

## Worker's Treating Medical Practitioner & Medical Examinations

The *Workers Compensation and Injury Management Act 2023 (the WCIMA23)* sets out the role of the worker's treating medical practitioner, reinforces the worker's right to choose their treating medical practitioner and prohibits an employer attending the medical examination of a worker.

### Key Points

Act ref: ss. 170, 171 Reg ref: reg 88

- The *WCIMA23* provides that an injured worker is entitled to attend a medical practitioner of the worker's own choice and cannot be required to choose or attend a medical practitioner chosen by the worker's employer or insurer.
- A worker's treating medical practitioner performs a number of important functions expressly recognised in the *WCIMA23*:
  - to diagnose the nature of the worker's injury
  - to provide primary medical treatment to the worker
  - to coordinate medical treatment in relation to the worker's injury
  - to issue certificates of capacity
  - to monitor, review and advise on the worker's condition and treatment
  - to advise on the suitability of, and to specify restrictions on, duties the worker may be expected to perform
  - to participate in the development of a return to work program for the worker and in return to work case conferences.
- The *WCIMA23* also prohibits employers, insurers, and agents of insurers from being present whilst a worker is being physically or clinically examined at medical appointments (s. 171).

### Questions & Answers

**Q. Can an employer discuss return to work options or restrictions with the worker's treating medical practitioner?**

**A.** Yes. After seeking the permission of the worker and treating medical practitioner, discussing return to work options or restrictions is permitted but only separately to when the worker has been physically or clinically examined, or as part of a return to work case conference.

**Q. Does a worker have the right to choose the medical practitioner if an employer/ insurer is seeking their own medical review of the worker's condition and capacity for work?**

**A.** No. Employers / insurers have the right to review a worker's condition by a medical practitioner nominated by the employer / insurer (restrictions apply s. 180 and Regulation 88 of the *Workers Compensation and Injury Management Regulations 2024*).