

RETURN TO WORK SCHEME

Impairment Assessor Accreditation Scheme

DRAFT- FOR IN-PRINCIPLE APPROVAL



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 no current notations, relevant conditions or reprimands for disciplinary purposes 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
- be 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 RTWSA 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 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.

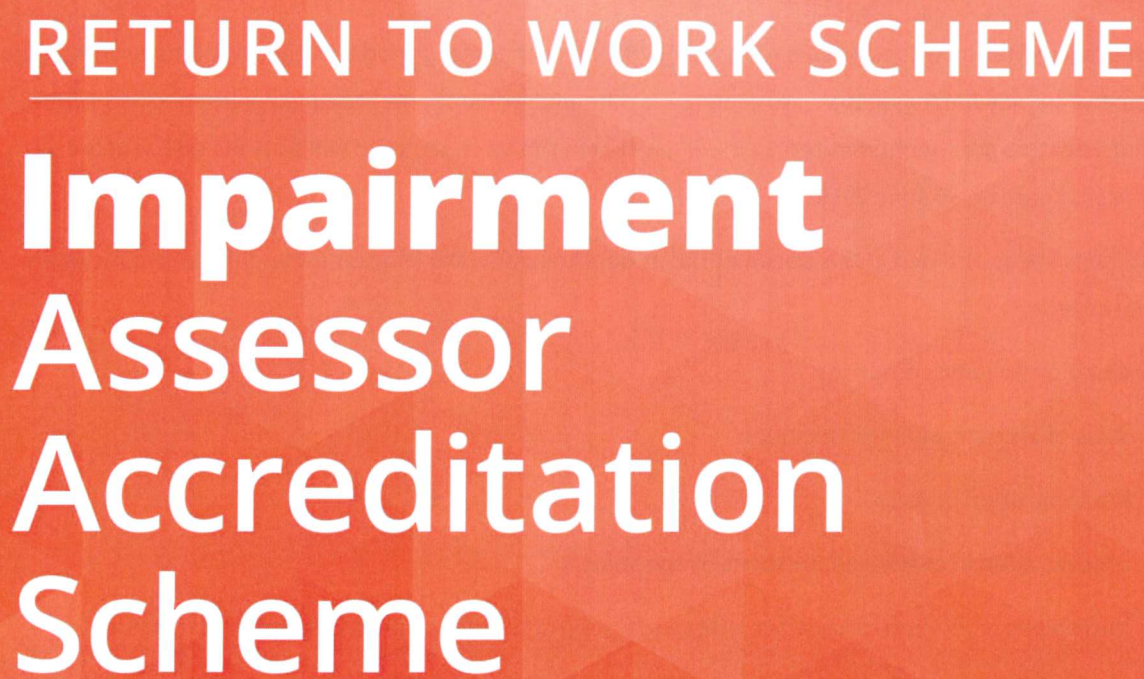
Suspension or cancellation of accreditation

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.

The background of the entire page is a photograph of a person's arm being measured. Two hands are visible, one holding a circular goniometer against the elbow and the other holding a ruler along the forearm. The goniometer has markings for degrees and is labeled 'Occupational Therapy' and 'Physiotherapy'. The ruler is labeled 'Faculty of Health and Applied Movement Sciences'. The entire image has a warm, orange-red tint.

RETURN TO WORK SCHEME

Impairment Assessor Accreditation Scheme

Current in Operation



Government of
South Australia

Introduction

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

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

Under section 22 of the *Return to Work Act 2014* (the Act) an assessment of whole person impairment must be made in accordance with the *Impairment Assessment Guidelines* (the Guidelines). The assessment must also be made by a medical practitioner who holds a current accreditation issued by the Minister.

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.

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

The term of accreditation will be 4 years from 1 July 2015 or such lesser period that the Minister specifies, either for the scheme or an individual assessor. For example, a different term of accreditation may be specified where additional assessors are sought mid-term – it is likely that in this case, the term will be reduced to ensure all accreditations cease on 30 June 2019.

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

The Accreditation Scheme comprises:

- A process of accreditation that includes:
 - the application process
 - consideration of eligible applications by the Minister
 - the Minister's decision to issue accreditations (subject to training and competency assessment)
 - applicants to successfully complete training and competency assessment relevant to whole person impairment assessment
 - written confirmation of accreditation, subject to the assessor signing the declaration statement and returning it to ReturnToWorkSA.
- Accreditation period and renewal

- Service standards
- Performance monitoring
- Conditions relevant to the accreditation scheme.

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 'recognised prior learning' (RPL) status an applicant must have completed the recognised course in the 12 months 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 details placed on ReturnToWorkSA's website.

The Advisory Committee is established under section 171(2) of the RTW Act:

- (2) *The Advisory Committee consists of 9 members appointed by the Governor of whom-*
- (a) *3 (who must include at least 2 medical practitioners) will be appointed on the Minister's nomination made after consultation with 1 or more professional associations representing medical practitioners, including the Australian Medical Association (South Australia) Incorporated; and*
 - (b) *3 (who must include at least 1 suitable representative of registered employers and at least 1 suitable representative of self-insured employers) will be appointed on the Minister's nomination made after consulting with associations representing employers, including the South Australian Employers' Chamber of Commerce and Industry Inc.; and*
 - (c) *3 will be appointed on the Minister's nomination made after consultation with associations representing employees, including the United Trades and Labor Council.*

Assessor accreditation eligibility criteria

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

To be considered by the Minister for accreditation, an applicant must be a medical practitioner (specialist or general practitioner) and provide evidence of the following:

- current registration with the Medical Board of Australia (under the Australian Health Practitioner Regulation Agency)
- current medical indemnity insurance and public liability insurance
- GPs must have a minimum of five years post graduate experience including three years specifically with injury management and provide two medical referees supporting their injury management experience

- currently practising at least eight hours per week (on average over each 4 week period) in clinical practice and/or in medico legal, compensation or independent assessment practice
- or, if retired, from clinical practice, have been retired for less than three years
- maintenance of professional standards certification from the practitioner's professional medical college
- appropriate qualifications and experience relevant to each body system for which they are seeking accreditation (this is based on a guide to eligibility, determined after consultation with relevant medical bodies).

The Minister may also consider:

- breadth of experience, including the performance of impairment assessment
- estimated numbers of assessments likely to be done each year in each body system
- the availability of specialists applying to be accredited in each body system
- the applicant's continued professional development in impairment assessment
- the applicant's previous compliance with these or the previous conditions of accreditation
- the number of clinical practice hours undertaken and preference may be given by the Minister to practitioners who are in active clinical practice.

An applicant may not be considered eligible if there are restrictions on their registration with the Medical Board of Australia. They may also not be considered eligible if found guilty or convicted of, or fined for, a criminal offence involving dishonesty or an offence punishable by imprisonment.

Accreditation period and renewal

The term of accreditation will be 4 years from 1 July 2015 or such lesser period that the Minister specifies, either for the scheme or an individual assessor.

The first period of accreditation ends on 30 June 2019 and further periods will be specified by the Minister as required.

The Minister will establish the renewal process as required.

Service standards

Assessors must:

- abide by all applicable professional standards and codes of conduct
- 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 law, fairness, accountability, independence, diligence, timeliness, integrity, transparency and respect for persons in undertaking their responsibilities as an accredited assessor
- 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
- not offer 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.
- not provide comment to the media 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 ReturnToWorkSA accredited 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 as this could reasonably be perceived to compromise the impartiality of the assessor, report requestor or ReturnToWorkSA.

The location of the assessment must comply with the premises standards relevant to the assessor's college or association. For example, disability access, access to hand washing facilities, where appropriate, first aid etc.

Assessment reports must:

- comply with the Impairment Assessment Guidelines
- be accordance with the *Return to Work Act 2014*
- be provided in the prescribed format and timeframes
- be in accordance with any instructions by the compensating authority in the requestor information
- contain clear rationale for decisions
- not contain material errors, and
- be complete and accurately reflect assessment findings based on due rigour and intellectual honesty.

The requestor or ReturnToWorkSA may contact the assessor to seek clarification about a report or to discuss any possible issues e.g. calculation error or need for further information.

Performance monitoring

Assessors are accountable for their decisions and actions in the provision of impairment assessment services and are subject to performance monitoring by ReturnToWorkSA.

Assessors not meeting their accreditation obligations including, but not limited to, the expected service standards and the assessment reporting benchmarks as set out in this document, may have their accreditation suspended or cancelled.

Performance monitoring process

ReturnToWorkSA is responsible for monitoring the performance of assessors to ensure consistent application of the Guidelines and conformity with accreditation obligations.

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
 - expected 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 Guidelines
 - assessment reporting benchmarks are achieved
 - 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

ReturnToWorkSA may provide assessors with periodic provider performance reports.

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 for the renewal process.

Conditions of accreditation

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

Request for assessment

Requests for a whole person impairment assessment must comply with the selection process provided in the Impairment Assessment Guidelines. There is 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.

Assessors must not accept a request if:

- the request is not in accordance with the Guidelines
- the assessor has been asked to provide an assessment in respect of a body system for which they are not accredited for under the Return to Work Scheme

- the assessor is unable to see the worker within six (6) weeks of the appointment being requested. Examination of a worker should be performed as soon as possible, generally within three (3) weeks after the request for an appointment is made, unless agreed and documented between the requestor and assessor.
- the assessor determines there is an actual or potential conflict of interest in providing the requested service with respect to the worker. Where such a conflict of interest exists (e.g. relative or friend, financial partner etc.), the assessor should notify the requestor immediately.

The assessor must not undertake a whole person impairment assessment unless the relevant requestor information is provided by a claims agent, self-insured employer, ReturnToWorkSA or the South Australian Employment Tribunal.

If an assessor believes a request for assessment is inappropriate or not complete, the assessor must discuss their concerns with the requestor and refuse the request if their concerns are not resolved.

Service standards – assessments and reports

- An assessor must meet the service standards described in this document.
- If an assessor does not consistently meet the service standards, the assessor may be required to undertake further assessor education as required by ReturnToWorkSA, at the assessor's cost.

Accreditation eligibility

An assessor must continue to meet the accreditation eligibility criteria outlined in this document (Impairment Assessor Accreditation Scheme) and submit relevant details to ReturnToWorkSA when requested.

Performance monitoring

An assessor must comply with the performance monitoring process outlined in this document.

Training and competency assessment

- An assessor must attend the training and complete the competency assessment required for any new published version of the Guidelines prior to its implementation.
- 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.

Assessor status

An assessor must:

- inform ReturnToWorkSA as soon as possible if they retire from clinical practice or there is a change in their Australian Medical Board registration; and
- disclose to ReturnToWorkSA details of any claims of unethical conduct by 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 Return to Work Scheme.

Assessors must notify ReturnToWorkSA in writing within 14 calendar days if any of the following occurs:

- a change in services offered
- a change of practising location(s)
- suspension or cancellation of the assessor's Australian Medical Board registration
- if found guilty, or convicted of, or fined for, a criminal offence involving dishonesty or an offence punishable by imprisonment, or
- any other issue or event affecting the provision of impairment assessment services by the assessor.

Suspension or cancellation of accreditation

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

A material breach, or a series of breaches of the conditions of accreditation which in total are considered material, are grounds for suspension or cancellation.

The principles to be followed when investigating a potential breach include:

- Assessor to be given an opportunity to respond to allegations of a potential breach. This includes providing available information to the assessor that supports the allegation and the opportunity for the assessor to provide documentation or an alternative view regarding the breach.
- The assessor is required to cooperate in the investigation and provide all requested material relevant to the investigation.
- The assessor is to be kept informed of the progress of the investigation, including a copy of the final decision regarding whether the breach is confirmed.

ReturnToWorkSA is responsible for the investigation process.

When determining the materiality of the breach or breaches, the following issues will be considered:

- Frequency of breaches, if multiple. This includes multiple breaches of one condition or single breaches of more than one condition
- Materiality of the breach or breaches
- Whether the behaviour is considered to be deliberate or inadvertent
- Demonstrated changes to performance or behaviour.

The following table provides an indication of the matters that may be considered giving rise to a material breach or breaches in the conditions.

Condition	Examples of breaches that may be considered material for the purpose of cancellation
Whole person impairment assessment and report	More than three breaches of requirements in a six month period
Report Compliance	Less than 85% report compliance (with the Impairment Assessment Guidelines) in a six month period, or Less than 85% report compliance (with the Impairment Assessment Guidelines) in the last ten assessment reports
Accreditation eligibility	One or more breaches of requirements at any time during the accreditation period
Maintenance of standards - training	Failure to attend or to successfully complete any training or assessment relating to revised Guidelines or refresher training required by ReturnToWorkSA due to repeated report quality or compliance issues.
Service standards	Three or more breaches of standards at any time during the accreditation period – this will depend on the impact of the breach on the worker
Request for assessment	Three or more breaches of requirements at any time during the accreditation period – this will depend on the severity of the breach
Assessor status	One or more breaches of conditions affecting the assessor's eligibility for accreditation at any time during the accreditation period
Other grounds	As determined by The Minister

Condition	Example of breaches that may be considered material for the purpose of suspension
Assessor status	Accreditation status may be suspended pending the outcome of an investigation for a criminal offence or if the assessor's Medical Board Registration is suspended.

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 include retraining monitoring of performance or peer review requirements. ReturnToWorkSA reserves the right to require that remedial action be at the assessor's cost.

Attachment C - Summary of proposed changes to Accreditation Scheme

Section/ Clause	Page Reference	Change	Comment
Criteria for accreditation	3	<ul style="list-style-type: none"> Replaces 'Assessor accreditation eligibility criteria'. Reference changed to 'medical practitioner', which includes specialist general practitioners (as defined by AHPRA). Registration section expanded with "with no current notations, relevant conditions or reprimands for disciplinary purposes recorded against their registration for medical practice." Clinical practice is no longer specified as at least 8 hours and removal of retirement to have been within the last 3 years. 	<ul style="list-style-type: none"> Wording change only. General practice is no longer in a separate section with additional criteria, such as the requirement of references. Low impact change to registration form/administration change. Clinical practice no longer specified as the number is considered arbitrary. The 3 year rule may exclude a number of experienced assessors in less common specialist roles required.
		<ul style="list-style-type: none"> Removal of requirement for evidence of maintenance of professional standards certification from the practitioner's professional medical college. Change to "in determining the eligibility of applicants, the Minister may also consider the requirements of the Return to Work Scheme, the estimated number of assessments likely to be done each year in each body system and, where relevant, the applicant's prior performance." 	<ul style="list-style-type: none"> Expectation that practitioners to maintain standards as required for medical registration and captured in the service standards section. Simplification of determining eligibility of applicants. Given the number of years since the RTW scheme was established, including the new guidelines, there is some relevant information about performance available. Performance may be broader than compliance and include consideration of behavioural or conduct aspects as well as any quality issues.-
Performance monitoring	7	<ul style="list-style-type: none"> Removal of table of conditions /breaches and examples. 	<ul style="list-style-type: none"> This process was difficult to monitor, record, apply or enforce but monitoring by RTWSA remains. 'Breaches' removed and replaced with a statement to the effect that the Treasurer may suspend or cancel and accreditation on the grounds of repeated evidence demonstrating a failure to comply with the various requirements of accreditation.

		<ul style="list-style-type: none"> • The ‘action other suspension or cancellation’ section provides an option for ReturnToWorkSA to impose remedial action as an alternative to suspension of cancellation by the Treasurer. 	<ul style="list-style-type: none"> • A summary outlining why this process is important has been added. • Remedial action might include additional training or coaching, or if that fails, the removal of a body system from the accreditation if their continued errors stem from the assessment of a particular body system but they remain capable in other systems.
Training requirements	6	<ul style="list-style-type: none"> • The requirements that relate to training previously under <i>Conditions</i>, set out under a more logical heading. • Section added relating to the scheme’s use of AMA5 and other training available. • Recognition of Prior Learning (RPL) period is increased from 1 to 5 years which is sufficient to allow assessors who trained when the new scheme was introduced to require only refresher training or new guideline training. • Added in option of advanced training, should there be a group that would benefit from it. 	<ul style="list-style-type: none"> • Refresher training was first offered to renewing assessors when the Return to Work scheme was introduced, to provide information about the scheme and the revised Guidelines. This type of course was effective and may be offered again. Full training will still be available to those who want it or who we consider require it.
Terms and conditions of accreditation	3	<ul style="list-style-type: none"> • New section incorporates the critical elements of previous ‘conditions’ such as accreditation timeframe, requirements of the Act, conflict of interest and bias. • Addition making it clear that the assessor must continue to meet the criteria throughout the accreditation period. 	<ul style="list-style-type: none"> • This change allows the Treasurer to decide the term and can apply a shorter term and ensure that all terms end at the same time.

Service standards	4	<ul style="list-style-type: none"> • Service standards have been moved up in the document order. • Doctors in Australia consistent with the reference in the Impairment Assessment Guidelines (1.63, p12). 	<ul style="list-style-type: none"> • More logical order and consistent message.
		<ul style="list-style-type: none"> • A reference added to Schedule 5 of the Act and the professional standards in Good Medical Practice: A Code of Conduct for • Clause regarding Respect extended to include the RTW Scheme as well as the law, fairness, accountability, independence, diligence, timeliness, integrity, transparency and respect for all persons. • Previous clause about not providing comment to the media updated to 'any publicly available forum'. 	<ul style="list-style-type: none"> • The Service Standards in Schedule 5 extend to a provider of services engaged by the Corporation or self-insured employer. • Inclusion of RTW Scheme - clarification change. • Updating wording to reflect different media types used.
Assessment request requirements	6	<ul style="list-style-type: none"> • The requirements that relate to the report request, previously under Conditions, set out under a more logical heading. Section expanded to provide consistency with Chapter 17 of the Impairment Assessment Guidelines around where the requests must come from. 	<ul style="list-style-type: none"> • Now that almost all assessments will be requested under the Return to Work Act and not with the former rules of the WR&C Act, it is important to be clear that only the claims agent or self-insured employer should be sending the request for assessment under the RTW Act.
General Amendments	1, 5	<ul style="list-style-type: none"> • Addition of Table of Contents, Definitions and an Application Process section. 	<ul style="list-style-type: none"> • Clearer, better presented information.

Our reference: D18/1837341
Your reference: -



TO: TREASURER

RE: IMPAIRMENT ASSESSOR ACCREDITATION SCHEME (ADDITIONAL INFORMATION TO D18/01595393)

PURPOSE

At our meeting on Friday 14 September 2018 you asked for further information on the criteria for accrediting medical practitioners to assess impairments and the proposed amendments to the Impairment Assessor Accreditation Scheme.

ISSUES

The amended Scheme includes the words '*The applicant must provide evidence that they have relevant specialist qualifications and experience*' (see page 3 of Attachment A), with the word "specialist" being a new addition.

It is intended to use this requirement to examine a practitioner's specialist qualifications/experience in assessing certain body systems, as it is ReturnToWorkSA's view that this will improve consistency of assessments and ensure the work is being conducted by the most appropriately qualified practitioners.

The proposed mechanism for doing this is through applying a Guide to Eligibility, which provides a matrix of body systems for assessment against appropriate specialisations, and constitutes the 'eligibility criteria' referred to on page 5 of the amended Scheme. The draft Guide to Eligibility has been informed by ReturnToWorkSA's review of whole person impairment trends, reports and engagement with medical practitioners working in the Scheme. Following your query, to make the process more explicit, pages 3 and 5 of the amended Scheme now reference this guide and it is attached as part of the overall document. No other changes have been made to this document since it was last provided to you.

For the sake of transparency, ReturnToWorkSA proposes to publish the Guide to Eligibility in its consultation materials for assessors and representative associations. A similar guide was used in the last round of applications for accreditation, however, it was not published.

The differences between the Guide to Eligibility used in the last round of applications and the version provided for your review/consultation are:

ReturnToWorkSA

400 King William Street Adelaide SA 5000 • GPO Box 2668 Adelaide SA 5001 • ABN 83 687 563 395

General Enquiries 13 18 55 • www.rtwsa.com



Specialisation	Body Systems removed
General Practitioner	Digestive Endocrine Skin
Occupational Physician	Cardiovascular (heart and aorta) Digestive Endocrine Skin

You will note that the Guide to Eligibility provides that an assessor may apply for accreditation for a body system outside the guidance table, which may be granted subject to evidence of qualifications and experience.

When current accreditations were approved in 2015, some assessors were accredited for body systems outside both the previous and proposed Guide to Eligibility. We propose to take a more rigorous approach to applications in the next round. This will potentially impact on up to 25 current assessors (if they choose to reapply), who will lose up to 8 body system accreditations each unless they can provide sufficient evidence of their qualifications and experience. We do not expect any current assessors to be eliminated completely on the basis of this approach.

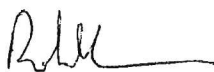
BACKGROUND

Please note that the Minister's Advisory Committee will now meet on 15 October 2018, therefore your approval of this consultation process is sought as soon as possible to ensure papers can be distributed before the meeting.

RECOMMENDATION

It is recommended that you


1. note this additional briefing; and
2. approve the recommendation in our previous briefing (D18/01595393), namely that RTWSA consult with the Minister's Advisory Committee, current assessors and their representative associations on the proposed amendments to the Accreditation Scheme.



Rob Cordiner
Chief Executive Officer

19 September 2018

APPROVED



23/9/18

Treasurer

Contact: Sally Burrige, Manager Government Relations
Phone: 8223 2267 / 0427 205 611

Attachment A – Amended Impairment Assessor Accreditation Scheme

RETURN TO WORK SCHEME

Impairment Assessor Accreditation Scheme



Government of
South Australia

Contents

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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 ~~or reprimands for disciplinary purposes~~ 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 specialty 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 sorts)	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>														<input checked="" type="checkbox"/>			
Cardiovascular (systemic and pulmonary)	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>																	
Central and peripheral nervous		<input checked="" type="checkbox"/> *				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>									
Digestive					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> #	<input checked="" type="checkbox"/>										<input checked="" type="checkbox"/>					
Endocrine						<input checked="" type="checkbox"/>												<input checked="" type="checkbox"/>					
ENT (excl. NHL)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>												<input checked="" type="checkbox"/>								
ENT (incl. NHL)			<input checked="" type="checkbox"/>																				
Haematopoietic						<input checked="" type="checkbox"/>																	
Lower extremities							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>									<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Psychiatric																<input checked="" type="checkbox"/>							
Respiratory						<input checked="" type="checkbox"/>												<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
Skin		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Spine						<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Upper extremities						<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Urinary and reproductive																					<input checked="" type="checkbox"/>		
Viral												<input checked="" type="checkbox"/>											
TEMSKI (Assessment of Skin up to 4% per the IAGs)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* For cranial nerves only

For herpes only

Impairment assessor accreditation scheme

- Impairment assessments must be made: (Section 22 (2) RTW Act 2014 (Act))
 - In accordance with the Impairment Assessment Guidelines; and
 - By a medical practitioner who holds a current accreditation
- Accreditations are issued by the Minister under the Impairment Assessor Accreditation Scheme



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Impairment assessor accreditation scheme

- The Minister must establish an accreditation scheme after consultation with the Advisory Committee (Section 22 (16) of the Act)
- The former Minister for Industrial Relations established an accreditation scheme in 2015 prior to the last accreditation process and implementation of the Return To Work Scheme from 1 July 2015
- Current assessor accreditations expire on 30 June 2019, with the next round of accreditations expected to commence in November 2018



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Independent Medical Advisers (IMAs) (Section 118)

- Accredited impairment assessors are to be distinguished from Independent Medical Advisers (IMAs) who are also appointed by the Minister.
- For this purpose of appointing an IMA, the Minister establishes a selection committee comprised of persons nominated by the Advisory Committee.
- IMAs are appointed to assist the SAET in resolving disputes about medical questions.
- IMAs may also be impairment assessors.
- The selection and appointment of IMAs is managed by the Attorney-Generals Department not RTWSA.



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Proposed amendments to the impairment assessor accreditation scheme

- The Act allows the Minister to amend or substitute the accreditation scheme after consultation with the Advisory Committee (Section 22 (17) (d))
- The Treasurer has approved consultation on an amended accreditation scheme that is simpler and more logical.
- The new Scheme includes a guide to eligibility for assessors, which sets out the level of specialisation/experience expected for accreditation in the various body systems.
- The proposed amendments are unlikely to impact on injured workers or employers.



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Consultation with the Minister's Advisory Committee

- Copies of the:
 - Current accreditation scheme
 - Proposed accreditation scheme
 - Consultation paperHave been provided to you with the meeting papers

- Copies of today's presentation are available for you today



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Summary of proposed amendments

- Accreditation timeframe:
 - Has been changed from 4 years to 3 years

- Criteria for accreditation:
 - Removed separate and additional requirements for GPs
 - Hours in clinical practice no longer specified or to be retired within 3 years
 - Removed requirement to provide evidence of maintenance of professional standards certification as this is a requirement of registration
 - Provides guidance on the level of specialisation expected for accreditation in the various body systems.



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Summary of proposed amendments...

- Performance monitoring:
 - Removal of table of conditions/breaches and examples
 - Replaced with a statement to the effect that the Treasurer may suspend or cancel an accreditation where there is repeated evidence demonstrating a failure to comply with the various requirements of accreditation



Summary of proposed amendments...

- Training requirements:
 - Increase the time from 1 to 5 years for recognition of prior learning in impairment assessment training – recognises that many assessors are now quite experienced in our Scheme
 - Provide the option for more advanced training
- Service standards:
 - Reference to Schedule 5 of the RTW Act (expected service standards for providers of services to the Corporation) included
 - Updated wording and more logical placement



Next steps ...

- Seek feedback from the Minister's Advisory Committee today (15 October) in session in accordance with the legislation.
- Informal consultation with all currently accredited assessors and associations from 16 October – 2 November 2018
- Feedback considered in November 2018
- Provided to Treasurer for final approval November 2018
- Call for applications November/December 2018



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Compulsory Third Party Insurance Regulator (CTPIR)

- The CTPIR has an interest in the Return to Work Impairment Assessor Accreditation Scheme
- To be accredited in the Motor Accident Injury Assessment Scheme, assessors must first be accredited with the RTW Scheme
- RTWSA has been working in collaboration with the CTPIR in reviewing the Accreditation scheme



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Questions/Discussion

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O'Callaghan, Kirsten

From: WPI
Sent: Thursday, 18 October 2018 10:53 AM
Subject: Consultation on the revised Impairment Assessor Accreditation Scheme
Attachments: Consultation on the Impairment Assessor Accreditation Scheme - October 2018.pdf

Good morning

Your current accreditation as an impairment assessor, under the Return to Work Scheme Impairment Assessor Accreditation Scheme, will expire on 30 June 2019.

In preparation for the next period of accreditation, the current Impairment Assessor Accreditation Scheme has been reviewed and revised.

The *Return To Work Act 2014* requires consultation with the Minister's Advisory Committee where there is any amendment or substitution of the accreditation scheme. The revised accreditation scheme has now been considered by the committee at its meeting on Monday 15 October 2018.

We are also seeking your feedback on the revised scheme that will replace the current version which was used for accreditation of impairment assessors in 2015.

The new term of accreditation will be for the period 1 July 2019 to 30 June 2022.

Please find attached a consultation paper, which summarises the amendments, and a copy of the revised accreditation scheme. The 2015 accreditation scheme document can be found on the ReturnToWorkSA [website](#).

Your feedback is welcomed and the Treasurer is committed to considering all feedback before finalising any changes to the Accreditation Scheme.

Please provide your feedback by close of business **Friday 9th November 2018 by email to wpi@rtwsa.com** or by post to


Impairment Assessment Services
GPO Box 2668
ADELAIDE SA 5001

For enquiries or further information please contact Kirsten O'Callaghan on (08) 8238 5727 or 13 18 55 or by return email.

Regards

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 **Return to Work SA**

CONSULTATION PAPER - Proposed changes to the Impairment Assessor Accreditation Scheme

Introduction

Whole Person Impairment (WPI) assessments are critical in determining worker entitlements in the Return to Work Scheme, and a worker is only entitled to one WPI assessment for all injuries arising from the same trauma. A robust regulatory framework is essential to support the WPI assessment process, which involves:

- Suitably qualified Permanent Impairment Assessors being accredited by the Minister for Industrial Relations (currently the Treasurer) under the Accreditation Scheme
- Assessor compliance with the Impairment Assessment Guidelines published by the Minister
- Review of completed WPI assessment reports, requested in the premium-paying Scheme, by ReturnToWorkSA before they are used for claims determination purposes.

The purpose of this consultation paper is to outline proposed amendments to the Impairment Assessor Accreditation Scheme. In summary, the amendments are designed to:

- simplify the accreditation document and improve its clarity and readability
- reflect the need for specialist qualifications and experience for certain body systems
- outline service provision expectations and conditions more clearly.

The proposed changes are summarised in this paper, and a copy of the Accreditation Scheme with the proposed changes is attached as Appendix 1.

Background

Over 1500 WPI assessments are performed in the Return to Work scheme each year. WPI assessments help case managers to determine whether a worker is seriously injured, and therefore will receive lifetime care and support, and are also required to determine and calculate entitlements to lump sums

that are provided for in the *Return to Work Act 2014* (the Act).

To support the impairment assessment process, the Act requires that medical practitioners are accredited by the Minister under the Return to Work Impairment Assessor Accreditation Scheme (the Accreditation Scheme).

The Accreditation Scheme was established by the former Minister for Industrial Relations in 2015 under subsection 22 (16) of the Act. Current accreditations come to an end on 30 June 2019. The Act allows for the Minister to amend or substitute the Assessor Accreditation Scheme after consultation with the Minister's Advisory Committee.

The intention of the proposed amendments is to refine and improve the Accreditation Scheme based on learnings and experience since the current Scheme was introduced in 2015.

The aim is for the amended Accreditation Scheme to be approved by the Treasurer, after he has considered consultation feedback and the recommendations of ReturnToWorkSA, in time for the next accreditation application process to be completed by 1 July 2019.

Regulatory context

The Return to Work scheme is governed by the Act. Section 22 of the Act prescribes how workers' permanent impairment from their work injuries is to be assessed.

Section 22(16) requires that the Minister must establish an accreditation scheme after consultation with the Advisory Committee. Section 22(2) requires that WPI assessments to be made in accordance with the Impairment Assessment Guidelines by a medical practitioner who is accredited under the Accreditation Scheme established by the Minister under section 22(16).

Summary of proposed amendments

The following changes have been made to the Accreditation Scheme document:

General Amendments (page 1)

- Addition of a Table of Contents, Definitions and Introduction.

Criteria for accreditation (page 3)

- Reference changed to 'relevant specialist qualifications and experience' and a Guide to Eligibility has been included which specifies the level of specialisation expected for accreditation in each body system
- Registration section expanded: "with no current notations, relevant conditions or reprimands for disciplinary purposes recorded against their registration for medical practice."
- Clinical practice is no longer specified as at least 8 hours and the requirement for retirement to have been within the last 3 years has been removed
- The separate section of requirements for general practitioners has been removed. Specialist general practitioners continue to be eligible for accreditation
- Removal of requirement for evidence of maintenance of professional standards certification from the practitioner's professional medical college, as this is a requirement for medical registration anyway
- Change to "in determining the eligibility of applicants, the Minister may also consider the requirements of the Return to Work Scheme, the estimated number of assessments likely to be done each year in each body system and, where relevant, the applicant's prior performance."

Terms and conditions of accreditation (page 3)

- This new section incorporates the critical elements of previous 'conditions' such as accreditation timeframe, requirements of the Act, conflict of interest and bias
- An addition making it clear that the assessor must continue to meet the criteria throughout the accreditation period.

Service standards (page 4)

- Service standards have been moved up in the document order
- A reference has been added to Schedule 5 of the Act and the professional standards in Good Medical Practice: A Code of Conduct for Doctors in Australia consistent with the reference in the Impairment Assessment Guidelines (1.63, p12)
- Clause regarding respect extended to include the Return to Work Scheme as well as the law, fairness, accountability, independence, diligence, timeliness, integrity, transparency and respect for all persons
- Previous clause about not providing comment to the media updated to 'any publicly available forum'.

Training requirements (page 6)

- The requirements that relate to training previously under *Conditions*, are set out under a more logical heading
- Section added relating to the scheme's use of AMA5 and other training available
- Recognition of Prior Learning (RPL) period is increased from 1 to 5 years which is sufficient to allow assessors who trained when the new scheme was introduced to require only refresher training

- Added option of advanced training may be required depending on the applicants' experience and application of their previous training.

Assessment request requirements (page 6)

- The requirements that relate to the report request, previously under Conditions, are set out under a more logical heading. The section has been expanded to provide consistency with Chapter 17 of the Impairment Assessment Guidelines around where the requests must come from.

Performance monitoring (page 7)

- Removal of table of conditions/breaches and examples in favour of a simpler approach to performance monitoring
- The 'action other than suspension or cancellation' section provides an option for ReturnToWorkSA to impose remedial action as an alternative to suspension or cancellation by the Treasurer.

Benefits of the proposed amendments

The proposed amendments simplify the Accreditation Scheme and aim to provide greater clarity and understanding of the accreditation process and service expectations.

Impact on Workers

There are no known or expected adverse impacts on workers associated with the proposed changes to the Accreditation Scheme.

Impact on Employers

There are no known or expected adverse impacts on employers associated with the proposed changes to the Accreditation Scheme.

Impact on Providers

Some currently accredited assessors may not be accredited in all body systems for which they have previously been accredited (depending upon their experience), however we do not expect that any current assessors will be eliminated from accreditation as a result of the proposed changes.

Consultation

The proposed amendments have been considered by the Minister's Advisory Committee at its meeting on 15 October 2018.

ReturnToWorkSA is coordinating this consultation process on behalf of the Treasurer. This paper and the draft amended Scheme (Appendix 1) will be sent to all currently accredited assessors and relevant medical associations.

Your feedback on this Consultation Paper is welcomed. The Treasurer is committed to considering all feedback before finalising any changes to the Accreditation Scheme.

The consultation period will be open from **18 October to 9 November 2018**.

Please provide your feedback by email to Trish Bowe, Manager, Impairment Assessment Services, with any data or evidence available that supports your view at wpi@rtwsa.com.

Implementation

Once the consultation process is completed and the Treasurer has considered all feedback, he will publish the amended Accreditation Scheme. The Accreditation Scheme will be published on RTWSA's website and accompany the Accreditation application information pack sent to assessors, faculties and associations.

The new Scheme will then apply to the selection and ongoing management of accredited impairment assessors.