

PRIVACY AT MEDICAL APPOINTMENTS

A guide for injured workers



Privacy at medical appointments

New laws commenced on 1 December 2024 which protect the privacy of injured workers during medical treatment and examinations.

Can my employer or claims agent be present for medical examinations?

No, unless you provide written consent.

Your employer (including self-insured/Crown employers, their Return to Work Coordinators, or third parties acting on their behalf) or ReturnToWorkSA (including its claims agents EML and Gallagher Bassett), must not be present while you are being examined or treated by a health practitioner unless you have provided written consent.

This includes whilst you are undertaking any medical tests you may need.

Can I choose to have my employer or claims agent in the room?

Yes, if you provide consent.

You are under no obligation to provide consent. However, if you choose to allow them to be present, you must complete and sign the required consent form.

Some workers like to have their employer or claims agent with them during an appointment with the health practitioner. For example, they might want their Return to Work Coordinator at a hand therapy session to discuss work capacity and return-to-work options during treatment. [This requires a signed consent form.](#)

What if we are discussing my return to work?

Your employer (including any agent) or ReturnToWorkSA (including EML and Gallagher Bassett) can be present before or after the examination or treatment part of your medical appointment. They can also attend a case conference involving you and your health practitioner(s) to discuss your recovery and return to work. This can occur without the completion of the written consent form.

Who are the health practitioners this applies to?

You may have multiple health practitioners supporting you throughout your recovery.

The definition of a health practitioner is, a person who is registered under the Health Practitioner Regulation National Law (other than a student) and is:

- a medical practitioner
- a dentist
- a psychologist
- an optician
- a physiotherapist
- a chiropractor
- a podiatrist
- an occupational therapist, or
- an osteopath.

A speech pathologist who is registered by the Speech Pathology Association of Australia Limited is also defined as a health practitioner.

How is this different to the Medical Authority I completed?

At the start of your claim, you may sign an 'Authority to Release Medical Information' form which allows your claims manager, employer and health practitioner to share information relevant to your work injury or your claim so that they can best support your recovery and return to work.

This consent form is different to the 'Authority to Release Medical Information'. This consent form is only to allow your employer (including third party agents acting on its behalf) or ReturnToWorkSA (including its claims agents EML and Gallagher Bassett) to be present during your medical examination, testing or treatment.

What happens if I don't sign this form?

You do not have to sign this form. Your claim will not be affected.

Can I change my mind?

Yes, you can change your mind at any time even if you have signed the consent form. You can:

- refuse entry into the appointment at the time
- alert your health practitioner of your change in consent, or
- speak with your Return to Work Coordinator, employer or Claims Manager (verbally or in writing).

If you feel your wishes regarding consent have not been appropriately managed, help is available. You should raise your concern directly with the person or organisation that is managing your claim in the first instance, but if you remain unhappy, you can call 13 18 55 for ReturnToWorkSA assistance, or speak with your union or legal representative.

Where can I get help about this form?

Workers can speak with:

- your claims manager at either Gallagher Bassett or EML
- your self-insured employer
- your Return to Work Coordinator at work
- your union or legal representative
- SA Unions Workers' Compensation Service through workerscompadvice@saunions.org or 8279 2220
- Legal Services Commission on 1300 366 424
- ReturnToWorkSA through info@rtwsa.com or 13 18 55
- Employers and Return to Work Coordinators can speak to ReturnToWorkSA's Employer Education team on 8238 5958.

How do I provide feedback or make a complaint?

You can:

- contact ReturnToWorkSA by calling (08) 8238 5858
- speak with SA Unions Workers' Compensation Service through workerscompadvice@saunions.org or 8279 2220
- speak with your union or legal representative
- contact Ombudsman SA through ombudsman@ombudsman.sa.gov.au or 7322 7020.

Authority and consent form for the employer and/or Return to Work Corporation of South Australia to be present at examination or treatment of worker.

Completion of this form is optional

This form is only valid if it is printed and signed in wet ink (a photocopy of this form signed in wet ink is valid)

The purpose of this form is to record your voluntary written consent for the representative(s) of your employer (including a third party agent acting on your employer's behalf) and/ or ReturnToWorkSA (including its claims agents) named below to be present while you are being physically or clinically examined or treated by a health practitioner, or undergoing a diagnostic examination or test for the purposes of your treatment by a health practitioner.

You are not required to provide your consent. You have the right to decline any request by your employer (including its agent) or ReturnToWorkSA (including its claims agents) to be present whilst you are undergoing examination or testing by, or receiving treatment from, a health practitioner.

If you do provide your consent, your medical and health information will be kept confidential and will be protected by sections 185 and 186 of the *Return to Work Act 2014* and only disclosed in limited permitted circumstances. You may revoke your consent at any time, either verbally or in writing, and either entirely or in relation to any particular person, examination, testing or treatment appointment.

If you do not provide your consent, your claim will not be adversely impacted in any way. You should read the information overleaf prior to completing this form.

Injured Worker Details

Surname:	Given names:
Date of birth:	Email:
Telephone:	Claim number(s):
Address:	Injury(ies):

Employer Representative (insert name(s) as applicable)

Employer:	Employer's Agent:
Employer representative name(s):	

ReturnToWorkSA Representative (strike-out non-applicable)

ReturnToWorkSA	Employers Mutual Limited (EML)	Gallagher Bassett
Representative name(s):		

Authority for representatives to be present during examination or treatment

I, _____, hereby consent for the Employer Representative(s) and/or ReturnToWorkSA Representative(s) named above to be present while I am being physically or clinically examined or treated by a health practitioner, or undergoing any diagnostic examination or test required for the purposes of being treated by a health practitioner, in relation to the abovementioned claim(s) and injury(ies).

I confirm this consent remains valid for 6 months from the date of my signature below but I understand that I can withdraw my consent at any time.

Signature of injured worker:	Date:
Signature of injured worker's parent or guardian*:	Date:

**required if the injured worker is under 18 years of age*

Employer or ReturnToWorkSA attendance at medical appointments – Notice

This Notice clarifies requirements relating to worker choice of health practitioners and employer and/ or ReturnToWorkSA attendance at medical appointments.

Legislation

Section 17A of the *Return to Work Act 2014* provides that a worker's employer (including any agent) or ReturnToWorkSA (including EML and Gallagher Bassett) must not be present whilst the worker is:

- being physically or clinically examined, or treated, by a health practitioner; or
- undergoing any diagnostic examination or test for the purposes of their treatment by a health practitioner,

unless the worker has provided their written agreement in the prescribed form to their employer and/or ReturnToWorkSA being present during the examination, treatment or testing.

Health practitioners

The definition of a health practitioner is, a person who is registered under the Health Practitioner Regulation National Law (other than a student) and is:

- a medical practitioner
- a dentist
- a psychologist
- an optician
- a physiotherapist
- a chiropractor
- a podiatrist
- an occupational therapist, or
- an osteopath.

A speech pathologist who is registered by the Speech Pathology Association of Australia Limited is also defined as a health practitioner.

Your rights

When you require treatment for a work injury, you have the right to choose which individual health practitioners you receive treatment from.

Whilst an employer or ReturnToWorkSA may recommend a health practitioner to you, you have the right to choose your own treatment provider.

You have the right to be physically or clinically examined or treated by a health practitioner or undergo any diagnostic examination or test, without your employer (including its Return to Work Coordinator or third party agents acting on its behalf) or ReturnToWorkSA (including its claims agents EML and Gallagher Bassett) being present.

You have the right to refuse a request from your employer or ReturnToWorkSA to be present when you are being physically or clinically examined or treated by a health practitioner, or undergoing any diagnostic examination or test.

There is no legal requirement for your employer or ReturnToWorkSA to be present whilst you are being examined or treated by a health practitioner.

Interpreting and translating services

If you speak a language other than English, you can speak to the person giving you this form or call the Interpreting and Translating Centre on 1800 280 203 and ask them to contact us on 13 18 55.

This interpreting service is available at no cost to you.

If you need any information in braille, audio, e-text or large print, please call us on 13 18 55 and we will do our best to help you.

If you are deaf or have a hearing or speech impairment you can call ReturnToWorkSA through the National Relay Service (NRS):

- TTY users can phone 13 36 77 then ask for 13 18 55.
- Speak & Listen (speech-to-speech) users can phone 1300 555 727 then ask for 13 18 55.
- Internet relay users can connect to NRS on www.relayservice.com.au then ask for 13 18 55.

Employer & ReturnToWorkSA involvement

Your employer has legitimate interest in your health, safety and wellbeing as their employee and may well offer to assist you to seek immediate medical treatment following notification of a work injury occurring.

Your employer and ReturnToWorkSA are interested in your capacity for work and your return to work options. By interacting with your treating health practitioners, your employer, ReturnToWorkSA and your treating health practitioner(s) are best placed to support to you to successfully recover from your injury and make a safe return to work.

There are alternative arrangements available for your employer and ReturnToWorkSA to engage with your treating health practitioners without the need to be present at your medical appointments (i.e. medical case conferences held after medical appointments either in person or by teleconference).

Privacy & confidentiality

Information about your physical and mental condition and personal circumstances or affairs is confidential and protected from disclosure by sections 185 and 186 of the *Return to Work Act 2014*. This includes all information about your claim and injuries provided by you or your treating health practitioners to your employer and ReturnToWorkSA.