

**WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION
(MEDICAL EXAMINATIONS AND REPORTS) ORDER 2013**

under the

Workplace Injury Management and Workers Compensation Act 1998

I, Julie Newman, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 339 of the Workplace Injury Management and Workers Compensation Act 1998.

Dated this 19th day of December 2012.

JULIE NEWMAN,
Chief Executive Officer,
WorkCover Authority

**Workplace Injury Management and Workers Compensation
(Medical Examinations and Reports) Order 2013**

Part 1 Preliminary

1. Name of Order

This Order is the Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2013.

2. Commencement

This Order commences on 1 January 2013.

3. Definitions

In this Order:

The Act means the Workplace Injury Management and Workers Compensation Act 1998;

Approved Medical Specialist means an Approved Medical Specialist appointed by the President of the Workers Compensation Commission conducting an examination as part of dispute resolution proceedings at the Workers Compensation Commission. Schedules 3 and 4 of this Order apply.

File Review means a review of the file when the practitioner is able to provide a report on the basis of a file review alone.

GST means the goods and services tax payable under the GST Law;

GST Law has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 (Cth);

Guidelines mean the WorkCover Guidelines on Independent Medical Examinations and Reports current at the time;

Late attendance means that the worker or interpreter arrives unreasonably late, to the degree that a full examination is prevented from being conducted in the time allocated.

Medical Examination Report means an examination and report completed by an Independent Medical Examiner or a treating Medical Practitioner where additional information is required by either party to a current or potential dispute. For example, when there is lack of agreement regarding liability, causation, capacity for work or treatment between key parties and the Medical Practitioner is requested to provide their opinion, This does not include reports on the routine management of the worker's injury. Fees for this type of communication are included in the relevant treatment fees Order.

Medical Examination Reports may be requested to assist decision making on any part of the claim when the management reports available do not adequately address the issue. Schedules 1 and 2 of this Order apply.

Medical Examination Reports are categorised as follows:

- a. Standard Reports are reports relating solely to a single event or injury in relation to –
 - causation; or
 - capacity for work; or
 - treatment; or
 - simple permanent impairment assessment of one body system.
 - b. Moderately Complex Reports are
 - reports relating to issues involving a combination of two of the following:
 - o causation
 - o capacity for work
 - o treatment
 - o simple permanent impairment assessment of one body system
- or
- reports of simple permanent impairment assessment of two body systems or more than one injury to a single body system.

- c. Complex Reports are –
- reports relating to issues involving a combination of 3 or more of the following:
 - o causation
 - o capacity for work
 - o treatment
 - o permanent impairment assessment of one body system
 - or
 - a complex method of permanent impairment assessment on a single body system or multiple injuries involving more than one body system.

Payment for reports will not be made in advance of receipt of the report.

Medical Practitioner means a person registered under the Health Practitioner Regulation National Law (NSW) No. 86a in the medical profession.

Senior Approved Medical Specialist means a Senior Approved Medical Specialist appointed by the President of the Workers Compensation Commission under section 320 (2A) of the Act. Schedule 5 of this Order applies.

4. Application of Order

This Order applies to an examination or report provided on or after the commencement date of this Order, whether it relates to an injury received before, on or after that date.

Part 2 Fees for medical assessments

5. Maximum fees for medical assessments

For the purposes of section 339 of the Act, the maximum fees for the provision of services by health service providers in connection with a claim for compensation or work injury damages is as follows:

- a. the rate of fees for a medical examination by General Practitioners as set out in Schedule 1,
- b. the rate of fees for a medical examination by Medical Specialists as set out in Schedule 2,
- c. the rate of fees for a medical examination carried out by an Approved Medical Specialist (AMS) on referral by the Workers Compensation Commission as set out in Schedule 3,
- d. the rate of fees for a medical examination carried out by an Approved Medical Specialist on an appeal panel as set out in Schedule 4.
- e. the incorrect use of medical assessments fees items can result in penalties, including the medical provider being asked to repay monies to WorkCover that the provider has incorrectly received.

6. Goods and Services Tax

- (1) An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a Medical Practitioner to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

7. Payments under Schedules 1 & 2

- (1) The party requesting a report as listed in these Schedules is to either:
 - a. agree the category of report being requested with the doctor in advance and confirm the request in writing indicating that payment will be made within 10 days of receipt of a properly completed report and invoice; or
 - b. pay in accordance with a contractual arrangement between the medical practice and the referring body on receipt of a properly completed tax invoice.

The contractual arrangement cannot agree to a fee above the maximum fee prescribed in this Order.

Schedules 1 and 2 apply to reports obtained for the purpose of proving or disproving an entitlement, or the extent of an entitlement to workers compensation or work injury damages. Schedules 1 and 2 do not apply to medical or related treatment reports. Fees for those reports (which usually contain questions to assist the insurer determine prognosis for recovery and timeframes for return to work) are fixed under section 61 of the Workers Compensation Act 1987.

- (2) Fees fixed in these Schedules are recoverable only where the conditions for payment as set out in Part 3 of Schedule 6 of the Workers Compensation Regulation 2010 have been complied with.

Part 3 item 4 (which applies to a treating Medical Practitioner report) provides:

“If a claim or dispute is resolved whether before or after proceedings commenced:

Claimant

- a. nil fee payable, unless paragraph (b) applies, or
- b. fee allowed in accordance with any applicable fee Order where:
 - (i) request for report made to insurer; and

- (ii) either:
- insurer does not provide report within 14 days, or
 - report supplied by insurer does not address the report requirements of the claimant, and
- (iii) report is served on insurer.

Insurer:

- a. fee allowed in accordance with any applicable fee Order.

Part 3 item 6 (which applies to clinical notes and records), provides conditions for payment in similar terms as above for item 4, but the period of time for an insurer to provide clinical records is fixed at 7 days. In accordance with section 339 of the Workplace Injury Management and Workers Compensation Act 1998, a Medical Practitioner is not entitled to be paid or recover any fee for providing a service that exceeds the fee fixed under this Order.

SCHEDULE 1 – Rates for Medical Examination by General Practitioners

<i>Payment Classification Code</i>	<i>Service description</i>	<i>Fee</i>
IMG001 or WIG001	Examination and report in accordance with the Guidelines – standard case (see definition of Medical Examination Report)	\$513.60
IMG002 or WIG002	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of Medical Examination Report)	\$573.60
IMG005 or WIG005	Cancellation with less than 2 working days' notice, non attendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted	\$126.00
IMG006 or WIG006	File Review and report	\$380.20
IMG007 or WIG007	Supplementary report where additional information is provided and requested	\$253.50
IMG008 or WIG008	Update examination and report of worker previously reviewed, where there is no intervening incident	\$320.20
IMG009 or WIG009	Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the Crown Employees (Public Service Conditions of Employment) Award 2009

SCHEDULE 2 – Rates for Medical Examination by Medical Specialists

<i>Payment Classification Code</i>	<i>Service description</i>	<i>Fee</i>
IMS001 or WIS001	Examination and report in accordance with the Guidelines – standard case (see definition of Medical Examination Report)	\$694.00
IMS002 or WIS002	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of Medical Examination Report)	\$866.60
IMS003 or WIS003	ENT report (includes audiological testing), in accordance with the Guidelines – standard case (see definition of Medical Examination Report)	\$694.00

<i>Payment Classification Code</i>	<i>Service description</i>	<i>Fee</i>
IMS031 or WIS031	ENT report (includes audiological testing) when examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of Medical Examination Report)	\$866.60
IMS004 or WIS004	Examination and report in accordance with the Guidelines – moderate complexity including ENT reports (see definition of Medical Examination Report)	\$1040.40
IMS005 or WIS005	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – moderate complexity including ENT reports (see definition of Medical Examination Report)	\$1214.20
IMS006 or WIS006	Examination and report in accordance with Guidelines – complex case (see definition of Medical Examination Report)	\$1380.30
IMS007 or WIS007	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – complex case (see definition of Medical Examination Report)	\$1728.00
IMS008 or WIS008	Examination and report in accordance with the Guidelines – psychiatric	\$1214.20
IMS081 or WIS081	Examination conducted with the assistance of an interpreter and report in accordance with the Guidelines – psychiatric	\$1520.10
IMS091 or WIS091	Cancellation with 2 working days' notice	\$174.00
IMS092 or WIS092	Cancellation with less than 2 working days' notice, non attendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted	\$348.00
IMS010 or WIS010	File Review and report	\$520.20
IMS011 or WIS011	Supplementary report where additional information is provided and requested	\$346.40
IMS012 or WIS012	Update examination and report of worker previously reviewed, where there is no intervening incident	\$513.80
IMS013 or WIS013	Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the Crown Employees (Public Service Conditions of Employment) Award 2009
IMS014 or WIS014	Consolidation of assessments from different medical specialists by Lead Assessor to determine total percentage whole person impairment	\$174.00

SCHEDULE 3 – Rates for Approved Medical Specialists

These rates are payable to an Approved Medical Specialist on referral from the Workers Compensation Commission for the purpose of resolving a dispute

<i>Service description</i>	<i>Fee</i>
Examination and report in accordance with Workers Compensation Commission standards – standard case	\$1240.00
Examination and report in accordance with Workers Compensation Commission standards – multiple medical assessments eg. for permanent impairment and general medical disputes	\$1661.00
Ear, nose and throat, includes audiological testing	\$1453.70
Examination and report in accordance with the Workers Compensation Commission standards – psychiatric	\$2074.30
Cancellation with less than 7 calendar days' notice	\$413.40
Cancellation with less than 2 working days' notice, non attendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted	\$826.70
Consolidation of medical assessment certificates by Lead Assessor	\$413.40
Re-examination + medical assessment certificate or reconsideration at request of Commission	\$620.70
When interpreter present at examination	Plus \$212.60
Miscellaneous Fee at the discretion of the Registrar or delegate	\$413.40 per hour
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the Crown Employees (Public Service Conditions of Employment) Award 2009.

SCHEDULE 4 – Rates for Approved Medical Specialists on Appeal Panels

These rates are payable to an Approved Medical Specialist when participating as a member of an Appeal Panel at the Workers Compensation Commission.

<i>Service description</i>	<i>Fee</i>
Assessment, initial telephone conference and decision on papers	\$826.70
Examination of worker and report by AMS	Fee as per Schedule 3 applies
Cancellation with less than 7 calendar days' notice	\$413.40
Cancellation with less than 2 working days' notice, non attendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted	\$826.80
Assessment, telephone conference, appeal hearing and decision	\$1867.00
Additional Hearing or teleconference when convened by Arbitrator	\$347.70 per hour
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the Crown Employees (Public Service Conditions of Employment) Award 2009.

SCHEDULE 5 – Rates for Senior Approved Medical Specialists

These rates are payable to Senior Approved Medical Specialists appointed by the Workers Compensation Commission.

<i>Service Description</i>	<i>Fee</i>
Provision of professional development to Approved Medical Specialists; input into relevant practice and procedures at the Workers Compensation Commission	\$536.50 per hour