

# When do I need an Approved Medical Specialist?

Information for Workers



## About WorkCover WA

WorkCover WA is the government agency responsible for overseeing the workers' compensation and injury management system in Western Australia.

This includes monitoring compliance with the *Workers' Compensation and Injury Management Act 1981*, informing and educating workers, employers and others about workers' compensation and injury management, and providing an independent dispute resolution system.

### Disclaimer

This brochure should be read in conjunction with other brochures available from WorkCover WA for workers, employers, medical practitioners and other service providers. WorkCover WA brochures provide general information only. You should not act or omit to act on the basis of anything contained in this brochure. In relation to a particular matter you should seek appropriate legal/professional advice.

# When do I need an Approved Medical Specialist?

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## Information for workers

In order to access certain benefits under the *Workers' Compensation and Injury Management Act 1981* (the Act), or pursue a common law claim for damages for injuries sustained on or after 14 November 2005, it may be necessary for you to obtain an impairment assessment from an Approved Medical Specialist (AMS) of your choice.

This assessment will determine the degree of *permanent impairment* or *permanent whole of person impairment* (WPI) for injuries sustained on or after 14 November 2005. This applies in cases where you and your employer do not agree about your degree of impairment.

An AMS is trained to evaluate impairment using the *WorkCover WA Guides for the Evaluation of Permanent Impairment*.

An assessment of degree of *permanent WPI* may be necessary where you are seeking to access:

- a claim for damages at common law; or
- Specialised Retraining Programs; or
- Exceptional Circumstances Medical Payments.

An assessment of degree of *permanent impairment* may also be required where you are seeking to access a Schedule 2 settlement (a lump sum entitlement for permanent impairment).

*(Note: other conditions for eligibility apply to each of these entitlements.)*

Requests for these assessments are to be made on the *Request for Evaluation of Permanent Impairment* form that is available from WorkCover WA.

## **How do I find an AMS?**

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You can find an AMS by accessing the approved medical specialist list, which is available through the WorkCover WA website, or contact WorkCover WA's Advisory Services on 1300 794 744.

## **How do I get an impairment assessment?**

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To obtain a certified assessment of your *permanent impairment* you should:

1. select an AMS from the list on the WorkCover WA website (*it is advisable to telephone the AMS to check their availability and suitability to assess the impairment*);

2. complete the *Request for Assessment by AMS of a Worker's Degree of Permanent Impairment (Form AMS 1* – available on the WorkCover WA website) registering your selection of the AMS;
3. provide any information to the AMS that may be requested;
4. attend the AMS for assessment at the time, date and place arranged; and
5. receive a written report and a certificate of assessment.

If you choose to proceed and your assessment reaches the required level for access to one of the compensation pathways discussed above, you should submit the required documentation along with the report and certificate to WorkCover WA for registration.

If a dispute regarding the degree of impairment arises, this may be referred to an *AMS panel*.

## **For Schedule 2 settlements**

If your injury or illness has resulted in a *permanent impairment* you may be entitled to a lump sum payment to finalise your claim. A Schedule 2 settlement compensates a *permanent impairment* based on a

fixed formula that measures the type and severity of the permanent injury or illness.

If you were injured on or after 14 November 2005, you may require an assessment of your degree of *permanent impairment* if your employer and you do not agree on the percentage of impairment. If this occurs, you must apply to an AMS for an assessment, using the standard procedures described above.

If your employer agrees with the percentage of *permanent impairment*, you need to sign a prescribed election form. The election form, together with the prescribed agreement form and supporting material, is filed with WorkCover WA.

If no agreement is achieved, you may apply to have the matter determined by an arbitrator of WorkCover WA. WorkCover WA may refer the matter to an AMS panel for further assessment.

If the AMS finds that your condition has not stabilised to the extent required for an evaluation, the AMS is required to give you and your employer a written report of any relevant details provided by you and reasons justifying the finding.

## Common Law

(where the cause of action arose on or after 14 November 2005)

In addition to settlements available in the workers' compensation system, you may be eligible to pursue a common law claim against your employer in the courts.

Eligibility to access common law is strict and you should seek legal advice before commencing any action.

If you decide to pursue a common law claim for damages against your employer, you need to have a *permanent WPI* of at least 15 per cent.

If your employer does not agree with the degree of *WPI*, you should apply to an *AMS* of your choice to obtain an assessment.

This assessment must be provided to WorkCover WA prior to the *termination day*, which in normal circumstances is 12 months from the date that a claim for weekly compensation payments was made.

Secondary conditions (psychological, psychiatric and sexual) will be disregarded in the assessment for access to common law, but may be included in a court's assessment of damages.

It may be decided that your condition has not stabilised sufficiently for the assessment to be made. In these circumstances, you may be able to request an extension to the termination day for up to 12 months. A special evaluation for common law purposes can be made when the condition has not sufficiently stabilised after 18 months (the original 12 months from the date that the claim for weekly payments was made plus a six-month extension).

If you are requesting an AMS to make this special evaluation, you must do so not later than eight weeks before the extended termination day and the request must be accompanied by a copy of the original AMS certificate stating that your condition has not stabilised.

## **Specialised Retraining Programs**

Specialised Retraining Programs allow workers to undertake formal vocational training or tertiary studies.

Specialised retraining is only available to you if you have an assessment of permanent *WPI* of at least 10 per cent but less than 15 per cent and if you have not been able to return to work. You must also meet strict retraining criteria.

Please refer to the *Specialised Retraining Programs* fact sheet for more information.

## Exceptional Circumstances Medical Payments

If you need additional medical treatment you may apply for Exceptional Circumstances Medical Payments, which can provide up to an additional \$250,000. The criteria are strict, requiring a certified *permanent WPI* of not less than 15 per cent. It should be noted that if you receive Exceptional Circumstances Medical Payments, you are not entitled to pursue common law damages.

Please refer to the *Exceptional Circumstances Medical Payments* fact sheet for more information.

## How will an AMS make an assessment?

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An AMS may require you to attend at a specified place for an examination and to answer any question about the injury. The AMS may also require you, your employer or your employer's insurer to produce or consent to the production of any relevant information. Time limits may apply for meeting these requirements. Penalties exist for non-compliance.

If the assessment is for the purpose of court proceedings, then the proceedings could be delayed or dismissed if there is non-compliance with the requirements for assessment by an AMS.

## Payment for AMS services

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Payment for the first AMS assessment, for common law access only, will be made by the insurer or your employer. The insurer or your employer will also pay where your condition has not stabilised in assessments to access common law.

In all other cases, you will have to pay for your AMS assessments.

## AMS panel

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When disputes regarding impairment arise for:

- Schedule 2 entitlements; or
- Specialised Retraining Programs; or
- Exceptional Circumstances  
Medical Payments,

*(Note: other conditions for eligibility apply to each of these entitlements.)*

they may be referred for assessment by an AMS panel. WorkCover WA is to select two AMSs who have not treated or examined you previously to constitute the panel.

WorkCover WA may, with your consent, release to the AMS panel any information it has which may be relevant to your assessment.

## Where can I get more information?

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WorkCover WA  
2 Bedbrook Place  
Shenton Park WA 6008

Advisory Services: 1300 794 744  
Facsimile: (08) 9388 5550

Hearing Impaired: TTY (08) 9388 5537

Website:  
[www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)

Email:  
[postmaster@workcover.wa.gov.au](mailto:postmaster@workcover.wa.gov.au)

Information current as at July 2010.



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Shenton Park  
Western Australia 6008  
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