted in impairment
* whether the condition has reached maximum medical improvement
* whether the impairment is permanent
* the degree of permanent impairment that results from the injury
* the proportion of permanent impairment due to any previous injury, pre-existing condition or abnormality.

## How do I become a permanent impairment assessor?

In order to become a permanent impairment assessor you are required to:

* meet certain eligibility criteria
* satisfactorily complete [training](https://www.sira.nsw.gov.au/for-service-providers/training-and-workshops#Workers_compensation) in the evaluation of permanent impairment, and
* [submit an application](https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/forms/health-professionals-for-workers-compensation/SIRA08709-0317-Permanent-Impairment-App.pdf).

Website regarding impairment assessment training http://ama5.com.au/psychiatry/

[Becoming an assessor of permanent impairment](https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/health-professionals-for-workers-compensation/how-to-become-a-trained-assessor-of-permanent-impairment) explains the process and requirements to become listed as an assessor of permanent impairment. <https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/health-professionals-for-workers-compensation/how-to-become-a-trained-assessor-of-permanent-impairment>

Applicants may apply to be listed using the [assessor of permanent impairment application](https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/forms/health-professionals-for-workers-compensation/SIRA08709-0317-Permanent-Impairment-App.pdf).

List of assessors can be viewed at https://www.sira.nsw.gov.au/information-search/permanent-impairment-assessors

### Training in the evaluation of permanent impairment

Australian Medical Association (AMA) Victoria’s education business unit, [AMA Training](http://ama5.com.au/) has partnered with AMA NSW to provide training in the evaluation of permanent impairment in the NSW workers compensation system.

To register, contact AMA Training on (03) 9280 8722 or email [amatraining@amavic.com.au](mailto:amatraining@amavic.com.au).

## Fees and invoicing

The [2018 Medical Examinations and Report Fees Order](https://www.sira.nsw.gov.au/__data/assets/pdf_file/0004/326704/Workplace-Injury-Management-and-Workers-Compensation-Medical-Examinations-and-Reports-Fees-Order-2018.pdf) sets the rates payable to assessors of permanent impairment.

The fee schedule as of 1 January, 2018 can be viewed at https://www.sira.nsw.gov.au/\_\_data/assets/pdf\_file/0004/326704/Workplace-Injury-Management-and-Workers-Compensation-Medical-Examinations-and-Reports-Fees-Order-2018.pdf

# **Motor accidents in NSW**

A permanent impairment assessor is a registered medical practitioner recognised as a specialist with qualifications, training and experience relevant to the body system or systems being assessed.

## In brief

A permanent impairment assessment is used to measure how much permanent change has happened to the injured person’s body because of their injury.

Your assessment can involve medical assessments, reports and information about the person's injuries and recovery. You should consider all available evidence and be satisfied that there is:

* an impairment arising from an injury caused by the accident
* an injury to the part being assessed and that it was caused by the accident
* an impairment as defined at clause 6.9 of the [motor accident guidelines](https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/for-professionals/guides-for/motor-accident-guidelines). https://www.sira.nsw.gov.au/\_\_data/assets/pdf\_file/0004/325777/Motor-Accident-Guidelines-30-April-2018.pdf

If you have a question about permanent impairment, email [wpienquiryMAIR@sira.nsw.gov.au](mailto:wpienquiryMAIR@sira.nsw.gov.au) for a response within five working days.

Permanent impairment assessors must adhere to the motor accidents [code of conduct](https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/medical-assessor-code-of-conduct) and [terms of appointment](https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/medical-assessor-terms-of-appointment).

## Publications you might need

* [Permanent impairment guidelines](https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/MAA_Permanent_Impairment_Guidelines_1_October_2007final_1.pdf) https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/MAA\_Permanent\_Impairment\_Guidelines\_1\_October\_2007final\_1.pdf
* [Motor accidents medical assessor code of conduct](https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/medical-assessor-code-of-conduct) https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/medical-assessor-code-of-conduct

[Motor accidents medical assessor terms of appointment](https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/medical-assessor-terms-of-appointment) (An appointment as a medical assessor (for motor accidents) for SIRA is from 1 April 2017 to 30 June 2018)

* https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/medical-assessor-terms-of-appointment

In addition to the publications above, the guidance material below outlines the recommended approach for assessing different injuries.

**Permanent Impairment Guidelines**

Guidelines for the assessment of permanent impairment of a person injured as a result of a motor vehicle accident

https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/guidance-material-for-medical-assessors/MAA\_Permanent\_Impairment\_Guidelines\_1\_October\_2007final\_1.pdf

## Fees and invoicing

The [medical assessor fee schedule for medical and review panel assessments](https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/sira-medical-assessors-fee-schedule-for-medical-and-review-panel-assessments-2017) sets the rates payable to assessors of permanent impairment. https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/motor-accident-disputes/sira-medical-assessors-fee-schedule-for-medical-and-review-panel-assessments-2017

| **Medical Assessment Fees Fees (excluding GST) applicable to MAS 1A, 2A and 4A assessments  conducted on or after 1 April 2017** | | | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Assessment Type | On Papers | | Physical | Complex Physical or  Non-Complex Occupational Therapy | | ABI | | Complex ABI or Complex  Occupational Therapy | | | Psychiatric | | Complex Psychiatric | |
| Single application | $1230 | | $1230 | $1640 | | $1640 | | $2050 | | | $1640 | | $2050 | |
| **Same Day Psychiatric Review Panel Assessment Fees per AssessmentFees (excluding GST) applicable for same day psychiatric Review Panel assessments** | | | | | | | | | | | | | | |
| **Assessment Type** | | | | | | | **Same Day Assessment** | | **Panel Chair** | **Certificate Writer** | | **Extra Reading Time (per hour)** | | |
| **Non-Complex** | | | | | | | $2460 | | $410 | $1025 | | $410 | | |
| **Complex** | | | | | | | $2870 | |
| **Additional Fees** | | | | | | | | | | | | | | |
| **Assessment** | | **Additional Item** | | | **Description** | | | | | | | | | **Amount** |
|  | | Interpreter loading | | | * Per medical assessment examination | | | | | | | | | $205 |
| Surveillance imaging review | | | * Pro rata rate of $205 per hour | | | | | | | | | $205 |
| Unreasonably late attendance by claimant or interpreter | | | * Requiring an extra 30 minutes or   more to complete medical assessment examination * Requiring additional appointment to   complete medical assessment examination | | | | | | | | | $205  $410 |
| Travel time to conduct an examination | | | * Pro rata rate of $205 per hour | | | | | | | | | $205 |
| Travel to conduct an examination | | | * Motor vehicle per kilometre rate | | | | | | | | | $0.66\* |
| **All Assessments (excluding Reviews)** | | Non-attendance or Late Cancellation | | | * Notified with less than 1 weeks   notice * Notified with less than 72 hours   notice | | | | | | | | | $410  $820 |
| **Review Panel Assessments** | | Non-attendance or Late Cancellation | | | * Physical examination/Assessor * Psychiatric examination/Assessor | | | | | | | | | $410  $820 |

**Northern Territory**

Workers Compensation

The NT WorkCover system has a Guide to assess permanent impairment, substantially based on the NSW Guides. The method of impairment assessment used in Caoter 11 Psychiatric and psychological disorders is the Psychiatric Impairment Rating Scale. There are 2 significant changes. The PIRS recommend assessing impairment and removing 1/10 for pre-existing impairment, this does not apply in the NT. The other change is that both secondary and non secondary or primary impairments are included.

There is no requirement under the Northern Territory legislation for Independent Medical Examiners (IME) for WorkCover or for Motor accidents to be accredited. However most of the assessments are done by eReports and MCLOA, there is little work for independent assessors.

**Queensland**

**Worksafe Queensland**

Impairment assessment training in Queensland took effect on 1 July 2016, incorporating changes made to the national template for assessing permanent impairment and providing greater clarity. This means all permanent impairment assessments conducted on and from this date, for an injury sustained on or after 15 October 2013, need to be done in accordance with the second edition by an assessor trained in the second edition. H

The second edition of the [Guidelines for Evaluation of Permanent Impairment](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0008/97361/guidelines-for-evaluation-of-permanent-impairment.pdf) (Queensland Guide) (PDF, 2091.49 KB) can be downloaded at <https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0008/97361/guidelines-for-evaluation-of-permanent-impairment.pdf>

### Request training

The Office of Industrial Relations is responsible for the delivery of the Queensland Guidelines for Evaluation of Permanent Impairment training. The Office of Industrial Relations is also responsible for maintaining a register of trained assessors. https://www.google.com/search?q=queensland+register+of+trained+assessors&ie=utf-8&oe=utf-8&client=firefox-b

Medical specialists wishing to undertake training in the Queensland Guide must [complete this training request form](https://www.worksafe.qld.gov.au/medical/resources/guidelines-evaluation-permanent-impairment/queensland-guidelines-for-evaluation-of-permanent-impairment-training). https://www.worksafe.qld.gov.au/medical/resources/guidelines-evaluation-permanent-impairment/queensland-guidelines-for-evaluation-of-permanent-impairment-training

### Recommended pre-requisite training

The AMA5 is used for most body systems within the Queensland Guide, with the exception of psychiatric and psychological disorders, chronic pain, visual and hearing injuries.

For this reason, the Office of Industrial Relations recommends that medical assessors complete AMA5 training prior to undertaking training in the Queensland Guide. However, AMA5 training is not a mandatory pre-requisite.

For AMA5 training visit <https://ama.com.au>.

### Recognition of Prior learning (training in NSW and SA WorkCover Guides)

The Queensland Guide is based on nationally agreed model guidelines for assessing permanent impairment. The New South Wales and South Australian schemes also use versions of these model guidelines, which are closely related to the Queensland’s Guidelines for Evaluation of Permanent Impairment, 2nd edition.   
If a doctor can provide evidence of prior training and accreditation in the Guidelines for the Evaluation of Permanent Impairment used in either of these jurisdictions, they will be exempt from completing Queensland Guide training in the body systems for which they are already trained. (However training in use of the PIRS is not done in South Australia, the impairment guide used there is the GEPIC.)

Doctors seeking to be registered as a trained assessor in Queensland need to complete training in the compulsory introductory Core module as it contains information specific to the Queensland Guide and the Queensland Workers' Compensation scheme.

### Request re copy of Queensland guide training certificate

To request a copy of the training certificate complete the [Queensland guide training certificate reorder form.](https://www.worksafe.qld.gov.au/medical/resources/guidelines-evaluation-permanent-impairment/request-a-copy-of-your-queensland-guide-training-certificate) https://www.worksafe.qld.gov.au/medical/resources/guidelines-evaluation-permanent-impairment/request-a-copy-of-your-queensland-guide-training-certificate

**Motor Accidents**

State of Queensland Motor Accident Insurance Commission 2007 has produced the Guideline to arranging medico-legal assessments. It can be seen at https://s3.maic.qld.gov.au/files/medico-legal-guideline.pdf

It states:

The medico-legal expert nominated/selected needs to have:

* the appropriate qualifications and training in order to apply the principles of AMA5 or PIRS when assessing level of impairment;
* peer acceptance, be of good standing with the relevant health practitioner registration board and give opinions that stay within their own area of expertise; and current and ongoing clinical experience.

**Joint medico-legal assessment**

Where possible, both parties should consider a joint medico-legal assessment. When one party requests a joint assessment and nominates a particular medico-legal expert, the other party is to respond to that request within 14 days, and either:

* agree to the proposed medico-legal expert nominated; or
* nominate an alternative(s) expert; or
* advise why they are not agreeable to a joint medico-legal assessment.

When arranging a joint medico-legal assessment, both parties are to agree to the material to be provided to the expert and the joint letter of instruction. If agreement cannot be reached regarding a joint medicolegal assessment for any reason, both parties may proceed to organise their own assessments. If the joint report is agreed to, the cost (including the claimant’s reasonable travel expense) is to be borne by the parties as agreed or shared equally.

**South Australia**

**Return to Work**

ReturnToWorkSA Whole Person Impairment Assessor are accredited when they have completed the training program. The training program provides an introduction to ReturnToWorkSA and to use of the GEPIC for workers compensation claimants.

The list of ReturnToWorkSA Whole Person Impairment Assessor can be seen at https://www.rtwsa.com/media/documents/Accredited-Impairment-Assessors-for-the-Return-To-Work-scheme.pdf

In South Australia the Motor Accident Corporation has a CTP Accreditation Panel. The Motor Accident Injury Assessment Scheme controls Accreditation.

The accreditation criteria are:

* currency of AHPRA registration, insurances, evidence of minimum hours in ongoing clinical practice
* requirement to attend compulsory MAIAS training session for initial accreditation and ongoing MAIAS professional development forums as scheduled
* service standards obligations, defined standards doctors must follow during ISV Medical Assessments, Including Code of Conduct, Standard Premises, etc.
* Regulatory Obligation Re-ISV Medical Assessment Reports-includes eight specific reporting requirements that MUST be included in ISV Medical Assessment reports (Civil Liability Regulations 2013)
* MAIAS defined three additional recording requirements is aligned with ReturnToWorkSA. ISV Medical Assessment Reports must:
  + contain clear rationale for opinion
  + not contain material errors
  + completely and accurately reflect findings based on rigour and honesty

The MAIAS Register lists all Accredited Medical Practitioners, view this at

**http://maias.sa.gov.au/register/index.html**

**Tasmania**

## The WorkCover Tasmania Board among other tasks accredits medical practitioners to assess permanent impairment

# Accreditation of Medical Practitioner to Assess Permanent Impairment from Work-Related Injury – Tasmania

<https://ablis.business.gov.au/service/tas/accreditation-of-medical-practitioner-to-assess-permanent-impairment-from-work-related-injury/7704>

Psychiatrists (and others) require this accreditation if they intend to provide assessment of permanent impairment of an injured worker as a result of a work-related injury. To be eligible for this accreditation you must::

* be a licensed medical practitioner
* complete all necessary forms and documentation
* meet the industry criteria.

### The term of accreditation is 36 months for medical practitioners.

### The relevant legislation is Workers Rehabilitation and Compensation Act 1988

### The sections of interest to psychiatrists are:

**Sections 50(1) to 55B**

Medical Panels

The Tribunal will keep a register of medical practitioners who have indicated their willingness to be selected to sit on a medical panel. Where there is some dispute as to a medical question, and one of the parties wishes to proceed, the Tribunal will select two or three practitioners from the register to form a panel. At least one member of the panel is to be a general practitioner and one is to have particular expertise in the medical field being examined. No member of a panel can have been involved in the examination or treatment of, or have provided any medical service, (including any assessment of impairment) to the worker in respect to the injury in question.

Medical questions that may be determined by a medical panel:

* The existence, nature or extent of an injury.
* Whether an injury is, or is likely to be, permanent or temporary.
* A worker’s capacity for work or specific work duties.
* The loss, or the degree of loss, of any of the parts or faculties of the body.
* The permanent loss of the effective use of a part of the body.
* The assessment of the degree of permanent impairment, including whether the impairment is permanent.

A medical panel is not bound by the rules of evidence; the panel may inform itself on any matter relating to the medical question before it. The decision of a medical panel is final and binding on all parties.

A medical panel can examine a worker; require the worker to answer questions and to produce any relevant documents. If the worker fails or refuses to attend before a panel, refuses to be examined or answer questions or produce documents, the Tribunal may suspend the worker’s right to compensation until he/she complies.

A worker cannot be represented by another person before a medical panel unless it appears to the panel that the worker should be represented. The worker is allowed to be accompanied by a person of his/her choice before a medical panel

**Medical Examinations and Independent Medical Reviews**

**Section 90A – 90D**

Independent Medical Reviews

If a worker claims compensation or is in receipt of receiving weekly payments then the employer or insurer can require the worker to undergo a medical review which will be conducted by a medical practitioner chosen by their employer.

Before a worker submits to an independent medical review the worker’s employer or the employer’s insurer must have:

* discussed with the worker’s primary treating medical practitioner the reasons why the review is to be conducted
* informed the worker, in writing, of the reasons why the review is to be

conducted.

A worker required to submit to an independent medical review by a medical practitioner is to:

* attend at a reasonable time and place for the review be taken to have given consent to providing to the medical practitioner
* nominated by the worker’s employer of any medical reports or records relating to the worker’s injury.

A worker is not required to undergo more than one independent medical review in any 3 month period unless:

* the worker has suffered multiple injuries or the worker’s injuries require

consideration by specialist medical practitioners in different fields or aspects of the injury

* the review is conducted by a medical practitioner specialising in a different injury, or field or aspect of the injury to the practitioner who has conducted a review of the worker in the 3 month period.

The Act provides that if an independent medical review report states that any medical or surgical treatment will terminate or shorten the period of incapacity for the worker then the worker must submit to that treatment. However, if a worker, after consultation with his/her primary treating medical practitioner, is not satisfied with the independent medical review report, then the worker must submit to an examination by another medical practitioner. The worker can select the medical practitioner to conduct the examination and may choose their primary treating medical practitioner. If the second examination confirms that the worker should submit to the treatment specified then the worker must, as soon as practicable, submit to that treatment.

Reports in relation to Reviews

A medical practitioner (other than a practitioner chosen by the worker) who conducts an independent medical review on a worker must:

* prepare a report on the review
* provide the report to the person who required the worker to submit to the review
* not provide the report to the worker.

If a medical practitioner conducts an independent medical review of the worker and reports that any particular medical or surgical treatment particularised will terminate or shorten the worker’s period of incapacity, then the medical practitioner must:

* provide the report to the person who required the worker to submit to the review
* not provide the report to the worker, unless the medical practitioner is the worker’s primary treating medical practitioner.

Unless the person who conducted the review was the worker’s primary treating medical practitioner, the person who was provided with the report of the worker’s review must within seven days, serve a copy of the report on the worker’s primary treating medical practitioner. A penalty applies for non-compliance with this requirement of the Act.

The Act requires that, after an independent medical review report has been served on the worker’s primary treating medical practitioner, the primary treating medical practitioner is to provide to the worker the report. The worker is provided with medical review reports via their primary treating medical practitioner.

The availability of the independent medical review reports to the primary treating medical practitioner ensures that the medical practitioner has all the information available to him/her to best manage the worker’s recovery and return-to-work.

It is important that communication between a worker and his/her primary treating medical practitioner is open and transparent. The discussion of the worker’s independent medical review or examination reports encourages and facilitates dialogue in respect of the worker’s injury management.

**Motor Accidents Tasmania**

The relevant legislation is **The Motor Accidents (Liabilities and Compensation) Act 1973.**

**The Motor Accidents Compensation Tribunal Regulations 2009** provide for a Tribunal to determine entitlement to benefits arising from a transport accident. Clause 11 of the regulations state that the Tribunal may require a person who is injured as the result of a motor accident to undergo a medical examination and that the report of the medical examination be available to both parties.

There appears to be no requirement for accreditation of the medical examiner by the Tribunal.

**Victoria**

**Impairment Assessment Training in Victoria http://www.iatvic.com.au**

AMA Victoria delivers courses in Impairment Assessment using the American Medical Association Guides to the Evaluation of Permanent Impairment 4th Edition and other prescribed methods, as applied to relevant Victorian legislation. Successful completion of a course enables medical practitioners to assess impairments for TAC, WorkCover and for the purposes of Part VBA of the Wrongs Act 1958 (personal injury).

This training program is based on the requirements of Victorian legislation. If you wish to perform impairment assessments in other states or countries you need to participate in specific training programs relevant to that state or country.

**Selection Criteria for Independent Medical Examiners**

**(Effective from 1 April 2015)**

All applications for approval as an independent medical examiner for the Transport Accident Commission (TAC) or WorkSafe Victoria (WorkSafe) will be assessed against the selection criteria effective from 1 April 2015. Decisions are made separately by each organisation.

**1**. **Mandatory criteria**

a) the practitioner has current registration as required by the *Health Practitioner National Registration Law (Victoria) 2009* with no conditions, limitations or restrictions on registration and abides by all relevant AHPRA standards; and

b) if relevant (i.e. practicing as a medical specialist IME), the practitioner is a current Fellow of a

specialist college recognised by the Australian Medical Council and has held Fellowship for a

minimum of 5 years; and

c) the practitioner has a minimum of 5 years full time (or equivalent) work experience as a practitioner in his or her chosen discipline; and d) the practitioner currently undertakes a minimum of 8 hours practice1 each week in the area of practice in which the IME provides specialist opinion; and

e) the practitioner is a member of an association which provides professional indemnity cover or holds current and enforceable professional indemnity insurance with cover as required by applicable state and/or Commonwealth laws, or in the absence of such applicable laws, in terms acceptable to the TAC and WorkSafe and of at least $5 million with respect to any single event; and

f) the practitioner holds or is insured under a current public liability insurance policy with cover of at least $5 million with respect to any single event; and g) the practitioner is able to demonstrate that he or she has strong verbal and written skills, the ability to communicate appropriately with a wide range of professionals, patients, injured workers and TAC clients.

**2**. **Highly Desirable Criteria**

a) the practitioner has experience treating people in a compensation scheme context (including work related injuries and illnesses, and transport accident injuries).

b) the practitioner has relevant post graduate qualifications.

c) the practitioner has a commitment to advanced clinical practice demonstrated by the devotion of professional time to:

i. the instruction of students; or

ii. active participation in formal special interest groups or networks; or

iii. clinical research.

d) the practitioner applies the guiding principles of the ‘Clinical Framework for the Delivery of Health Services’ in their practice (allied health professionals only)

1 ‘**Practice** means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. It is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct nonclinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.*’ As defined by the Australian Health Practitioner Regulation Agency http://www.ahpra.gov.au/*

**Worksafe Victoria**

**As of May 2018 WorkSafe are currently not recruiting any new or additional independent medical examiners**. WorkSafe approves practitioners as IMEs on a needs basis.  
  
WorkSafe will undertake recruitment activities for new IMEs when a need for IME services has been identified, either with respect to a particular field of practice and/ or a geographic location.  
  
WorkSafe will publish details of IME recruitment activities on this page as needs arise. Please check this website for future updates or contact us via email: [independent\_medical\_examiner@worksafe.vic.gov.au](mailto:independent_medical_examiner@worksafe.vic.gov.au)

## Fees

WorkSafe pays the costs of services as detailed in the relevant fee schedule.(no fee for reading)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Psychiatrist (fees include GST) as at 1 July, 2017 https://www.worksafe.vic.gov.au/\_\_data/assets/pdf\_file/0012/212043/ISBN-Independent-impairment-assessment-fee-schedule-2017-07.pdf | | | | |
| IIA400 | Examination, Impairment Assessment and Report |  |  | $1,042.84 |
| IIA401 | Supplementary Report – seeking information additional to that initially requested |  |  | $297.40 |
| IIA402 | Non-Attendance on day of appointment |  |  | $249.32 |
| IIA403 | Cancellation within 2 days of appointment |  |  | $124.51 |
| Loading additional to IIA400 (Only Applies Subject to Agent Request at Referral) | | | | |
| IIA404 | Dual purpose referral loading – Psychiatrist |  |  | $392.55 |

The Independent Medical Examiner Declaration requires you to agree to abide by a number of conditions including:

1. independence
2. service standards
3. fees (agreement to only charge fees in accordance with the schedule)
4. no bias or prejudice
5. quality assurance program (peer review of the IME reports an agreement to abide by the outcomes of any quality assurance reviews. Failure to meet the required quality assurance standards may result in the discontinuation of referrals or revocation of approval to act as an IME
6. complaints
7. secrecy
8. privacy
9. confidentiality
10. cooperation (*I agree to cooperate with any reasonable request of WorkSafe relating to my role as an IME, which may include requests for information about my IME practice or requests to meet with representatives of WorkSafe to discuss my performance*.)
11. advertising
12. Indemnity: *in addition to any other right, power or remedy provided by law to WorkSafe to be indemnified by me, I agree to indemnify WorkSafe from and against any:* 
    1. *liability incurred by WorkSafe; loss of and damage to property of WorkSafe; and*
    2. *loss or reasonable expense incurred by WorkSafe in dealing with any claim against it including legal costs and expenses on a party and party basis and the cost of time spent, resources used or disbursements paid by WorkSafe, arising from any fraud, illegal or criminal act or omission (e.g. a criminal assault) or gross misconduct or any act or omission not covered by my professional indemnity or public liability cover or insurance whilst acting in my role as an IME.*
    3. *This indemnity will be reduced to the extent that any act or omission of WorkSafe causes or contributes to the relevant liability, loss, damage or expenses.*
    4. *For the purposes of this declaration, ‘gross misconduct’ means any act or behaviour of an IME that in the opinion of WorkSafe is considered to be:* 
       * 1. *a risk to the health or safety of any person or to the reputation, viability or profitability of any organisation or business; or*
         2. *reprehensible or unprofessional behaviour including intoxication, use of illegal drugs and the use of foul or offensive language.*
13. Dispute resolution
14. Awareness of clinical framework
15. Duration of appointment

**https://www.worksafe.vic.gov.au/\_\_data/assets/pdf\_file/0019/210637/ISBN-Independent-medical-examiner-declaration-form-2017-11.pdf**

**Medical Panels** [**http://www.medicalpanels.vic.gov.au**](http://www.medicalpanels.vic.gov.au)

*Medical Panels are established under the Workers Compensation legislation and the* Wrongs *Act 1958. Where there is a disagreement or uncertainty about aspects of an injury or medical condition, a Medical Panel may be convened to answer referred questions and provide a legally conclusive and binding opinion on the medical issue/s in dispute.*

*Medical Panels have been part of the dispute resolution process in Victoria in one form or another since the early 1990s. During this time Medical Panels has served the valuable purpose of providing the speedy, fair and cost effective resolution of medical disputes in relation to workers' compensation claims and* Wrongs *Act impairment threshold determinations.*

*Each Medical Panel is independent and functions as a tribunal that provides final and legally binding answers to referred questions. They also provide detailed reasoning in the official document (Opinion and Reasons).*

*The Office of the Convenor of Medical Panels consists of the* [*Convenor*](http://www.medicalpanels.vic.gov.au/about-us)*, Deputy Convenors, and employees who support the operations of Medical Panels.*

*The  Convenor is the head of the organisation who is appointed by the Minister for Finance and, is responsible for:*

* *convening a Medical Panel once a valid referral is received, including deciding the size and specialisations of the Panel;*
* *providing the Medical Panel with the referral documents received by the Convenor;*
* *recommending appropriate medical practitioners to the Minister for appointment to the list of Medical Panel Members as required;*
* *provide advice to the Minister in relation to matters relating to the Medical Panels.*

*The organisation operates out of dedicated premises that include medical consulting suites and the administration office.*

*Being a Panel Member provides a number of unique benefits for practitioners. The work is both intellectually and clinically challenging. It is undertaken in a collegiate manner with a range of medical specialists, to obtain a number of perspectives to inform the final medical opinion.*

*As a member of a Medical Panel, you will work with the other members of the Panel to decide on an agreed opinion on the medical question.*

*The panel will consider:*

* *the nature of the condition, including the extent and likely medical outcome;*
* *the level of impairment;*
* *if employment significantly influenced the injury; and*
* *whether the treatment is appropriate.*

*The Panel will also consider the injured worker or claimant's capacity for work. This includes:*

* *assessing work capacity;*
* *evaluating whether the injury caused incapacity for work; and*
* *considering what other work the person could do.*

*Applications for Panel members are assessed against the following criteria:*

* *Registered medical practitioner*
* *Appropriate specialist experience and qualification (minimum of five years' experience in a relevant specialty) which has been identified as a business requirement for the proper functioning of Medical Panels*
* *Reputation, expertise and standing within the profession*
* *Demonstrated commitment to high standards of objectivity, independence and patient care*
* *An interest in and/or understanding of medico-legal matters*
* *An ability to work harmoniously within multidisciplinary teams at various defined levels*
* *Agreement to participate in mandatory induction training, performance feedback reviews and appropriate continuing medical education during the term of appointment*
* *Report writing experience*
* *A commitment to engagement with the Medical Panels IT system including use of the online portal in management of referrals and*
* *Satisfactory completion of, or commitment to the approved training to conduct impairment assessments in accordance with the AMA Guides to the Evaluation of Permanent Impairment (4th Edit.)*

***Period of appointment***

*Any appointment to Medical Panels is based on the operational needs and referral demands of Medical Panels. Successful Applicants may be appointed to the list for a term of up to three years.*

**Transport Accident Commission**

IMEs http://www.tac.vic.gov.au/clients/what-we-can-pay-for/policies/other/joint-medical-examination

*Independent medical examiners (IMEs) are health professionals approved by the Transport Accident Commission (TAC) to conduct independent medical examinations. The findings of these examinations are outlined in a report that is used to make decisions about a TAC client’s claim.*

*Independent Medical Examiners play a critical role in ensuring the TAC provides the right treatment and benefits to injured Victorians.*

*The TAC is not currently seeking applications for our IME roles. However, we periodically invite expressions of interest from suitability qualified professionals to become Independent Medical Examiners (IMEs) and/or Independent Impairment Assessors (IIAs). These include professionals from the following registered health and medical professions:*

* *medical practitioner (others not included here)*
* *a minimum of five years clinical experience and a minimum of eight hours each week direct clinical care experience, either currently or over a 12-month period within the past three years, or if retired, evidence of currency of clinical knowledge through ongoing academic studies.*

**Independent Medical Examination requested by the TAC only (non joint)**

*POLICY*

*The TAC can pay the reasonable costs of examinations requested by them to determine a client's initial or ongoing entitlement under the Transport Accident Act 1986 (the Act).*

*This policy is only about medico-legal reports arising from an independent medical examination or an impairment assessment that is requested by the TAC only. For information about medico-legal reports that are requested jointly by the TAC and the client or their legal representative, refer to the* [*Joint Medical Examination policy*](http://www.tac.vic.gov.au/clients/what-we-can-pay-for/policies/other/joint-medical-examination)*.*

*This policy must be read in conjunction with the following:*

* *Medical reports fee schedules*
* [*Time Limit to Apply for the Payment of Medical and Like Expenses policy*](http://www.tac.vic.gov.au/clients/what-we-can-pay-for/policies/other/time-limit-to-apply-for-the-payment-of-medical-and-like-expenses)
* *The* [*TAC Protocols*](http://www.tac.vic.gov.au/providers/for-legal-professionals/tac-protocols)*.*

*DEFINITIONS*

*In this policy:*

* *Independent Medical Examination is an examination and report completed by a non-aligned medical practitioner to assist in determining a client's entitlements under the Act. This includes medico-legal reports.*
* *Impairment Assessment is an examination and report completed by an accredited Impairment Assessor to assist in determining a client's level of impairment under the Act.*

*GUIDELINES*

*The TAC can pay the reasonable costs of medico-legal reports where the report is:*

* *requested by the TAC*
* *required as a result of the transport accident injury*
* *reasonable, necessary or appropriate in the circumstances*
* *prepared by an independent medical examiner nominated by the TAC or an impairment assessor.*

*The TAC can pay the reasonable cost of* [*travel, accommodation*](http://www.tac.vic.gov.au/clients/what-we-can-pay-for/policies/other/expenses-when-attending-medicalimpairment-examinations) *and* [*interpreter*](http://www.tac.vic.gov.au/clients/additional-info/archived-content/policy/interpreting-services) *costs for a client attending an independent medical examination.*

*TAC requested medico-legal reports can be only be provided by:*

* *an independent medical examiner nominated by the TAC from one of the following professions:* 
  + *Medical practitioners (e.g. general practitioners, psychiatrists, specialist physicians)*
* *impairment assessors who have relevant impairment assessment training as* [*prescribed by the Act*](http://www.tac.vic.gov.au/providers/for-health-professionals/other-medical-professions/general-practitioners/independent-medical-examiners/independent-medical-examiners/accordion-content/fees/independent-medical-examination-requested-by-the-tac-only-non-joint#guides)*.*

*The independent medical examiner should always submit a copy of their report and invoice with the relevant TAC item number to the TAC for payment. They should also include copies of any other documents used in the preparation of the original report, for example a copy of the radiologist's reports or photographs, etc.*

*A request for a medico-legal report will include specific questions relevant to the management of a client's claim. If a request for a report includes questions that are not applicable or are unable to be answered, the examiner should document this in the report.*

*The report should be submitted to the TAC within 10 working days of the examination occurring. If this time frame is unable to be met, the medical examiner should contact the TAC.*

*The TAC's invoice requirements.*

* [*How to Invoice the TAC*](http://www.tac.vic.gov.au/providers/invoicing-and-fees/how-to-invoice-the-tac) *information page*
* [*Invoicing guidelines for medical practitioners*](http://www.tac.vic.gov.au/providers/invoicing-and-fees/how-to-invoice-the-tac)*.*

*Fees payable for TAC requested medico-legal reports are in accordance with the relevant Medical Reports Fee Schedule.*

**Fee Schedule 1 July 2017**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Examination and Report: Psychiatrist   * Inclusive of conducting the examination, report writing, reading time and any incidentals (such as postage, photography and faxing services). |  |  |  | $959.42 |

**Joint Medical Examinations**

*As a result of legislative changes, from 1 July 2014 the TAC is no longer liable to reimburse a solicitor for a medico-legal report obtained for a TAC matter, unless it is requested jointly by the TAC and the person who is injured.  
 The medical examiner prepares one joint medical report to address questions from both the TAC and the client's legal representative.The TAC pays the reasonable costs of joint medical examinations (JMEs) requested by the TAC,  a client or the client's legal representative to determine impairment, initial or ongoing entitlement under the Transport Accident Act 1986 (the Act).*

The independent medical examiner who does joint medical examinations is not required to be accredited by any party. There is a consultative group that meets annually including JME’s, representatives of plaintiff’s solicitors and representatives of the TAC. There has been widespread agreement on fees and processes. The system appears to have worked very effectively.

Most IMEs who have recently applied or reapplied to Victoria WorkCover or the TAC have found the process degrading, they have been interviewed by a bureaucrat, there has been no input from professional colleagues other than references. They have be concerned about the draconian nature of the declarations, concerned about the relatively low fees and the lack of support. For example both the TAC and WorkCover have extensive security to protect staff but IMEs are expected to see claimants in their rooms with no suggestions or advice regarding security. Some years ago the AMA contacted WorkCover requesting some support for providing security to IMEs. The response of WorkCover was to demand that IMEs provide a safe work place, totally missing the point.

**Western Australia**

**WorkCover WA Approved Medical Specialists**

An approved medical specialist (AMS) plays an important role in the Western Australian workers’ compensation scheme. An AMS assesses an injured worker’s degree of permanent whole of person impairment (PWPI) caused by workplace injuries. These assessments determine access to certain workers’ compensation entitlements by injured workers.

WorkCover WA will only consider applicants that have completed the pre-requisite

training requirements and meet the eligibility criteria. WorkCover WA may request further information when considering applications.

How to become an Approved Medical

Specialist

Before undertaking training in the WorkCover WA Guidelines, applicants must have:

completed training in the American Medical Association Guides to the Evaluation of

Permanent Impairment (AMA 5);

or

current accreditation as a “Certified Independent Medical Examiner” with the

American Board of Independent Medical Examiners (ABIME)

WorkCover WA does not provide training in AMA 5 or assistance with ABIME accreditation. WorkCover WA recommends medical practitioners contact

an accredited training provider or their local professional body to access this training.

**Guidance** Notes for Approved Medical Specialists Procedures for the permanent impairment assessment December 2016

<https://www.workcover.wa.gov.au/content/uploads/2014/09/December-2017-Guidance-Notes-new-dual-logo-web-version.pdf>

**American Board of Independent Medical Examiners (ABIME)** www.abime.org/

According to their website ABIME Certification was created to establish and maintain standards of conduct and performance among independent medical examiners. ABIME is apparently recognized by the American College of Occupational & Environmental Medicine (ACOEM), which sponsors state-of-the-art training courses in impairment and disability evaluation.

It has a Board of Governors and a board of advisors of whom three come from Australia, two are general practitioners and one a specialist in occupational medicine.

The most training course on AMA5 in Australia was in Brisbane on 20-22 April 2018, their website provides information on other training venues and dates. There are three more training courses during 2018 including one in Johannesburg South Africa and two in the United States of America including Charlotte North Carolina and Las Vegas Nevada. The dates and sites can be viewed here http://www.abime.org/node/16

**Eligibility for ABIME Certification Examination**

The ABIME Certification Examination follows the ABIME Certification Review Course at each site.

At least 15 hours of ABIME sponsored course work must be completed in order to sit for the exam.

A separate exam application must be submitted along with the required documents.

The Doctor’s Exam fee is US$995.00

MedLegal Skills Report Writing - US $400.00

AMA 5th ed training US $695.00

AMA5 Complex Case Studies US $695.00

The Exam Fee is non-refundable, once it is paid and can only be transferred to another exam location within the same calendar year for a processing fee of US$100

One graduate told me the certificate is pretty and colourful but otherwise of little value.

**WA Motor Accidents**

There are no specific requirements and no Guides. A psychiatrist can use DSM-IV or 5 or ICD 10 depending on personal preferences. The word “impairment” is not used. Examiners are asked to assess “residual disability”.