

Workers Compensation and Injury Management Act 2023

Implementation proposals for regulations and administrative instruments

Implementation Consultation Paper 8: Approval of Permanent Impairment Assessors

October 2023

Public comment on the implementation proposals
should be submitted to:

consultation@workcover.wa.gov.au by **1 December 2023**

All submissions will be publicly accessible unless confidentiality is requested.

For further details on making a submission see:

<https://www.workcover.wa.gov.au/resources/modernising-was-workers-compensation-laws/>

*****Draft proposals only*****

The proposals in this consultation paper are in draft form to facilitate public comment and do not represent the final position of WorkCover WA, the Minister or Government.

Implementation Consultation – Approval of Permanent Impairment Assessors

Scope

This document outlines the proposed approval and regulatory framework for approved permanent impairment assessors (APIA) and the transition from approved medical specialists (AMS) to as approved permanent impairment assessors (APIA) under the *Workers Compensation and Injury Management Act 2023 (WCIMA23)*.

This document does not deal with the assessment of permanent impairment. For information on this process please see *Implementation Consultation – Assessment of Permanent Impairment*.

Background and intent

Under the *WCIMA23* approved medical specialists (AMS) will now be referred to as approved permanent impairment assessors (APIA).

The *WCIMA23* provides for the continuation of an impairment assessment process in accordance with revised WorkCover WA's *Guidelines for the Evaluation of Permanent Impairment* (the Guidelines) and provides for a new modernised framework for approval and regulation of APIA.

A new framework for the approval and regulation of APIA will apply. The proposed framework addresses:

- approval criteria and operational conditions, duration of approval and registration of APIA
- provision for compliance audits and investigations to ensure compliance with the Act, regulations, conditions of approval and the Guidelines
- suspension or cancellation of approval of APIA.

The Minister will set maximum fees and charges for permanent impairment assessments undertaken by APIA.

Impact on existing AMS

Prior to the implementation date of the *WCIMA23* WorkCover WA will contact all current AMS to seek confirmation of their intention to continue as APIA under the new legislation.

All AMS under the 1981 Act can be converted by WorkCover WA to APIA on commencement of the *WCIMA23* with an indefinite period of approval unless WorkCover WA decides otherwise. It is WorkCover WA's intention to convert all existing AMS (who want to be approved under the *WCIMA23*) to an indefinite period of approval.

All APIA (including existing AMS taken to be APIA) are subject to the *WCIMA23* which includes the approval criteria and conditions.

Any new APIA approved after the commencement date will be approved for an initial period of 3 years, at which point a decision will be made as to whether to convert them to an indefinite approval.

Each APIA will be allocated an approval number which will be required to be provided on all reports and certificates.

WCIMA23 key provisions

s. 193, s. 194, s. 195, s. 196, s. 197, s. 198, s. 199

Process overview

Approval Criteria

The proposed approval criteria are set out at [Attachment 1 – Approved Permanent Impairment Assessors – Approval Criteria](#). They are similar to the criteria that apply under the 1981 Act with the additional requirement that a medical practitioner must have at least 5 years post-graduate experience to become an APIA.

There are no significant changes to application forms.

Duration of Approval

WorkCover WA intends to approve any new APIA for an initial 3-year fixed period after which time a decision whether to convert the fixed term period to indefinite approval will be made.

Register

WorkCover WA will continue to maintain a register of the names, contact details and other pertinent APIA information and make it available on the WorkCover WA website. WorkCover WA will consult with AMS/APIA on the types of information to be included on the register.

WorkCover WA will allocate an identification number to each APIA . APIAs will be required to include this number on all permanent impairment certificates and reports completed after the implementation date.

Operational Conditions

Approval as an APIA will be subject to any conditions imposed by the *WCIMA23*, regulations or by WorkCover WA.

The *WCIMA23* imposes a condition that APIA assess impairment in accordance with the Permanent Impairment Guidelines and charge fees in accordance with the Ministerial Fee Order.

There is no intention to prescribe conditions in the regulations, however, the proposed conditions at [Attachment 2 – Approved Permanent Impairment Assessors – Operational Conditions](#) are intended to be imposed by WorkCover WA. These conditions largely relate to:

- the production and accuracy of reports
- conduct and character
- interactions with WorkCover WA

Audit and Investigation

The *WCIMA23* provides for WorkCover WA to conduct audits and investigations of APIA to determine compliance with legislation, regulations, conditions of approval and the Permanent Impairment Guidelines. An APIA must provide information and documents to WorkCover WA on request.

WorkCover WA expectations

WorkCover WA expects APIA to:

- comply with the conditions of approval
- assess impairment in accordance with the Guidelines
- participate in WorkCover WA training relating to impairment assessment changes
- use and properly complete new templates for permanent impairment reports and certificates
- participate in any WorkCover WA audit or compliance investigations
- assess a worker's degree of permanent impairment as soon as possible after a request is made.

Evaluation and monitoring

As part of its audit program WorkCover WA will undertake audits and investigations to ensure compliance with the APIA conditions of approval and high quality assessments and reports.

Attachments

1. Approved Permanent Impairment Assessors – Approval Criteria
2. Approved Permanent Impairment Assessors – Operational Conditions
3. Approved Permanent Impairment Assessors – Application Form – Specialist Medical Practitioner
4. Approved Permanent Impairment Assessors – Application Form – Non-specialist Medical Practitioner

Attachment 1: Approved Permanent Impairment Assessors – Approval Criteria

The following criteria are intended to be applied by WorkCover WA when deciding whether a medical practitioner is suitable for approval as a permanent impairment assessor (APIA).

To be approved as an APIA a person must:

1. be registered as a medical practitioner with no current notations, conditions or reprimands for disciplinary purposes recorded against their registration for medical practice
2. have at least 5 years post-graduate experience
3. provide evidence of current clinical practice and/or expertise in assessment
4. have undertaken training in the WorkCover WA Education Module, which includes training in the WorkCover WA Guidelines; and
 - (i) have undertaken training in the use of the *American Medical Association Guides to the Evaluation of Permanent Impairment* upon which the current WorkCover WA Guides are based; or
 - (ii) have current accreditation as a “Certified Independent Medical Examiner” with the American Board of Independent Medical Examiners (ABIME); or
 - (iii) have undertaken other training in impairment assessment approved by WorkCover WA (there is no intention to change the forms of training approved by WorkCover WA currently); and
5. either have qualifications as a specialist or be able to demonstrate competency levels acceptable to WorkCover WA.

Demonstrated competency

Medical practitioners who are not specialists should note that in order to demonstrate the competency required at point 5, WorkCover WA will take into consideration an applicant’s relevant skills, experience and qualifications. As a guide, WorkCover WA will review the extent to which a medical practitioner has:

- significant experience in medical practice with consistent management and assessment of injured workers;
- experience in undertaking medical assessments of injured workers;
- relevant qualifications, for example, ABIME exam certification or other similar qualifications related to medico-legal assessments or disability assessments.

Applications in this category will be considered on a case-by-case basis.

Application of the criteria before and after approval

Criteria 1 is applicable to all AMS that are converted to APIA, any new APIA applicant from commencement of the *WCIMA23*, and must be satisfied after approval is given along with the operational conditions.

Criteria 2-5 only apply to new applicants after the commencement of the *WCIMA23* for the purpose of assessing the initial application. Criteria 2-5 are not applicable after approval is given but the operational conditions must be satisfied.

Attachment 2: Approved Permanent Impairment Assessors – Operational Conditions

It is intended approval as a permanent impairment assessor is conditional on:

Production of reports on results of assessment

- Assessments being arranged and done in a timely manner following a request for assessment. Refusal to assess impairment is not permitted unless the condition or impairment is outside the APIA's speciality area.
- Reports must be accurate and contain clear reasons for decisions and in the form approved by WorkCover WA (see new template report attached to the paper 'Implementation Consultation – Assessment of Permanent Impairment').
- Assessments, reports and certificates reflect the absence of actual bias and any apprehension of bias.
- Reports are provided to workers and employers within a reasonable timeframe following a request for assessment. If the APIA is unable to meet the timeframe, reasons are to be given and documents provided as soon as practicable.
- Ensure errors in impairment assessment reports or certificates are kept to a minimum and are rectified in a timely manner.

Conduct and character

- Act in an ethical, professional and considerate manner when examining injured persons.
- Comply with all applicable professional standards and codes of conduct.
- Declare real, perceived or potential conflicts of interest as soon as practicable.
- Notify WorkCover WA if found guilty or convicted of a criminal offence involving dishonesty, misconduct with regard to patients or sentenced to imprisonment.

Interactions with WorkCover WA

- Keep all contact details up to date and notify WorkCover WA of any changes in a timely manner.
- Notify WorkCover WA of any change in status of registration, disciplinary action taken against the APIA, and any changes in engagement in clinical practice.
- Abide by any *Principles and Standards of Practice* published by WorkCover WA (Note there are no plans to publish any *Principles and Standards of Practice* this stage).
- Participate in training with respect to impairment assessment from time to time as required by WorkCover WA.
- Participate in compliance audits and investigations and provide information or produce documents to WorkCover WA for the purposes of any compliance audit or investigation.
- Respond to WorkCover WA in a timely manner with respect to all matters.

Attachment 3: Approved Permanent Impairment Assessors – Application Form – Specialist Medical Practitioner

Personal details (not displayed in APIA Register)

- Title (Dr/Mr/Mrs/etc.)
- First Name(s)
- Surname
- Date of Birth
- Postal address
- Unit No. No. Street Name
- Suburb
- State Postcode
- Email address
- Phone No.

Practice details (displayed in APIA Register)

- Practice / Business name
- Unit No. No.
- Street Name
- Suburb
- State
- Postcode
- Contact Phone No.*

Australian Health Practitioner Regulation Agency (AHPRA) registration details

- Registration No.
- Registration type / speciality
- Details of any registration notations or restrictions

Qualifications

- Details of qualifications

Assessment Training

- WorkCover WA Education Module (WorkCover WA Guidelines Training) Date Attended
- Evidence of training in either:
 - Certified Independent Medical Examiner (CIME) with the American Board of Independent Medical Examiners (ABIME) training OR
 - American Medical Association Guides 5th Edition (AMA 5) training.
- Body systems(s) completed in AMA 5 training:
 - Cardiovascular System
 - Digestive System
 - Ear, Nose, Throat and Related Structures
 - Endocrine System
 - Hearing

- Hematopoietic System
- Lower Extremities
- Nervous System
- Psychiatric and Psychological Disorders
- Respiratory System
- Skin
- Spine
- Upper Extremities
- Urinary and Reproductive Systems
- Visual System
- Other
- Copy of Resume / CV attached

Declaration and Signature

* All items are required.

Attachment 4: Approved Permanent Impairment Assessors – Application Form – Non-specialist Medical Practitioner

Personal details (not displayed in APIA Register)

- Title (Dr/Mr/Mrs/etc.)
- First Name(s)
- Surname
- Date of Birth
- Postal address
- Unit No. No. Street Name
- Suburb
- State Postcode
- Email address
- Phone No.

Practice details (displayed in APIA Register)

- Practice / Business name
- Unit No. No.
- Street Name
- Suburb
- State
- Postcode
- Contact Phone No.*

Australian Health Practitioner Regulation Agency (AHPRA) registration details

- Registration No.
- Registration type / speciality
- Details of any registration notations or restrictions

Qualifications

- Details of qualifications

Competency

- Two de-identified permanent impairment assessment reports;
- Details of significant work in a medical practice with consistent management and assessment of injured workers;
- Experience in undertaking medical assessments of injured workers;
- Relevant qualifications, for example ABIME exam certification or other similar qualifications related to medico- legal assessments or disability assessments;
- Other supporting documentation

Assessment Training

- WorkCover WA Education Module (WorkCover WA Guidelines Training) Date Attended
- Evidence of training in either:
 - Certified Independent Medical Examiner (CIME) with the American Board of Independent Medical Examiners (ABIME) training
 - OR
 - American Medical Association Guides 5th Edition (AMA 5) training.
- Body systems(s) completed in AMA 5 training:
 - Cardiovascular System
 - Digestive System
 - Ear, Nose, Throat and Related Structures
 - Endocrine System
 - Hearing
 - Hematopoietic System
 - Lower Extremities
 - Nervous System
 - Psychiatric and Psychological Disorders
 - Respiratory System
 - Skin
 - Spine
 - Upper Extremities
 - Urinary and Reproductive Systems
 - Visual System
 - Other
- Copy of Resume / CV attached

Declaration and Signature

* All items are required.