

Workers Compensation and Injury Management Act 2023

Implementation proposals for regulations and administrative instruments

Implementation Consultation Paper 27: Fees Order for Permanent Impairment Assessment Services

November 2023

Public comment on the implementation proposals
should be submitted to:

consultation@workcover.wa.gov.au by **12 January 2024**

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 – Fees Order for Permanent Impairment Assessment Services

Scope

This document outlines proposed fees and charges for approved permanent impairment assessors that Workcover WA intends to recommend to the Minister for inclusion in a fee order on commencement of the *Workers Compensation and Injury Management Act 2023 (WCIMA23)*.

Background and intent

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

Under the *WCIMA23* the Minister, on the recommendation of WorkCover WA, may make an order fixing scales of fees and charges for services provided by APIA.

If an order is made, the charge for an APIA service must be in accordance with the scale of fees and charges fixed by the order.

A fee order has the same status as a regulation under the 1981 Act, but is made by the Minister as an order, rather than a regulation made by the Governor.

Prior to the making of a fee order the Minister must seek recommendations from WorkCover WA.

WorkCover WA intends making recommendations which adopt the service descriptors and rates from the current AMS schedule with minor changes to terminology and service codes. It is intended the order will provide for automatic indexation of the APIA fees each 1 November in accordance with WorkCover WA's composite index formula which will be specified in the order.

WCIMA23 key provisions

s. 195 – Minister may fix scales of fees and charges for permanent impairment assessment

Proposed APIA service fees and charges

The proposed fee schedule WorkCover WA intends to recommend to the Minister is set out at [Schedule 1 – APIA Service Fees & Charges](#).

If adopted, it is also intended the Ministerial fee order will specify provisions and requirements including:

- approved permanent impairment assessors comply with all conditions of approval and assess impairment in accordance with the *WorkCover WA Guidelines for the Evaluation of Permanent Impairment*
- Automatic indexation of the fees each year on 1 November (see below).
- All fees are maximum fees.
- All fees are GST exclusive.

Base rates for APIA services & indexation

It is intended the Ministerial fee order will adopt the fees and charges in Schedule 1 for the period 1 July 2024 to 31 October 2024. That is, the rates for approved medical specialists that applied immediately before commencement of the *WCIMA23*.

From 1 November 2024, and for each subsequent year from 1 November to the following 31 October, it is intended the fees listed in Schedule 1 will be adjusted by the percentage variation in WorkCover WA's Composite Index, currently utilised to index AMS, medical, health and workplace rehabilitation fees.

It is therefore intended the order will provide for automatic indexation of the fees each year without the need for an amendment to the order or a new order each year. It is intended any further order will only be made if there is ministerial approval for changes to existing service descriptors, increases in fee levels above the indexed rate, new services added or changes to requirements specified in the fee order. WorkCover WA will publish the indexed fees and charges on its website prior to 1 November each year.

The composite index was developed by the scheme actuary in 2002 and accounts for medical and health practice costs. It is comprised of the following formula:

60% of WPI + 30% of AMA MFI + 10% of CPI.

Where:

- WPI = Australian Bureau of Statistics (ABS) Wage Price Index for WA ordinary time earnings all sectors (a measure of WA wage growth)
- AMA MFI = the Australian Medical Association's Medical Fees Index for general practice non-procedural
- CPI = Australian Bureau of Statistics Consumer Price Index for all groups excluding housing (a measure of inflation).

Transition – 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 (see *Implementation Consultation Paper 8* relating to approval of permanent impairment assessors).

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 proposed fee order.

WorkCover WA expectations

WorkCover WA expects APIA to:

- charge for services in accordance with any ministerial fee order after the commencement date of the *WCIMA23*
- deliver APIA services in accordance with their conditions of approval and in accordance with the WorkCover WA Guidelines for the Evaluation of Permanent Impairment.

Evaluation and monitoring

The *WCIMA23* provides for WorkCover WA to conduct performance monitoring and review of APIA in the provision of services to determine compliance with legislation, regulations, approval criteria, operational conditions and fee orders.

Attachments

1. Schedule 1 – Approved Permanent Impairment Assessor Fees & Charges

Schedule 1: Approved Permanent Impairment Assessor Fees & Charges

Item	Description	Item Code	Maximum Fee
1	Examination and provision of report and certificate — straightforward assessment — other than a service mentioned in item 4, 5, 6 or 8.	APIA01	\$1,494.25 (or, if an interpreter is present at the examination, \$1,867.80 excluding any fee payable to the interpreter)
2	Examination and provision of report and certificate — moderately complex assessment (e.g. reviewing multiple questions and reports; impairment involving more complex assessments; more than one body system involved) — other than a service mentioned in item 4, 5, 6 or 8.	APIA02	\$1,867.80 (or, if an interpreter is present at the examination, \$2,241.35 excluding any fee payable to the interpreter)
3	Examination and provision of report and certificate — complex assessment (e.g. multiple injuries; severe impairment such as spinal cord injury or head injury) — other than a service mentioned in item 4, 5, 6 or 8.	APIA03	\$2,241.35 (or, if an interpreter is present at the examination, \$2,614.70 excluding any fee payable to the interpreter)
4	Examination of any of ear, nose and throat only, including hearing tests, and provision of report and certificate — other than a service mentioned in item 8.	APIA04	\$1,494.25 (or, if an interpreter is present at the examination, \$1,867.80 excluding any fee payable to the interpreter)
5	Examination and provision of report and certificate — psychiatric — standard assessment — other than a service mentioned in item 8.	APIA05	\$2,241.35 (or, if an interpreter is present at the examination, \$2,614.70 excluding any fee payable to the interpreter)
6	Examination and provision of report and certificate — psychiatric — complex assessment (e.g. reviewing significant documented prior psychiatric history) — other than a service mentioned in item 8	APIA06	\$3,735.25 (or, if an interpreter is present at the examination, \$4,108.75 excluding any fee payable to the interpreter)
7	Consolidation of written assessments from multiple assessors.	APIA07	\$747.05
8	Re examination and provision of report and certificate.	APIA08	\$1,120.60 (or, if an interpreter is present at the examination, \$1,494.25 excluding any fee payable to the interpreter)

Item	Description	Item Code	Maximum Fee
9	Provision of supplementary report and certificate.	APIA09	\$373.60
10	If a worker who is required to submit to an examination by an approved permanent impairment assessor does not attend, in a case in which — (a) no prior arrangements to cancel the examination are made; or (b) the examination is cancelled, otherwise than at the request of the assessor, with less than one working day's notice.	APIA10	\$747.05