

**WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION
(MEDICAL EXAMINATIONS AND REPORTS FEES) ORDER 2020**

under the

Workplace Injury Management and Workers Compensation Act 1998

I, Carmel Donnelly, Chief Executive, State Insurance Regulatory Authority, make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 11 day December 2019

Carmel Donnelly
Chief Executive
State Insurance Regulatory
Authority

Explanatory Note

This Order is not relevant to medical treatment services provided to workers. Please refer to the *Workers Compensation (Medical Practitioner Fees) Order 2020*, *Workers Compensation (Surgeons Fees) Order 2020* and *Workers Compensation (Orthopaedic Surgeons Fees) Order 2020* for medical services fees related to treatment.

**Workplace Injury Management and Workers Compensation
(Medical Examinations and Reports Fees) Order 2020**

Part 1 Preliminary

1. Name of Order

This Order is the *Workplace Injury Management and Workers Compensation (Medical Examinations and Reports Fees) Order 2020*

2. Commencement

This Order commences on 1 January 2020

3. Definitions

In this Order:

the Act means the *Workplace Injury Management and Workers Compensation Act 1998*.

Authority means the State Insurance Regulatory Authority as constituted under section 17 of the *State Insurance and Care Governance Act 2015*.

Approved Medical Specialist (AMS) has the meaning given by section 319 of the Act. Schedules 3 and 4 of this Order apply to an approved medical specialist.

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.

General Practitioner has the meaning given by *subsection 3(1) of the Health Insurance Act 1973 (Cth)*. Schedule 1 of this Order applies to a General Practitioner.

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)*.

Health Service Provider has the meaning given by section 339 of the Act.

Independent Medical Examiner means an appropriately qualified Medical Practitioner with the expertise to appropriately respond to the questions(s) outlined in the referral. They must have qualifications relevant to the treatment of the worker's injury. If the referral includes a question of causation or treatment, the independent medical examiner is to be in current clinical practice or have recently been in clinical practice, or undertake professional activities such that they are well abreast of clinical practice.

Insurer means the employer's workers compensation insurer.

Medical Examination and Report

- i) means an examination and report completed by an Independent Medical Examiner where additional information is required by a party to a current or potential dispute in relation to a claim for workers compensation or work injury damages.

Video consultations are permissible when requested to provide an opinion in relation to a dispute or potential dispute in respect of a claim made by the worker when approved in advance by the party requesting the service.

Video consultation examination services are to be paid in accordance with the consultation items in this Order. No additional payment in relation to facility fees can be charged by the Medical Practitioner undertaking the examination;

- ii) includes a report prepared by a General Practitioner or a Medical Specialist, who is treating the worker, when requested to provide an opinion in relation to a dispute or potential dispute in respect of a claim made by the worker. For example, when there is lack of agreement regarding liability, causation, capacity for work or treatment between key parties;
- iii) does not include reports on the routine management of the worker's injury (these reports are not billable separately as they constitute part of an initial or subsequent specialist consultation (see Clause 6 'Specialist

consultations' in the Workers Compensation (Medical Practitioners Fees) Order 2020));

- iv) may be requested to assist decision making on any part of the claim when reports available relating to the management of the worker's injury do not adequately address the issue;
- v) 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:
 - causation
 - capacity for work
 - treatment
 - 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 three or more** of the following:
 - causation
 - capacity for work
 - treatment
 - simple 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.

Medical Practitioner means a person registered in the medical profession under the *Health Practitioner Regulation National Law (NSW) No 86a*, or equivalent Health Practitioner National Law in their jurisdiction with the Australian Health Practitioner Regulation Agency.

Medical Specialist means a Medical Practitioner recognised as a Specialist in accordance with the *Health Insurance Regulations 2018(Cth), Part 2, Division 4*, who is remunerated at specialist rates under Medicare. Schedule 2 of this Order applies.

Supplementary report means where additional information is provided for review and/or requested, or additional questions are posed. This fee does not apply where the referring party is required to seek clarification because a previous report was ambiguous and/or did not answer questions previously posed.

Unreasonably late attendance means that the worker or interpreter arrives for the scheduled appointment unreasonably late to the degree that a full examination is prevented from being conducted.

Working Days means Monday to Friday (excluding public holidays).

4. **Application of Order**

This Order applies to an examination and/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**

The following maximum fees are fixed under section 339 of the Act:

- a. Maximum fees for the provision of Medical Examinations and/or Reports by General Practitioners as set out in Schedule 1.
- b. Maximum fees for the provision of Medical Examinations and Reports by Medical Specialists as set out in Schedule 2.
- c. Maximum fees for the provision of medical assessments by an AMS under Part 7 of Chapter 7 of the Act as set out in Schedule 3,
- d. Maximum fees for the provision of services by an AMS on an Appeal Panel constituted under section 328 of the Act to hear an appeal against a medical assessment as set out in Schedule 4.
- e. The incorrect use of any item referred to in this Order can result in penalties, including the Medical Practitioner being required to repay monies that the Medical Practitioner has incorrectly received.

6. **Goods and Services Tax**

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 Health Service Provider to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

7. **Procedure for Requesting & Paying for Schedules 1 & 2 Services**

- (1) The party requesting a Medical Examination and/or Report described in Schedules 1 and 2 is to either:

- a. agree the category of report being requested with the Medical Practitioner in advance and confirm the request in writing indicating that payment will be made within 10 business days of receipt of a properly completed report and tax invoice; or
 - b. pay in accordance with a contractual arrangement between the medical practice/Medical Practitioner/medico-legal organisation and the referring body on receipt of a properly completed report and tax invoice.
- (2) Where the Medical Practitioner disagrees with the category of report stated in the referral, the Medical Practitioner must explain the complexity of the Medical Examination and/or Report that is required by reference to the 3 categories of complexity specified in the definition of Medical Examination and/or Report and obtain agreement from the referrer before accepting the referral.
- (3) Under section 339(3) of the Act, a Health Service Provider is not entitled to be paid or recover any fee for providing a service that exceeds the maximum fee fixed for the provision of that service by this Order. As such, the contractual arrangement referred to in paragraph 7(1) b. above must not provide for the payment of a fee above the maximum fees prescribed in Schedules 1 and 2 of this Order.
- (4) Schedules 1 and 2 apply to Medical Examinations and/or Reports that are requested for the purpose of resolving a dispute in relation to a claim for workers compensation or work injury damages, for example, by 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 information to assist the insurer determine prognosis for recovery and timeframes for return to work are fixed under the Workers Compensation (Medical Practitioners Fees) Order 2020.
- (5) Schedules 1 and 2 provide the maximum fees allowed for the purposes of Items 4 and 5 of the disbursements regulated by Part 3 of Schedule 6 to *The Workers Compensation Regulation 2016*.

8. Requirements for invoices

All invoices should be submitted within 30 calendar days of the service provided and must comply with the Authority's itemised invoicing requirements for the invoice to be processed. Refer to the [independent medical examiners](https://www.sira.nsw.gov.au/for-service-providers/A-Z-of-service-providers/independent-medical-examiner) webpage on the SIRA website - <https://www.sira.nsw.gov.au/for-service-providers/A-Z-of-service-providers/independent-medical-examiner>

9. No pre-payment of fees

Pre-payment of fees for reports and services is not permitted.

Schedule 1

Maximum fees for the provision of Medical Examination and/or Report by General Practitioners

| Payment Classification Code | Service description | Fee (excl. GST) |
|-----------------------------|---|---|
| IMG001 or WIG001 | Examination and report - Standard Report (see definition of Medical Examination and Report). | \$603.50 |
| IMG002 or WIG002 | Examination conducted with the assistance of an interpreter and report- Standard Report (see definition of Medical Examination and Report). | \$673.70 |
| IMG003 or WIG003 | Examination and report - Complex Report (see definition of Medical Examination and Report). | \$901.00 |
| IMG004 or WIG004 | Examination conducted with the assistance of an interpreter and report - Complex Report (see definition of Medical Examination and Report). | \$1,049.70 |
| IMG005 or WIG005 | Cancellation with 2 working days' notice or less, nonattendance at scheduled appointment or unreasonably late attendance . | \$147.10 |
| IMG006 or WIG006 | File review and report (see definition of File Review). | \$446.60 |
| IMG007 or WIG007 | Supplementary report (See definition of Supplementary report). | \$297.90 |
| IMG008 or WIG008 | Update examination and report of worker previously reviewed, where there is no intervening incident. | \$376.30 |
| IMG009 or WIG009 | Travel. | Reimbursed in accordance with the "Use of private motor vehicle" set out in Item 6 of Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, at the rate effective 1 July 2019.</i> <i>Use of private motor vehicle:</i> |

| Payment Classification Code | Service description | Fee (excl. GST) |
|-----------------------------|--|---|
| | | 68 cents per kilometre |
| WCO005 | Fees for providing copies of clinical notes and records. | <p>Where medical records are maintained electronically by a medical practitioner/practice a flat fee of \$60 is payable (for provision of all requested medical records held by the medical practice) inclusive of postage and handling.</p> <p>A medical practitioner/practice should not provide or bill for hard copy medical records if they are maintained electronically.</p> <p>Where medical records are not maintained electronically the maximum fee for providing hard copies of medical records is \$38 (for 33 pages or less) and an additional \$1.40 per page if more than 33 pages. This fee is inclusive of postage and handling.</p> <p>Where a medical practitioner has been requested to provide medical records and the doctor needs to review the records prior to provision (to redact non work-related injury information), the time taken to review the records is to be billed under WCO002 at the rate specified in the <i>Workers Compensation (Medical Practitioner Fees) Order 2020</i>. The hourly rate is to be pro-rated into 5 minute blocks to reflect the time taken. This fee can be billed in addition to the fees stated above for provision of medical records by hard copy or electronically.</p> |

Schedule 2

Maximum fees for the provision of Medical Examination and Report by Medical Specialists

| Payment Classification Code | Service description | Fee (excl. GST) |
|-----------------------------|--|-----------------|
| IMS001 or WIS001 | Examination and report - Standard Report (see definition of Medical Examination and Report). | \$815.40 |
| IMS002 or WIS002 | Examination conducted with the assistance of an interpreter and report – Standard Report (see definition of Medical Examination and Report). | \$1,018.10 |
| IMS003 or WIS003 | ENT examination (includes audiological testing) and report - Standard Report (see definition of Medical Examination and Report). | \$815.40 |
| IMS031 or WIS031 | ENT examination (includes audiological testing) conducted with the assistance of an interpreter and report – Standard Report (see definition of Medical Examination and Report). | \$1,018.10 |
| IMS004 or WIS004 | Examination and report – Moderately Complex Report (see definition of Medical Examination and Report). | \$1,222.20 |
| IMS005 or WIS005 | Examination conducted with the assistance of an interpreter and report – Moderately Complex Report (see definition of Medical Examination and Report). | \$1,426.40 |
| IMS006 or WIS006 | Examination and report – Complex Report including complex psychiatric (see definition of Medical Examination and Report). | \$1,621.40 |
| IMS007 or WIS007 | Examination conducted with the assistance of an interpreter and report – Complex Report (see definition of Medical Examination and Report). | \$2,029.70 |
| IMS008 or WIS008 | Examination and report – psychiatric. | \$1,426.40 |
| IMS081 or WIS081 | Examination conducted with the assistance of an interpreter and report – psychiatric. | \$1,785.60 |

| Payment Classification Code | Service description | Fee (excl. GST) |
|-----------------------------|---|--|
| IMS092 or WIS092 | Cancellation with 2 working days notice or less, nonattendance at scheduled appointment or unreasonably late attendance. | \$408.90 |
| IMS010 or WIS010 | File review and report (see definition of File Review). | \$611.00 |
| IMS011 or WIS011 | Supplementary report where additional information is provided and requested, or additional questions are posed. This fee does not apply where the referring party is required to seek clarification because a previous report was ambiguous and/or did not answer questions previously posed. (See definition of Supplementary report). | \$407.10 |
| IMS012 or WIS012 | Update examination and report of worker previously reviewed, where there is no intervening incident. | \$603.60 |
| IMS013 or WIS013 | Travel. | <p>Reimbursed in accordance with the "Use of private motor vehicle" & "Flying allowance" set out in Item 6 & 14 of Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009</i>, at the rate effective 1 July 2019.</p> <p><i>Use of private motor vehicle:</i> 68 cents per kilometre</p> <p><i>Flying allowance:</i> \$21.70 per hour This is in addition to actual expenses incurred for air travel e.g airfare, taxi fares.</p> |
| IMS014 or WIS014 | Consolidation of assessments from different Medical Specialists by Lead Assessor to determine the final degree of permanent | \$204.40 |

| Payment Classification Code | Service description | Fee (excl. GST) |
|-----------------------------|--|--|
| | impairment resulting from the individual assessments. | |
| WCO005 | Fees for providing copies of clinical notes and records. | <p>Where medical records are maintained electronically by a medical practitioner/practice a flat fee of \$60 is payable (for provision of all requested medical records held by the medical practice) inclusive of postage and handling.</p> <p>A medical practitioner/practice should not provide or bill for hard copy medical records if they are maintained electronically.</p> <p>Where medical records are not maintained electronically the maximum fee for providing hard copies of medical records is \$38 (for 33 pages or less) and an additional \$1.40 per page if more than 33 pages. This fee is inclusive of postage and handling.</p> <p>Where a medical practitioner has been requested to provide medical records and the doctor needs to review the records prior to provision (to redact non work-related injury information), the time taken to review the records is to be billed under WCO002 at the rate specified in the <i>Workers Compensation (Medical Practitioner Fees) Order 2020</i>. The hourly rate is to be pro-rated into 5 minute blocks to reflect the</p> |

| Payment Classification Code | Service description | Fee (excl. GST) |
|------------------------------------|----------------------------|--|
| | | time taken. This fee can be billed in addition to the fees stated above for provision of medical records by hard copy or electronically. |

Schedule 3

Maximum Fees for Approved Medical Specialists (AMS)

These are maximum fees payable to an Approved Medical Specialist for the provision of medical assessments on medical disputes referred under subsection 321(1) of the Act.

| Service description | Fee (excl. GST) |
|--|---|
| Examination and report in accordance with Workers Compensation Commission standards – standard case. | \$1,456.50 |
| Examination and report in accordance with Workers Compensation Commission standards - multiple medical assessments e.g. for permanent impairment and general medical disputes. | \$1,951.20 |
| Ear, nose and throat examination, includes audiological testing and report. | \$1,707.60 |
| Examination and report in accordance with the Workers Compensation Commission standards – psychiatric. | \$2,436.70 |
| Cancellation with less than 7 calendar days notice. | \$485.70 |
| Cancellation with 2 working days notice or less, nonattendance at scheduled appointment, or unreasonably late attendance by worker or interpreter that prevents full examination being conducted. | \$971.10 |
| Consolidation of medical assessment certificates by Lead Assessor. | \$485.70 |
| Re-examination + medical assessment certificate or reconsideration at request of Workers Compensation Commission. | \$729.10 |
| When interpreter present at examination. | Plus \$249.70 |
| Miscellaneous Fee at the discretion of the Registrar or delegate. | \$485.70 per hour |
| Travel. | <p>Reimbursed in accordance with the "Use of private motor vehicle" & "Flying allowance" set out in Item 6 & 14 Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, at the rate effective 1 July 2019.</i></p> <p><i>Use of private motor vehicle:</i> 68 cents per kilometre</p> <p><i>Flying allowance:</i> \$21.70 per hour. This is in addition to actual expenses incurred for air travel e.g. airfare, taxi fares.</p> |

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| | Other allowances as outlined in Table 1 (Rates and Allowances) may be claimed when appropriate. |
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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.

| Service description | Fee (excl. GST) |
|---|--|
| Assessment, initial telephone conference and decision on papers. | \$971.00 |
| Examination of worker and report by AMS. | Fees as per Schedule 3 applies |
| Cancellation with less than 7 calendar days notice. | \$485.70 |
| Cancellation with 2 working days notice or less, nonattendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted. | \$971.10 |
| Assessment, telephone conference, appeal hearing and decision. | \$2,193.30 |
| Additional hearing or teleconference when convened by Arbitrator. | \$408.50 per hour |
| Travel. | <p>Reimbursed in accordance with the "Use of private motor vehicle" & "Flying allowance" set out in Item 6 & 14 of Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, at the rate effective 1 July 2019.</i></p> <p><i>Use of private motor vehicle:</i> 68 cents per kilometre</p> <p><i>Flying allowance:</i> \$21.70 per hour This is in addition to actual expenses incurred for air travel e.g. airfare, taxi fares.</p> <p><i>Other allowances as outlined in Table 1 (Rates and Allowances)</i></p> |

| Service description | Fee (excl. GST) |
|----------------------------|---|
| | <i>may be claimed when appropriate.</i> |