



WorkCoverSA

**Permanent impairment:  
accreditation, performance  
monitoring and training of  
assessors**

**Stakeholder consultation  
paper**

Date: August 2008

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This document is provided as a basis for consultation.

## Disclaimer

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## 1 Background

On 17 June 2008, the South Australian Parliament passed some significant legislative amendments to the WorkCover Scheme. The amendments affect both the *Workers Rehabilitation and Compensation Act 1986* and the *WorkCover Corporation Act 1994*.

WorkCover is required to consult on certain changes to the Scheme. One of those changes relates to the permanent impairment system.

The South Australian Workers Compensation Scheme provides one-off 'lump sum' payments to injured workers who have suffered permanent impairment from a compensable injury or illness. The lump sum payment is made to injured workers in addition to any weekly payments and any other entitlements. The legislative amendments will affect the system for assessing the degree of permanent impairment, who can provide those assessments and the level of entitlements.

Legislative changes seek to ensure assessments are made in accordance with the WorkCover Guidelines for Permanent Impairment Assessment published by the Minister for Industrial Relations and are conducted by legally qualified medical practitioners accredited by WorkCover.

The legislative amendments relating to permanent impairment become operational on 1 April 2009. A Permanent Impairment Working Party (PIWP) has been established to facilitate consultation on the various changes. Refer to Appendix 1 for the full list of organisations represented on the PIWP.

## 2 Aim of this paper

This paper provides WorkCover's stakeholders with an opportunity to provide feedback/comment on the proposed:

- accreditation of assessors
- performance monitoring of assessors
- training of assessors.

Feedback received will be provided to WorkCover and the PIWP for consideration.

**The consultation process closes 17 September 2008** (approximately 5 weeks of consultation).

Written submissions can be provided to:

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### 3 Introduction

3.1 Under section 43A of the *Workers Rehabilitation and Compensation Act 1986* a permanent impairment assessment must be made by a legally qualified medical practitioner who holds a current accreditation issued by WorkCover. Section 43A also states that the accreditation scheme:

- (a) may provide for a term or period of accreditation, and for the suspension or cancellation of accreditation on specified grounds; and
- (b) may specify terms or conditions of accreditation; and
- (c) may be amended or substituted by the Corporation from time to time.

3.2 This paper outlines the proposed:

- accreditation and performance monitoring system for permanent impairment assessors
- training approach for assessors.

### 4 Discussion

4.1 A key objective of the permanent impairment legislative amendments is to create a system that provides consistent, objective and reliable permanent impairment assessments.

4.2 Research was undertaken to identify how permanent impairment systems operate in other similar jurisdictions (workers compensation and motor accident) to gain an understanding of their processes.

4.3 As a result of this research the following is proposed:

#### **Proposed accreditation system**

##### **Eligibility Criteria**

4.4 WorkCover seeks to engage high calibre, respected medical practitioners who can make consistent, objective and reliable permanent impairment assessments. **We also need to ensure that**

we have an adequate number of assessors to perform permanent impairment assessments. Consequently, a rigorous eligibility criteria is proposed which at the same time doesn't unnecessarily limit potential assessors by way of an unduly strict criteria. We believe the below criteria strikes the right balance.

Therefore, legally qualified medical practitioners applying to be accredited by WorkCover to undertake permanent impairment assessments must provide evidence they can meet the following eligibility criteria:

4.4.1 current registration with the Medical Board of South Australia

4.4.2 current qualifications as a specialist or a special interest in workers compensation and/or musculo-skeletal injuries.

4.4.3 current experience treating compensable patients

4.4.4 practising for a minimum of 2 sessions per week in clinical practice and/or relevant experience in the assessment of impairment

4.4.5 preparedness to agree to the terms of WorkCover's standard permanent impairment assessment contract (to be developed) which will include:

- assessor Code of Conduct (setting out the standards of expected behaviour including respect, fairness, integrity etc)
- terms of engagement

4.4.6 agreement to provide permanent impairment assessment reports in the required report format (format to be developed)

4.4.7 agreement to charge for services in accordance with WorkCover's gazetted fees for permanent impairment assessments and associated services (such as reading time). These gazetted fees (to be developed) will also be included in the standard permanent impairment contracts.

4.5 Additionally, applicants may not be considered eligible if:

4.5.1 there are restrictions placed on their registration with the Medical Board of South Australia due to disciplinary action

4.5.2 there has been any civil or criminal action against the applicant, where there was a finding of liability or guilt with respect to the applicant's clinical practice

- 4.5.3 the applicant has a physical or mental condition or substance abuse problem, including a Section 57 Prohibition Order under the *Controlled Substances Act*, which could affect their ability to safely and competently undertake permanent impairment assessments. Advice may be taken from the Medical Board's Impaired Doctor's Committee.
- 4.6 If applicants successfully meet the selection eligibility criteria, they will be required to undergo training and assessment (see below for further details) before they can be accredited to undertake permanent impairment assessments.

### Accreditation process

- 4.7 In order to ensure a sufficient number of suitably qualified and skilled practitioners are engaged to undertake permanent impairment assessments, WorkCover will invite all legally qualified medical practitioners in South Australia to provide an expression of interest to enter into a contractual agreement for the delivery of permanent impairment assessment services. Expressions of interest will open on 11 November and close on 15 December 2008.
- 4.8 As part of the expression of interest process, each applicant will be asked to provide evidence they can meet the initial selection criteria.
- 4.9 WorkCover will convene a permanent impairment assessment accreditation panel to review expressions of interest. The accreditation panel will consist of:
- a WorkCover medical practitioner consultant
  - a medical practitioner from <representing body to be determined>
  - the Manager, Service Development
  - the Program Manager, Service Development
  - the Project Manager, Medical Panels SA.
- 4.10 Applicants will be identified and contacted at the beginning of January 2009 to advise if they have successfully passed the initial eligibility criteria. Successful applicants will then enrol in
- their chosen training modules for each of the body system(s) they wish to be accredited in

- the compulsory introductory module (outlining the WorkCover scheme, role of permanent impairment assessments, WorkCover's expectations, etc).
- 4.11 The training will be provided by WorkCover's contracted training provider (to be determined), however attendance at, and completion of approved courses interstate or internationally will also be considered, provided the compulsory introductory module is attended.
- 4.12 Applicants who successfully pass the competency assessments will be accredited to undertake permanent impairment assessments for the particular body systems for which they have undergone training (eg upper limb, lower limb, cervical spine etc).
- 4.13 Applicants will be required to sign a standard permanent impairment contract and agree to its terms and conditions.
- 4.14 Applicants will be notified of their accreditation and their details will be placed on WorkCover's accreditation register. A list of accredited permanent impairment assessors will be available on WorkCoverSA's website – [www.workcover.com](http://www.workcover.com)

#### **Accreditation period**

- 4.15 Medical practitioners will be accredited to perform permanent impairment assessments for a period of three years commencing 1 April 2009.
- 4.16 Medical practitioners wishing to become accredited permanent impairment assessors after this date will be able to submit an application for accreditation four times in the subsequent year and twice per year thereafter during the three year period.

#### **Re-accreditation**

- 4.17 Medical practitioners will be required to submit an application to be re-accredited to undertake permanent impairment assessors in April 2012, irrespective of the date initial accreditation was provided. Re-accreditation will also be required if a new version of the WorkCover Guidelines is implemented for undertaking permanent impairment assessments – this could range from small amendments to a full revision of the document, based on a different edition of the American Medical Associations Guides to the Evaluation of Permanent Impairment ('the AMA Guide').
- 4.18 To be re-accredited to undertake permanent impairment assessors

medical practitioners will need to:

- meet the eligibility criteria required for initial accreditation
- have attended a minimum of fifty (50) per cent of ongoing assessor education sessions provided by the contracted training provider; or have undertaken an appropriate assessment to demonstrate continued competency. Note, we anticipate running approximately four ongoing education sessions in the first year.
- demonstrate commitment to, and compliance with WorkCover's standard permanent impairment assessor contract, including the Terms of Engagement and Code of Conduct.

### **Suspension of accreditation**

4.19 A permanent impairment assessor's accreditation may be suspended by WorkCover if they:

- have their registration with the SA Medical Board suspended
- fail to attend training on amendments to WorkCover Guidelines
- fail to comply with WorkCover's permanent impairment assessor contract, including the Code of Conduct or Terms of Engagement.

4.20 Suspension can be lifted if the reason for suspension has been redressed and the medical practitioner continues to meet the accreditation criteria. WorkCover will maintain the register of accredited medical assessors so that workers, self insured claims agents and Employers Mutual can ensure no determination of compensation payable are made using reports prepared during a period of suspension.

### **Cancellation of accreditation**

4.21 A permanent impairment assessor's accreditation may be cancelled by WorkCover when:

1. The assessor no longer meets the eligibility criteria.
2. The assessor has had civil or criminal action taken against them and where there was a finding of liability or guilt with respect to their clinical practice.

2. The assessor requests in writing that they wish to cancel their accreditation to undertake permanent impairment assessments
3. Reports are not provided:
  - a) in the prescribed format; or
  - b) are not in accordance with WorkCover's Guidelines; or
  - c) within the required time frames

and these issues have been raised with the assessor and the assessor has been provided with reasonable opportunity to comply with the above requirements. This may involve the assessor being assisted by a mentor and undergoing peer review of reports.

- 4.22 Decisions to cancel a medical practitioner's accreditation to undertake permanent impairment assessments will be made by the General Manager, Workplace Injury. WorkCover will advise the medical practitioner of its intention to cancel the practitioner's accreditation and reasons for the cancellation in writing 10 business days before accreditation is cancelled. WorkCover will maintain the register of accredited medical assessors so that workers, self-insured claims agents and Employers Mutual can ensure no determination of compensation payable are made using reports prepared after accreditation is cancelled.

### **Proposed performance monitoring process**

- 4.23 To ensure the delivery of appropriate services and consistent application of the WorkCover Guidelines, WorkCover will monitor the performance of accredited permanent impairment assessors. This is particularly important because the Scheme is moving from a 'table of maims' system to a 'whole person impairment system', which is a fundamental change. The risks involved in this change include:

- errors in reports
- assessments not made in accordance with the WorkCover Guidelines
- disparity between reports on the same injury
- assessments are not made in a timely manner.

4.24 All of the above could lead to complaints, disputes or inappropriate lump sum payments for permanent impairment.

4.25 The proposed performance monitoring processes for permanent impairment assessors will be both qualitative and quantitative in nature. The proposal is provided below:

- a) All permanent impairment assessment reports will be reviewed by Employers Mutual before making non-economic loss payments to workers to ensure reports are provided in accordance with WorkCover's Guidelines. Discussions have commenced with Employers Mutual regarding the implementation of review processes to facilitate this.
- b) For the first four months after implementation all permanent impairment assessment reports will be provided to WorkCover by Employers Mutual. This arrangement will help WorkCover identify areas permanent impairment assessors require additional support and determine topics for continuing education sessions.
- c) WorkCover will review impairment assessments referred to the medical panel to determine whether a medical practitioner's accreditation needs to be reviewed. Minter Ellison will be asked to assist this process by providing WorkCover with:
  - copies of all assessments that are disputed and lodged with the medical panel for resolution
  - copies of all medical panel decisions related to permanent impairment.
- d) Complaints received by WorkCover's Service Improvement unit regarding an assessors conduct will be monitored to:
  - identify any breaches of the permanent assessor contract, including the code of conduct
  - determine whether a medical practitioner's accreditation needs to be reviewed.
- e) Annual file audits on a statistically significant sample will be undertaken to:
  - ensure permanent impairment assessors provide reports in the required format and time frames
  - determine if reports provided for one injury provide similar or disparate results.

f) Bi-annual performance reports will be sent to each accredited assessor, providing the following information on their own individual performance, and their performance compared to their peers:

- number of report issued
- timelines of reports (number issued on time and late)
- number of obvious errors
- number of disputes lodged with Medical Panels SA
- outcomes of disputes lodged with Medical Panels SA
- number of complaints lodged by parties.

## Key performance indicators

4.26 The following key performance indicators will be considered when determining whether to renew, suspend or cancel a permanent impairment assessor's accreditation:

- number of reports issued
- obvious errors in reports issued
- number of disputes lodged and number overturned
- complaints received by the Service Improvement Unit.

## Proposed Training Approach

4.27 The legislative requirement for permanent impairment assessments to be completed by accredited medical assessors is a new requirement. WorkCover is seeking to establish a professional and sustainable approach to delivering the required training and competency assessments to support the accreditation system.

4.28 A procurement strategy is currently being developed to engage a training provider for permanent impairment assessors. It is anticipated a selective tender process will be undertaken. Providers who currently deliver permanent impairment training in other jurisdictions will also be invited to submit a tender proposal.

4.29 The successful provider will need to:

- have specific medical expertise and/or alliance with the currently accepted AMA Guide
- have experience and an excellent reputation for delivering medical training
- have appropriate facilities for delivering training to medical practitioners
- demonstrate a high level of professionalism
- demonstrate an understanding of WorkCover's requirements for assessing competency.

4.30 The procurement process will be completed by end of December 2008 and a signed contract in place between WorkCover and the successful applicant by 19 January 2009. WorkCover's strategy unit have been allocated responsibility for the managing the procurement process.

4.31 The training program will need to be self-funding with the training provider meeting costs from revenue retained from course delivery. However, it is proposed WorkCover subsidises the cost of training by 50% for medical practitioners who undertake the required training from February to May 2009. This will help ensure an adequate number of practitioners are accredited to undertake permanent impairment assessments when the project is implemented. The proposed approach to delivering permanent impairment assessor training is provided at appendix 2.

## **5. Next Steps**

- 5.1 Stakeholder feedback on the accreditation and performance monitoring system and proposed training approach closes on 15 September 2008. All feedback will be provided to WorkCover and the Permanent Impairment Working Party (PIWP) for consideration.
- 5.2 Stakeholders will be notified of the final accreditation, performance management and training system in November.
- 5.3 A paper will be provided to the Board's Regulation and Review Committee's in November for approval.

## Appendix 1 Permanent Impairment Working Party Representation

Employers Mutual

Australian Faculty of Rehabilitation Medicine

Independent Medical Examiners Group of SA

Royal Australian and New Zealand College of Psychiatrists

Australian Faculty of Occupational and Environmental Medicine

Business SA (Motor Trades Association)

Self Insurers of SA

Australian Society of Orthopaedic Surgeons

Australian Medical Association/Royal Australian College of General Practitioners

College of Surgeons

SA Unions

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## Appendix 2

Audience	Number of attendees (approx)	Training contents	Delivered by	Timing (planned)
Permanent impairment assessors  To attain accreditation  (including Medical Panellists)	150 - 200 medical practitioners	14 modules (including 1 compulsory module on the WorkCover Guidelines with remaining modules elective). Medical practitioners will nominate which body system(s) (and therefore which modules) they wish to be trained in.  Attendees to complete a competency based assessment exercise in impairment assessment before attaining accreditation.  Assessment and accreditation will support recognition of prior learning and current competency.  Dr Dwight Dowda (WorkCover consultant and permanent impairment expert) to prepare training material.	Training provider with introductory module to be delivered in part by WorkCover.  Training provider to offer course in line with Expressions of Interest in first year, and later on demand.	February, March and April 2009.  Delivered outside of normal business hours to suit medical practitioners (predominantly on the weekends).
Permanent impairment assessors  Ongoing assessor education	150-200	Session to include clarification, updates and or case studies on the application of AMA 5 <sup>th</sup> edition and the WorkCover Guide .	Training provider / assisted by WorkCover  Four sessions initially (to be	Commencing October 2009  Delivered outside of normal business hours

Audience	Number of attendees (approx)	Training contents	Delivered by	Timing (planned)
sessions to retain accreditation		WorkCover and training provider to prepare training material.	reviewed as required) sessions	
Case manager (Identified self-insured training providers will be invited to attend the train the trainer sessions.)	250 EM staff and approximately 30 WorkCover staff.  Self insurer training providers – yet to be advised.	<p>Session will include</p> <ul style="list-style-type: none"> <li>• how the WorkCover Guidelines should be applied</li> <li>• what to expect from assessors providing reports including, reasons for the final impairment rating.</li> </ul> <p>Dr Dwight Dowda to prepare training material in consultation with EM and WorkCover.</p>	<p>Dr Dwight Dowda to complete train the trainer sessions.</p> <p>Employers Mutual will deliver training for case managers.</p> <p>Approximately 30 WorkCover staff (Service Development unit and Agent Services) to be trained. Yet to be confirmed.</p>	<p>Late-March / early-April 2009</p> <p>Ongoing - standard accredited case manager training for EM to be updated to incorporate content.</p>

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