



RETURN TO WORK SCHEME

Impairment Assessor Accreditation Scheme



Government of
South Australia

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Definitions

In this scheme document:

Accredited Assessor means a medical practitioner who holds a current accreditation issued by the Minister in accordance with section 22(17) of the Return to Work Act 2014

Act means the Return to Work Act 2014

Advisory Committee means the Committee established in Part 11 of the Act

Guidelines means the Impairment Assessment Guidelines published under section 22(3) of the Return to Work Act 2014 (or the WorkCover Guidelines for the Evaluation of Permanent Impairment, where required)

Impairment Assessment Report means a report prepared by an Accredited Assessor in accordance with the Impairment Assessment Guidelines

The Minister means the Minister to whom the Return To Work Act is committed under section 5 of the Administrative Arrangements Act 1994.

RPL means recognition of prior learning

RTW Scheme means the Return to Work scheme

Scheme means the Return to Work scheme's Impairment Assessor Accreditation Scheme

Introduction

A worker with a permanent impairment that has arisen from a work injury may be entitled to receive specific support from the RTW Scheme, such as statutory lump sum payments, access to serious injury support and common law, based on their degree of whole person impairment.

A key objective of the whole person impairment assessment process is to create a system that provides consistent, objective and reliable impairment assessments.

Under section 22 of the Act an assessment of whole person impairment must be made in accordance with the Guidelines. The assessment must also be made by a medical practitioner who holds a current accreditation issued by the Minister.

Impairment Assessor Accreditation Scheme

Under section 22(16) of the Act, the Minister must establish an accreditation scheme for the purposes of whole person impairment after consultation with the Advisory Committee. The Advisory Committee consists of nine members appointed by the Governor; three members who are medical practitioners, three members representing employee associations and three members representing employer associations.

An accreditation will be issued according to the period specified by the Minister and on conditions determined by the Minister.

The conditions are as outlined in this document or as determined by the Minister either for the Scheme or the individual assessor.

The Minister will consult with the Advisory Committee in accordance with section 171(2) of the Act.

The Scheme comprises the following elements:

1. Criteria for accreditation
2. Terms and conditions of accreditation
3. Service standards
4. Application process
5. Administrative requirements

6. Training requirements
7. Assessment request requirements
8. Performance monitoring

The Minister may not issue accreditations to all applicants who satisfy the eligibility criteria.

The Minister may also consider successful completion of recognised interstate or international permanent impairment courses as prior learning. To be considered for RPL status an applicant must have completed the recognised course in the 5 years prior to an application for accreditation.

An applicant accepted for RPL will still be required to undertake the compulsory introductory module and pass the relevant body system competency assessment(s).

Accredited assessors will have their contact details placed on ReturnToWorkSA's website.

1. Criteria for accreditation

Under section 22(17)(b) of the Act, the Minister issues the accreditation to providers authorised to undertake whole person impairment assessments for the purposes of the RTW Scheme.

To be considered for accreditation by the Minister, an applicant must:

- be a medical practitioner registered with the Medical Board of Australia (under the Australian Health Practitioner Regulation Agency)
- have at least 5 years post-graduate experience
- have no current notations or relevant conditions recorded against their registration for medical practice
- satisfactorily complete the training required for accreditation.

- The applicant must provide evidence that they:
- have relevant specialist qualifications and experience (see Guide to Eligibility Criteria for each Body System at Attachment A).
- are in active clinical or medico-legal practice and/or have experience in the assessment of whole person impairment for the RTW Scheme
- hold current medical indemnity and public liability insurance.

In determining the eligibility of applicants, the Minister may also consider the requirements of the RTW Scheme, the estimated number of assessments likely to be done each year in each body system and, where relevant, the applicant's prior performance.

2. Terms and conditions of accreditation

An accredited impairment assessor (assessor) must comply with the terms and conditions of accreditation determined by the Minister, which are outlined below.

The term of accreditation will be three (3) years from 1 July 2019 or such lesser period that the Minister specifies, either for the Scheme or for an individual assessor.

The first period of accreditation ends on 30 June 2022 and further periods may be specified by the Minister as required.

Assessors will provide assessments and reports of permanent impairment in accordance with the Guidelines, the Act and in the format required by ReturnToWorkSA.

Reports must contain clear rationale for decisions, must not contain material errors and must be in accordance with the compensating authority's instructions.

Assessors will provide assessments without bias and in a way that does not give rise to an apprehension of bias in the performance of their responsibilities.

Assessors must notify ReturnToWorkSA if found guilty or convicted of, or fined for, a criminal offence involving dishonesty or an offence punishable by imprisonment.

Assessors will declare any real, perceived or potential conflict of interest to the requestor at the time of request.

At all times, assessors must abide by the service standards, administrative and training requirements defined in this document.

An assessor must continue to meet the accreditation eligibility criteria outlined in this document on an ongoing basis and submit relevant details to ReturnToWorkSA within 14 days if the assessor no longer meets the eligibility criteria.

3. Service standards

In addition, in undertaking their responsibilities, the assessor must:

- abide by Schedule 5 of the Act (Statement of Service Standards) and all applicable professional standards and codes of conduct as required by their professional medical college and as described in Good Medical Practice: A Code of Conduct for Doctors in Australia
- comply with the performance and review requirements set out in this document
- act in an ethical, professional and considerate manner when examining workers
- demonstrate respect for the RTW Scheme, law, fairness, accountability, independence, diligence, timeliness, integrity, transparency and respect for all persons
- act with integrity in the performance of their assessment responsibilities including conducting assessments and making decisions with due rigour and intellectual honesty
- provide assessment reports using the ReturnToWorkSA mandatory report template (note: self-insured employers may determine their own report template)
- comply with the confidentiality requirements of the Act and, where applicable, the Privacy Act 1988 and any other law relevant to health records
- ensure the worker understands the assessor's role in the evaluation and how the evaluation will proceed
- take reasonable steps to preserve the privacy and modesty of the worker during the evaluation assessment
- refrain from offering any advice to the worker about their rights or entitlements relating to their claim or any legal matter relating to their claim

- use their discretion as to whether it is appropriate to notify the worker and/or the worker's treating medical practitioner about any incidental clinical finding during a whole person impairment assessment of a worker
- refrain from providing comment in any publicly available forum on ReturnToWorkSA matters that are, or have been, before them. If involved in providing comment to the media on a matter unrelated to their assessment responsibilities they should not identify themselves as a Scheme assessor.

The perception of impartiality is important in the assessment process. As a result, assessors must:

- not provide, or have provided any form of treatment, advice or assessment in relation to the worker unless otherwise agreed with the requestor – in some circumstances there may not be an alternative assessor available to undertake the assessment.
- not offer any opinion on the worker's medical or surgical management by other medical practitioners unless it would cause detriment to the future health care of the worker
- be proactive and comprehensive in disclosing to a worker's Case Manager any factor(s) that conflicts with, or may conflict with, the performance of their assessment responsibilities
- not assess a worker if that worker, or a member of their immediate family, is known personally to the assessor or the assessor's family
- not accept, seek to obtain or offer gifts, benefits, preferential treatment or advantage of any kind from or to any person that could be perceived to compromise the impartiality of the assessor, the report requestor or ReturnToWorkSA.

4. Application process

An applicant should complete the *Impairment Assessor Application Form* providing the evidence required and submit it to ReturnToWorkSA. The application process is a six step process:

Application - Complete the application form including which body systems you wish to be accredited for and submit the application form to ReturnToWorkSA with evidence of registration, qualifications, professional indemnity, public liability insurance and previous training (if relevant).

Eligibility - Applications will be considered against the eligibility criteria set out in the attached Guide, with those meeting the criteria provided to the Minister for consideration.

Approval - Applicants approved for accreditation will be advised of their specific training requirements.

Training - The applicant undertakes the required training.

Testing - The applicant completes the relevant competency assessment/s for their approved body system/s.

Finalise - Upon successful completion, the applicant receives confirmation of accreditation and their details are published on the RTW Scheme list of accredited assessors.

5. Administrative requirements

- An assessor is to see the worker within six (6) weeks of the appointment being requested, unless agreed and documented between the requestor and assessor.
- An assessor is to provide the impairment assessment report in the required template to ReturnToWorkSA within 10 days of the assessment being completed as per 1.50 of the Impairment Assessment Guidelines.
- An assessor will provide accurate contact details to ReturnToWorkSA and notify ReturnToWorkSA in writing within 14 days of any change to name or contact details (as these appear on the published list of assessors).
- An assessor must have access to sufficient resources and infrastructure to undertake all administrative activities necessary to undertake the role of an assessor, including maintaining an email address to be used for all written communication for ReturnToWorkSA.
- The location of the assessment must comply with the premises standards relevant to the assessor's college or association e.g. disability access, first aid etc.
- An assessor must disclose to ReturnToWorkSA details of any claims of unethical conduct against the assessor or any breaches of any applicable guidelines relating to ethical conduct prior to or during any period in which they are accredited for the RTW Scheme.

6. Training requirements

- An assessor must complete the required training and successfully pass the competency assessment required for each relevant body system module, as well as any new published version of the Guidelines prior to its implementation.
- The methodology in the Guidelines is largely based on the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition (AMA5), with the exception of the Hearing, Visual and Psychiatric body systems. For this reason, it is recommended that assessors complete AMA5 training prior to undertaking training in the SA Guidelines, however, AMA5 training is not a mandatory pre-requisite. A number of other jurisdictions use AMA5 and applicants may have undertaken relevant training elsewhere.
- Consideration of RPL may be taken into account where the training completed is relevant and comparable (i.e. for a scheme using similar guidelines) and has been undertaken in the previous five (5 years). Competency assessment will still be required.
- Applicants who have requested RPL for training undertaken elsewhere will also complete training in the compulsory introductory Core module as it contains information specific to the Guidelines and the RTW Scheme.
- An assessor must attend or complete any refresher training and/or competency assessment required by ReturnToWorkSA following identification of ongoing report compliance or quality issues.
- ReturnToWorkSA may offer advanced training for assessors who have been previously trained and would benefit from more complex learning and discussion.

7. Assessment request requirements

Requests for a whole person impairment assessment must comply with the selection process provided in Chapter 17 of the Guidelines.

Assessments can only be requested by a claims agent, self-insured employer, ReturnToWorkSA or the South Australian Employment Tribunal.

Assessors will not accept referrals from workers or their legal representatives for assessment under the Guidelines, unless directed by the South Australian Employment Tribunal.

As the worker has the right to choose their assessor, there can be no guarantee of a minimum number of requests an assessor might receive during the accreditation period.

A list of assessors and relevant accreditation information (e.g. body systems, location, etc.) will be made available to claims agents, self-insured employers and the South Australian Employment Tribunal, as well as on ReturnToWorkSA's website.

8. Performance monitoring

It is important for the effective functioning of the RTW Scheme that impairment assessments accurately reflect assessment findings based on due rigor and intellectual honesty. The accuracy, timeliness and consistency of assessments, and the extent to which assessments comply with the Act and the Guidelines, will be monitored through the Impairment Assessment Compliance Review process administered by ReturnToWorkSA.

Assessors not meeting their accreditation obligations including, but not limited to, the expected service standards and requirements may have their accreditation suspended or cancelled by the Minister.

Performance monitoring process

In monitoring the performance of accredited assessors ReturnToWorkSA will:

- monitor services provided by assessors to ensure the appropriate delivery of whole person impairment assessment services and required service standards are met
- monitor whole person impairment assessment reports (this does not include Independent Medical Advisors' opinions) issued by assessors to ensure:
 - consistent application of, and compliance with, the Act and the Guidelines
 - assessment reports are delivered within required timeframes
 - medical consistency and sound reasoning
- monitor complaints received by, or concerns raised with, ReturnToWorkSA regarding assessors to:
 - review the number, nature, validity and outcome of complaints
 - identify non conformity with accreditation obligations and establish assessors' willingness and/or ability to comply with these obligations
 - determine whether an assessor's accreditation needs to be reviewed

- monitor and review assessor eligibility status including required attendance at continuing accreditation education
- investigate complaints and non-conformity with accreditation obligations in accordance with the principles of procedural fairness.

ReturnToWorkSA may contact the assessor to seek clarification about a report or discuss any possible issues.

Assessors should also regularly review and evaluate their own performance and capacity as an assessor and maintain the knowledge and skills necessary for the effective performance of their assessment responsibilities.

The performance of assessors may be taken into account by the Minister in the renewal process.

Suspension or cancellation of accreditation

The Scheme provides for the suspension or cancellation of accreditation by the Minister on specified grounds as outlined in section 22(17)(c) of the Act.

Repeated evidence demonstrating a non-compliance with the terms and conditions of accreditation or failure to abide by the Service Standards and requirements, may be grounds for the suspension or cancellation of accreditation by the Minister.

Action other than cancellation or suspension

ReturnToWorkSA may impose requirements for remedial action as an alternative to the Minister suspending or cancelling the accreditation for an assessor. Examples of remedial action may include retraining or coaching or the removal of a body system from the accreditation where retraining or coaching has not resulted in improvement. ReturnToWorkSA may require that remedial action be at the assessor's cost.

Guide to eligibility criteria for each body system

2018 Impairment Assessor applications

GUIDANCE TABLE

This table provides a **guide** to body systems usually approved for specific speciality groups.

If an application is received that is outside the guidance table, the applicant may provide additional evidence of qualifications and expertise in that area to support their application.

Body system	Cardiologist	Craniofacial Surgeon	ENT	Dermatologist	Gastroenterologist	General physician	General practitioner	General surgeon	Neurologist	Neurosurgeon	Occupational Physician	Ophthalmologist	Ortho surgeon	Pain Specialist	Plastic & Reconstructive surgeon	Psychiatrist	Rehab Physician	Respiratory physician	Rheumatologist	Thoracic Surgeon	Urologist/ Gynaecologists	Emergency Medicine Specialist	Public Health Specialist
Cardiovascular (heart and aorta)	✓					✓														✓			
Cardiovascular (systemic and pulmonary)	✓					✓																	
Central and peripheral nervous		✓*				✓			✓	✓				✓									
Digestive					✓	✓	✓#	✓			✓#						✓						
Endocrine						✓											✓						
ENT (excl. NIHL)		✓	✓																				
ENT (incl. NIHL)			✓																				
Haematopoietic						✓																	
Lower extremities							✓	✓			✓		✓	✓			✓		✓			✓	✓
Psychiatric																✓		✓					
Respiratory						✓					✓							✓		✓			
Skin		✓		✓		✓											✓		✓				
Spine						✓	✓	✓	✓	✓	✓		✓	✓			✓		✓			✓	✓
Upper extremities						✓	✓	✓			✓		✓	✓			✓		✓			✓	✓
Urinary and reproductive																					✓		
Visual												✓											
TEMSKI (Assessment of Skin up to 4% as per the IAGs)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓

* For cranial nerves only

For herniae only