

Independent Medical Review of Workers

The Bill replicates the current Act provisions that authorise an insurer or self-insurer to require a worker to undergo a medical examination for the purpose of obtaining a report as to the worker's medical condition.

Key Points

Bill ref: cl. 180, 181

- Insurers and self-insurers sometimes arrange to have a worker medically reviewed as part of the initial liability assessment for the claim, or where a second opinion is sought to answer questions about the nature or extent of the injury/ incapacity for work, or the effectiveness of health treatment provided to the injured worker.
- The Bill replicates and consolidates sections 64 – 66 and 70 of the current Act which provide for the medical review of injured workers.
- An insurer or self-insurer will be required to pay for any medical examination/ report and must provide a copy of the report to the worker within 14 days. If a worker is given the report, the worker will be required to provide a copy to the insurer or self-insurer within 14 days.
- The regulations will continue to specify the maximum number of times and frequency a worker can be required to undergo a medical examination.
- The Bill replicates the current Act where a worker fails to comply with a requirement to undergo a medical examination, including arbitrator orders suspending payments of compensation to the worker and suspending the worker's entitlement to take and prosecute any proceedings under the Act.

Questions & Answers

Q. What happens if an injured worker continues to refuse to attend a medical review?

A. An arbitrator may initially suspend payments. If there is continued non-compliance with the requirement for medical examination for one month after an arbitrator suspends payments (or longer period if an arbitrator determines should be allowed), without any reasonable excuse, an order can be made to cease the worker's entitlement.