



Blueprint for Approved Permanent Impairment Assessors

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Blueprint for Approved Permanent Impairment Assessors

This blueprint has been developed to provide information to assist approved permanent impairment assessors in the assessment of permanent impairment under the *Workers Compensation and Injury Management Act 2023* (the Act).

The blueprint sets out key requirements relating to:

- *WorkCover WA Permanent Impairment Assessment Guidelines*
- procedural requirements under the *Workers Compensation and Injury Management Act 2023* and the regulations
- the importance of accurate APIA assessments, particularly in the registration of settlement agreements comprising permanent impairment compensation
- the permanent impairment assessment process, including flowchart
- approval and regulation of approved permanent impairment assessors
- WorkCover WA expectations
- questions and answers

Key Points

The Act maintains the continuation of the permanent impairment assessment process in accordance with the *WorkCover WA Guidelines for the Evaluation of Permanent Impairment* (WorkCover WA Guidelines), and provides for a new modernised framework for approval and regulation of approved permanent impairment assessors.

Under the Act approved medical specialists are now referred to as approved permanent impairment assessors (APIA).

The WorkCover WA Guidelines, templates and forms have been updated to reflect changes in terminology and legislative references, and to provide greater clarity and transparency across the permanent impairment assessment process.

WorkCover WA Permanent Impairment Assessment Guidelines

The *WorkCover WA Guidelines for the Evaluation of Permanent Impairment* (the WorkCover WA Guidelines) will continue to be the statutory instrument required to be used by APIA in assessing a worker's degree of permanent impairment.

A new edition of the WorkCover WA Guidelines has been issued by the WorkCover WA Board and published on the WorkCover WA website, without substantive changes to the impairment assessment methodology or clinical assessment parts of the Guidelines.

The WorkCover WA Guidelines incorporate changes in terminology and legislative references.

The revised WorkCover WA Guidelines set out the correct methodology to apply the rounding rules to the worked examples and case studies in the Appendix 2 conversion factor table, to ensure the value is always a whole number.

Maximum medical improvement

The WorkCover WA Guidelines maintain the general principle that an assessment of permanent impairment can only be done when a worker's condition has stabilised (reached maximum medical improvement – MMI), unless the injury is a dust disease.

If a worker's condition has not stabilised an APIA will be required to issue an approved form certifying that finding. The WorkCover WA Guidelines provide for circumstances when a 'special assessment' can be done, notwithstanding MMI not being satisfied.

A 'special assessment' can be done, if the following conditions are met:

- if, after the expiry of the period of 18 months after the day on which the claim for compensation is made by a worker, an APIA notifies the worker, employer and insurer that the worker's condition has not stabilised to the extent required for an assessment of the worker's degree of permanent impairment to be made
- a request is made for a special assessment in the approved form
- the purpose of the special assessment of the degree of impairment is in order to make an election to pursue common law damages (section 421 of the Act), or for an increase in medical and health expenses beyond the standard limit (section 78 of the Act).

A 'special assessment' cannot be done for the purposes of a worker claiming permanent impairment compensation: MMI must be attained.

Procedural requirements under the *Workers Compensation and Injury Management Act 2023* and Regulations

The approved report template

The Act provides for a report certifying a worker's degree of permanent impairment to be given by the APIA in the approved form [Attachment 1 – Permanent Impairment Assessment - Report and Certificate](#). Key changes to the report template compared to the 1981 Act report are:

- assessment report combined with the assessment certificate into a single approved form
- inclusion of a table to provide greater clarity and transparency as to how the permanent impairment percentage is calculated and converted for permanent impairment compensation purposes (known as schedule 2 under the 1981 Act)
- requirement for an APIA to confirm whether MMI is reached when completing the report - if MMI is not reached the assessment cannot be done unless a special assessment is authorised by the WorkCover WA Guidelines and the APIA indicates the report relates to a special assessment.

Importance of compliant APIA reports for settlement registration

Permanent impairment compensation is only payable as part of a settlement of a worker's claim.

In every case a worker's degree of permanent impairment must be assessed by an APIA in accordance with the WorkCover WA Guidelines.

The Act establishes a new process by which the worker and employer must reach agreement on the percentage of permanent impairment based on an APIA assessment for permanent impairment compensation purposes. Agreement is reached and recorded on an approved form known as a permanent impairment notice (PI Notice) which is signed by the worker and employer.

The approved form of settlement agreement also provides for a table to be completed about the assessed/ agreed degree of permanent impairment for the relevant body part or item, and the corresponding amount of permanent impairment compensation payable.

A worker's application to register a settlement agreement that includes permanent impairment compensation must be accompanied by:

- the worker and employer's permanent impairment notice indicating agreement on the degree of permanent impairment
- APIA assessment report(s) on which the agreed degree of permanent impairment is based.

An APIA's assessment for the relevant item in the table of permanent impairment compensation is cross referenced in both the PI Notice and the settlement agreement, so calculations must be done correctly.

The report of the APIA, compliance with the WorkCover WA Guidelines (including MMI being satisfied), the accuracy of the permanent impairment conversion factor and percentage is integral to the settlement process: errors will prevent the settlement agreement from being registered.

Regulations: procedural requirements

The new regulations largely mirror existing arrangements whilst incorporating new terminology and legislative references.

The regulations provide for:

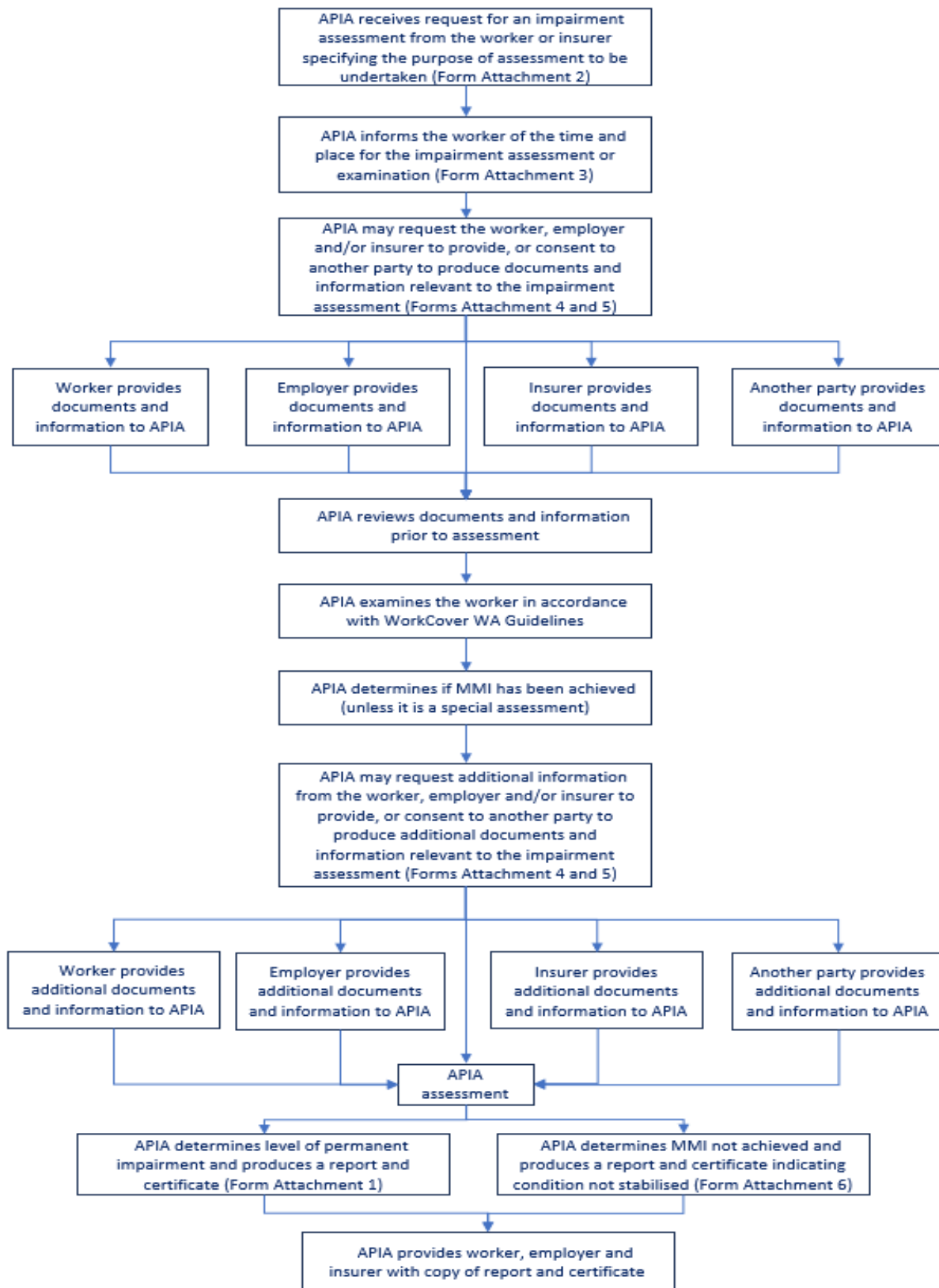
- a worker, an insurer or a self-insurer to request an assessment of permanent impairment
- the first assessment requested by a worker is covered as a miscellaneous expense entitlement with subsequent assessments sought by the worker at the worker's expense
- if an insurer or self-insurer requests an assessment, the insurer or self-insurer must bear the cost
- a worker to be required to attend a place specified by an APIA for the purposes of assessment
- a worker, employer or insurer to be required to produce relevant documents or relevant information to an APIA
- a worker, employer or insurer to consent to another person who has relevant documents or relevant information to disclose them to an APIA
- compliance with a request to produce relevant documents or information to an APIA within 7 days.

An employer or insurer who fails to comply with a requirement imposed by an APIA commits an offence under the Act and a fine may apply.

If a worker fails to comply with a requirement imposed by an APIA, the APIA may defer making the assessment of the worker's degree of permanent impairment until the worker complies with the requirement.

See flowchart of the permanent impairment process in the next section, followed by the detailed requirements and forms to be used.

Overview of the Permanent Impairment Assessment Process (flowchart for APIA)



Permanent Impairment Assessment Process

1. Request for assessment of worker's degree of permanent impairment

- 1.1 Worker, insurer or self-insurer requests assessment of worker's degree of permanent impairment by completing the approved form [Attachment 2 – Permanent Impairment Assessment – Assessment Request](#).
- 1.2 If an insurer or self-insurer requests an assessment of a worker's degree of permanent impairment, the cost of the assessment must be paid for by the insurer or self-insurer.
- 1.3 If a worker requests an assessment of the worker's degree of permanent impairment for the purposes of:
 - establishing eligibility for permanent impairment compensation;
 - electing to pursue damages under common law; or
 - obtaining a special increase in the medical and health expenses general limit amount.

The above are deemed an allowable purpose for which the worker can claim only one (1) assessment for each allowance purpose. The expense will be recorded as a miscellaneous expense entitlement of the worker.

The cost of an assessment requested by a worker outside an allowable purpose must be paid for by the worker.

- 1.4 The completed form is to be sent to an APIA (details of APIA's are listed on WorkCover WA's website).

2. Requirement to attend a permanent impairment assessment

- 2.1 The APIA receives [Attachment 2 – Permanent Impairment Assessment – Assessment Request](#) from the worker, insurer or self-insurer.
- 2.2 The APIA may notify the worker to attend a specific place for the purpose of conducting an assessment of the worker's degree of permanent impairment by notifying the worker of the requirement in the approved form [Attachment 3 – Permanent Impairment Assessment – Requirement to Attend](#).
- 2.3 Should the worker fail to attend an assessment as requested, the APIA may defer making the assessment of the worker's degree of permanent impairment until the worker complies with the requirement. A worker must comply within 7 days after the day on which the worker receives notice of the requirement.

3. Provision of information

- 3.1 The APIA may require the worker, the employer or the employer's insurer to produce any relevant document or provide any relevant information to the APIA by giving notice of the requirement in the approved form [Attachment 4 – Permanent Impairment Assessment – Provision of Information](#).
- 3.2 Should the employer or the employer's insurer fail to comply with this request, an offence is committed under the Act and a fine may apply. An employer or employer's insurer must comply within 7 days after the day on which the notice of the requirement is received.

- 3.3 Should the worker fail to comply with this request the APIA may defer making the assessment of the worker's degree of permanent impairment until the worker complies with the requirement. A worker must comply within 7 days after the day on which the worker receives notice of the requirement.

4. Consent to provision of information

- 4.1 The APIA may require the worker, the employer or the employer's insurer to consent to another person who has any relevant documentation or information to provide to the APIA by giving notice of the requirement in the approved form [Attachment 5 – Permanent Impairment Assessment – Consent to Provision of Information](#).
- 4.2 Should the employer or the employer's insurer fail to comply with this request, an offence is committed under the Act and a fine may apply. An employer or employer's insurer must comply within 7 days after the day on which the notice of the requirement is received.
- 4.3 Should the worker fail to comply with this request the APIA may defer making the assessment of the worker's degree of permanent impairment until the worker complies with the requirement. A worker must comply within 7 days after the day on which the worker receives notice of the requirement.

5. Worker obligations

- 5.1 The APIA may require the worker to:
- undergo specific medical tests and assessments and provide the APIA with results and reports from those tests and assessments
 - answer any question about the injury
 - submit to examination by, or as requested by, the APIA.
- 5.2 Should the worker fail to comply with this request the APIA may defer making the assessment of the worker's degree of permanent impairment until the worker complies with the requirement. A worker must comply within 7 days after the day on which the worker receives notice of the requirement.

6. Report on results of assessment

- 6.1 An APIA who makes an assessment of a worker's degree of permanent impairment must give the worker, the employer and the employer's insurer a report in the approved form [Attachment 1 – Permanent Impairment Assessment – Report and Certificate](#) on the results of the assessment.
- 6.2 The report must include:
- a certificate as to the worker's degree of permanent impairment as assessed
 - a statement of the reasons that justify the assessment
 - other information required by the approved form.
- 6.3 If the assessment returns a finding that the worker's condition has not stabilised (i.e. reached MMI), the APIA must notify the worker, the employer and the insurer of that finding by issuing the [Attachment 6 - Permanent Impairment Assessment – Condition Not Stabilised Notice](#).

- 6.4 If the permanent impairment assessment involves a psychiatric injury, the APIA must complete the [Attachment 7 - Permanent Impairment Assessment – Psychiatric Impairment Rating form](#).
- 7. Agreement as to degree of permanent impairment**
- 7.1 A worker must reach agreement with their employer on the percentage of permanent impairment based on an APIA assessment for permanent impairment compensation purposes.
- 7.2 A worker must give the employer a copy of the [Attachment - 1 Permanent Assessment – Report and Certificate](#) together with the [Attachment 8 - Permanent Impairment Notice](#) requesting the employer to indicate whether or not the employer agrees with the assessed degree of permanent impairment.
- 7.3 Within 28 days after being given the permanent impairment notice the employer must:
- a) notify the worker, in the manner required by that notice, whether the employer does or does not agree with the assessed degree of permanent impairment; and
 - b) if the employer does not agree with the assessed degree of permanent impairment, request a further assessment [Attachment 9 – Permanent Impairment Notice – Further Assessment](#) with the cost of that further assessment to be paid by the employer.
- 7.3.1 If the employer does not comply with these requirements, the employer is taken to agree with the assessed degree of permanent impairment.
- 7.4 If the employer requests a further assessment of the worker's degree of permanent impairment, the employer must, within 14 days after obtaining the further assessment, give a copy of the further assessment to the worker, and either:
- a) agree with the degree of permanent impairment indicated in the original assessment; or
 - b) negotiate with the worker to agree on a degree of permanent impairment that is within the range of the original assessment and the further assessment.
- 7.4.1 The worker and the employer cannot agree a degree of permanent impairment that is outside the range of the original assessment and further assessment.
- 7.5 A degree of permanent impairment is within the range of the original assessment and the further assessment if it is not more than the higher of those assessments and not less than the lower of those assessments.
- 7.6 An agreement as to the worker's degree of permanent impairment must be recorded in the manner required by the permanent impairment notice.
- 8. Determination by arbitrator when worker and employer fail to agree degree of permanent impairment**
- 8.1 If the worker and the employer cannot agree as to the worker's degree of permanent impairment, the worker may apply for an arbitrator to determine the worker's degree of permanent impairment.

- 8.2 An arbitrator may determine the worker's degree of permanent impairment and is not prevented from determining a degree of permanent impairment that is outside the range of the original assessment and the further assessment.
- 8.3 If the degree of permanent impairment is determined to be not less than the degree of permanent impairment indicated in the original assessment, the arbitrator may order that the employer pay all or any costs and expenses connected with the dispute.

Approval and Regulation of Approved Permanent Impairment Assessors

The Act provides for a new framework for the approval and regulation of APIA. The framework provides for:

- approval criteria and operational conditions, duration of approval and registration of APIA
- provision for compliance audits and investigations to ensure compliance with the Act, regulations, conditions of approval and the WorkCover WA Guidelines
- suspension or cancellation of approval of APIA.

The Minister sets maximum fees and charges for permanent impairment assessments. On 27 March 2024, the Minister set the *Workers Compensation (Approved Permanent Impairment Assessor) Fee Order 2024* (Ministerial Fee Order). The Ministerial Fee Order will commence on 1 July 2024.

Approval Criteria

The approval criteria for APIA are set out in [Appendix 1](#). The criteria are similar to the criteria that apply under the 1981 Act with the additional requirement that a medical practitioner must have at least 5 years post-graduate experience to become an APIA.

Operational Conditions

Approval as an APIA will be subject to any conditions imposed by the Act, regulations or by WorkCover WA.

The Act imposes a condition that APIA assess impairment in accordance with the WorkCover WA Guidelines and charge fees in accordance with the Ministerial Fee Order. While there are no imposed conditions in the regulations, WorkCover WA will impose conditions including:

- the production and accuracy of reports
- conduct and character
- interaction with WorkCover WA.

The Act provides for WorkCover WA to conduct audits and investigations of APIA to determine compliance with legislation, regulations, conditions of approval and the WorkCover WA Guidelines. An APIA must provide information and documents to WorkCover WA on request.

A copy of the APIA conditions of approval are set out in [Appendix 2](#).

Existing Approved Medical Specialists

All Approved Medical Specialists (AMS) under the 1981 Act can be converted by WorkCover WA to APIA from 1 July 2024 for an indefinite period of approval.

WorkCover WA will write to all currently approved AMS to confirm conversion to APIA from 1 July 2024 for an indefinite period. The notification will also include an approval number for each APIA. APIA will be required to provide the approval number on all reports and certificates, and any other forms or notices as required (including invoices).

All APIA (including existing AMS taken to be APIA) are subject to the 2023 Act which includes the approval criteria and conditions.

Any new APIA approved after 1 July 2024 will be approved for an initial period of 3 years, at which point a decision will be made as to whether to convert to an indefinite approval.

Register of Approved Permanent Impairment Assessors

WorkCover WA will continue to maintain a register of the names, contact details and other pertinent APIA information and make it available on the WorkCover WA website.

Suspension and cancellation

WorkCover WA may suspend or cancel the approval of an APIA if of the opinion that the APIA:

- a. does not satisfy any of the criteria that must be satisfied for the grant of approval of a permanent impairment assessor; or
- b. has failed to comply with any provision of the Act or regulations; or
- c. has failed to comply with any condition of the approval.

A suspension or cancellation is effected by written notice given to the APIA.

The approval of an APIA may also be cancelled by WorkCover WA at the request of the APIA.

WorkCover WA expectations

APIAs are expected to:

- assess impairment in accordance with the WorkCover WA Guidelines
- assess a worker's degree of permanent impairment as soon as possible after a request is made
- minimise calculation and administrative errors by carefully checking all reports produced
- use and properly complete new templates for permanent impairment reports, in particular the table for the impairment rating and calculation for permanent impairment compensation purposes (it is a legal requirement under the Act for APIA to complete permanent impairment reports and templates themselves)
- use and properly complete other new approved APIA forms and notices (it is a legal requirement under the Act for APIA to complete approved APIA forms and notices themselves)

- provide the allocated APIA approval number on all reports and certificates, and on any other forms or notices as required
- comply with the conditions of approval
- advise WorkCover WA, in a timely manner, of any changes to contact details or other pertinent APIA information in the Register of Approved Permanent Impairment Assessors
- participate in WorkCover WA training relating to permanent impairment assessment changes
- participate in any WorkCover WA audit or compliance investigations.

Questions and answers

Q. Are there any changes to expand, redefine or modify the table of impairments or the amounts payable for permanent impairment?

A. No. The weightings that currently apply to specified impairments relative to the maximum lump sum payment are retained in the Act. There is also no change to the total amount payable for permanent impairment compensation.

Q. Who pays for the permanent impairment assessment?

A. The worker's employer / insurer is liable to pay for one permanent impairment assessment for the purpose of establishing eligibility for permanent impairment compensation if a worker requests an assessment. This does not include the cost of an assessment that an employer arranges and voluntarily pays for as part of the management of the worker's claim.

Q. Will approved medical specialists under the 1981 Act have to reapply to become approved permanent impairment assessors when the new Act commences?

A. No. The 2023 Act provides that an approved medical specialist under the 1981 Act is taken to be an approved permanent impairment assessor under the 2023 Act and is subject to the 2023 Act. This means approved medical specialists under the 1981 Act will be subject to the approval criteria, conditions and compliance requirements in the 2023 Act and regulations.

ATTACHMENT 1

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT ASSESSMENT — REPORT AND CERTIFICATE

Worker

Name:

Address:

Date of birth:

Phone number:

Email address:

Employer

Name:

Address:

ABN:

Contact person:

Phone number:

Email address:

Claim

Insurer:

Insurer claim number:

Date claim made:

Injury

Date of injury:

Description of injury:

Purpose of assessment

Permanent impairment compensation: ☐
(*See impairment rating and calculation for permanent
impairment (PI) compensation)

Common law: ☐

Special increase in the medical and health
expenses general limit: ☐

Maximum medical improvement & special assessment

Has worker reached maximum medical
improvement? ☐ Yes ☐ No

Is this a special assessment authorised by the
WorkCover WA Permanent Impairment
Guidelines? ☐ Yes ☐ No

Examination

Date:

Location:

Reports and documents provided:
(List of documents and information provided)

.....
Narrative history
(As provided by the worker on history of injury, occupational history, past medical history)

.....
Physical examination:

.....
Diagnostic studies:

.....
Diagnosis and impairments:

.....
The proportion of permanent impairment due to any previous injury that was not
asymptomatic:

Impairment rating and calculation for permanent impairment compensation

(Detail the relevant references used in assessing the percentage of permanent impairment consistent with the WorkCover WA Permanent Impairment Guidelines)

Item #	Chapter #	Table/Figure #	PI Rating (%)	Assessed degree of PI (%)*

* WorkCover WA Permanent Impairment Guidelines conversion applied

Calculation of the worker’s degree of permanent impairment

(Show how degree of permanent impairment was calculated, detail any combination of body part or systems)

Statement as to the reasons for arriving at the calculation of the worker’s degree of permanent impairment

CERTIFICATE OF DEGREE OF PERMANENT IMPAIRMENT

Having assessed the above worker in accordance with the *Workers Compensation and Injury Management Act 2023* and the *WorkCover WA Guidelines for the Evaluation of Permanent Impairment*, I certify:

Permanent impairment compensation

The degree of permanent impairment detailed above for each item in the permanent impairment table is:

Item	Description	% permanent impairment of item

Note: Only complete if purpose of assessment is for permanent impairment compensation. If there is more than one impairment to a body part or system specify the percentage permanent impairment for each item.

Common law or special increase in medical and health expenses compensation

The degree of permanent whole of person impairment detailed above is: _____ %

Signed: _____ Date: _____

Approved permanent
impairment assessor: _____

WorkCover WA APIA
registration number: _____

Address: _____

Phone number: _____

Email address: _____

ATTACHMENT 2

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT ASSESSMENT — ASSESSMENT REQUEST

To

Approved permanent
impairment assessor:

Address:

Email:

Worker

Name:

Address:

Date of birth:

Phone number:

Email address:

Employer

Name:

Address:

ABN:

Contact person:

Phone number:

Email address:

Claim

Insurer:

Insurer claim number:

Injury

Date of injury:

.....

Description of injury:

.....

Purpose of assessment

Permanent impairment compensation:

☐

Common law:

☐

Special increase in medical and health
expenses general limit:

☐

Person requesting the assessment

Name:

.....

Company name: (If applicable)

.....

Address:

.....

Phone number:

.....

Email address:

.....

Request

Please make the necessary arrangements to assess the degree of permanent impairment for the above worker in accordance with the *WorkCover WA Guidelines for the Evaluation of Permanent Impairment*.

Signed:

(Signed by the person making the request)

Date:

.....

ATTACHMENT 3

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT ASSESSMENT — REQUIREMENT TO ATTEND

To

Name:

Address:

Date of birth:

Employer

Name:

Address:

ABN:

Contact person:

Phone number:

Email address:

Claim

Insurer:

Insurer claim number:

Phone number:

Injury

Date of injury:

Description of injury:

Assessment appointment

Approved permanent
impairment assessor:

Address:

Phone number:

Email address:

Appointment date:

Appointment time:

Assessment requested by

Name:

Company name:
(if applicable)

Address:

Phone number:

Email address:

Purpose of assessment

Permanent impairment compensation:

☐

Common law:

☐

Special increase in the medical and health
expenses general limit:

☐

ATTACHMENT 4

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT ASSESSMENT — PROVISION OF INFORMATION

To

Name:

Address:

Under section 191 of the *Workers Compensation and Injury Management Act 2023*, you are required to provide relevant documents and information for an impairment assessment in accordance with the following.

Worker

Name:

Address:

Date of birth:

Phone number:

Email address:

Employer

Name:

Address:

ABN:

Contact person:

Phone number:

Email address:

Claim

Insurer:

Insurer claim number:

Phone number:

Injury

Date of injury:

.....

Description of injury:

.....

Documents and/or information required:

Purpose of assessment

Permanent impairment compensation:

☐

Common law:

☐

Special increase in the medical and health
expenses general limit:

☐

Please forward the documents and/or information required to the address below:

Approved permanent
impairment assessor:

.....

WorkCover WA APIA
registration number:

.....

Address:

.....

Phone number:

.....

Email address:

.....

PLEASE NOTE: You have seven days to comply with this requirement.

ATTACHMENT 5

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT ASSESSMENT — CONSENT TO PROVISION OF INFORMATION

To

Name:

Address:

Under section 191 of the *Workers Compensation and Injury Management Act 2023* the person named above is required to indicate consent to the person with relevant information named below providing the documents and information listed which are relevant to the assessment of the degree of permanent impairment of the worker.

Person with relevant information

Name:

Address:

Worker

Name:

Address:

Date of birth:

Phone number:

Email address:

Employer

Name:

Address:

ABN:

Contact person:

Phone number:

Email address:

Claim

Insurer:

Insurer claim number:

Injury

Date of injury:

.....

Description of injury:

.....

The following documents and/or information are required by the Approved Permanent Impairment Assessor:

Purpose of assessment

Permanent impairment compensation:

☐

Common law:

☐

Special increase in the medical and health
expenses general limit:

☐

Please forward the document/s and information required to the address below:

Approved permanent
impairment assessor:

.....

WorkCover WA APIA
registration number:

.....

Address:

.....

Phone number:

.....

Email address:

.....

PLEASE NOTE:

You have seven days to arrange consent with the person named above in order to comply with this requirement.

ATTACHMENT 6

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT ASSESSMENT — CONDITION NOT STABILISED NOTICE

Worker

Name:

Address:

Date of birth:

Phone number:

Email address:

Employer

Name:

Address:

ABN:

Contact person:

Phone number:

Email address:

Claim

Insurer:

Insurer claim number:

Date claim made:

Injury

Date of injury:

Description of injury:

Purpose of assessment

- Permanent impairment compensation: ☐
- Common law: ☐
- Special increase in the medical and health expenses general limit: ☐

Examination

Date:

Location:

Reports or any relevant details provided by the worker

.....

Reasons justifying the findings that the worker's condition has not stabilised to the extent required

.....

I certify that having assessed the above worker in accordance with the *Workers Compensation and Injury Management Act 2023*, the worker's condition has not reached maximum medical improvement and therefore has not stabilised to the extent required for an assessment to be made as required in the *WorkCover WA Guidelines for the Evaluation of Permanent Impairment*.

Signed: Date:

Approved permanent impairment assessor:

WorkCover WA APIA registration number:

Address:

Telephone number:

Email address:

ATTACHMENT 7

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT ASSESSMENT — PSYCHIATRIC IMPAIRMENT RATING SCALE FORM

Worker

Name:

Address:

Date of birth:

Age at time of injury:

Phone number:

Email address:

Occupation before injury:

Claim

Insurer:

Insurer claim number:

Assessment

Date of assessment:

Psychiatric diagnoses:

1.

2.

3.

4.

Psychiatric treatment:

Is impairment permanent? ☐ Yes ☐ No

Functional assessment

PIRS category	Class	Reason for decision
Self-care and personal hygiene		
Social and recreational activities		
Travel		
Social functioning		
Concentration, persistence, and pace		
Employability		

Score Class

--	--	--	--	--	--

Median

=

Aggregate Score

Total %

+	+	+	+	+	+	=	
Impairment (%WPI) from Table 11.7							
Less pre-existing impairment (if any)							
Final Impairment (%WPI)							

Signed:

.....
Approved Permanent Impairment Assessor

Date:

.....

ATTACHMENT 8

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT NOTICE

This notice is given by:

Worker

Name:

.....

Address:

.....

Date of Birth:

.....

The notice is given to:

Employer

Name:

.....

Address:

.....

Date of Notice

.....

Assessment Details

Injury assessed

Date of injury:

.....

Description of injury:

.....

Insurer claim number:

.....

Approved Permanent Impairment Assessor (APIA)

Name:

.....

APIA number:

.....

Date of APIA report:

.....

Assessed Degree of Permanent Impairment

The assessed degree of permanent impairment for each item in the permanent impairment table resulting from the injury is:

Item #	Description	% permanent impairment of item

[Insert from APIA's report under heading 'certificate of degree of permanent impairment'. If there is more than one impairment to a body part or system specify the percentage permanent impairment for each item e.g. 10% of item 39 – Impairment of the back (thoracic spine or lumbar spine or both)]

Agreement

Worker notice

The worker named in this notice has been assessed by the APIA specified above.

The APIA's report is given with this notice and includes the certificate of the degree of permanent impairment and details on how the degree of permanent impairment was calculated.

The employer named in this notice is required to indicate below whether or not the employer agrees with the assessed degree of permanent impairment specified above.

Worker (or representative) signature:

.....

Name:

.....

Date:

.....

Employer response

Does the employer named in this notice agree with the assessed degree of permanent impairment as specified above?	☐ Agree ☐ Does not agree
---	---

Employer (or representative) signature:

.....

Name:

.....

Date:

.....

Worker and employer take notice

An employer must do the following within 28 days after being given this notice and a copy of the APIA report by the worker:

1. If the employer *agrees* with the assessed degree of permanent impairment specified in the notice, indicate in the notice that the employer agrees, sign the notice and give it back to the worker.
2. If the employer *does not agree* with the assessed degree of permanent impairment specified in the notice, indicate in the notice that the employer *does not agree*, sign the notice and give it back to the worker.
3. If the employer *does not agree* with the assessed degree of permanent impairment specified in the notice, the employer must request a further assessment of the worker's degree of permanent impairment by an APIA with the cost of that assessment to be paid by the employer.

If an employer does not comply with points 1, 2 and 3 above within the 28-day period, the employer is taken to agree with the assessed degree of permanent impairment as specified in this notice.

If 3 applies see requirements in *Permanent Impairment Notice - Further Assessment*.

If agreement is reached, this notice may be signed electronically or digitally and must accompany an application to register a settlement agreement together with the APIA report and settlement agreement.

ATTACHMENT 9

Workers Compensation and Injury Management Act 2023

PERMANENT IMPAIRMENT NOTICE FURTHER ASSESSMENT

This notice is given by:

Employer

Name:

Address:

ABN:

The notice is issued to:

Worker

Name:

Address:

Date of birth:

Date of notice:

Notice Particulars

Injury and claim

Date of injury:

Description of injury:

Insurer claim number:

Approved Permanent Impairment Assessor (APIA)

Name:

APIA number:

Date of APIA report:

Assessed Degree of Permanent Impairment – further assessment

The employer did not agree with the degree of permanent impairment in the APIA assessment and *Permanent Impairment Notice* the worker provided, and therefore requested a further assessment be undertaken by an APIA.

The worker has been assessed by the APIA named in this notice. The APIA's report (the further assessment) is given with this notice and includes the certificate of the degree of permanent impairment and details on how the degree of permanent impairment was calculated.

Indication of agreement - further assessment

(To be completed following negotiation between the worker and employer)

Following consideration of the APIA original assessment and the further assessment, the worker and employer agree on the degree of permanent impairment.

The agreed degree of permanent impairment for each item in the permanent impairment table resulting from the injury is:

Item #	Description	Agreed % permanent impairment of item

(If agreement is based on the % permanent impairment specified in an APIA original or further assessment insert from APIA's report under heading 'certificate of degree of permanent impairment'. If negotiated specify degree of permanent impairment within the range of the original and further assessments. If there is more than one impairment to a body part or system specify the percentage permanent impairment for each item.)

Employer (or representative signature):

.....

Name:

.....

Date:

.....

Worker (or representative signature):

.....

Name:

.....

Date:

.....

The agreement on the degree of permanent impairment is based on:

- | | | |
|--|--------------------------|----|
| APIA original assessment | ☐ | or |
| APIA further assessment | ☐ | or |
| The range of the APIA original and further assessments | ☐ | |

Worker and employer take notice

An employer must request a further assessment within 28 days after being given a *Permanent Impairment Notice* by the worker if the employer does not agree with the APIA's assessment in that notice.

An employer must give the worker a copy of the APIA further assessment requested by the employer within 14 days after receiving the further assessment from the APIA.

Any agreement must be based on the degree of permanent impairment in the original assessment or within the range of the original assessment and the further assessment.

If agreement is reached, this notice may be signed electronically or digitally and must accompany an application to register a settlement agreement together with the APIA's reports (both original and further assessments).

If agreement cannot be reached as to the worker's degree of permanent impairment following consideration of the original and further assessments, the worker should not sign the notice. A worker may apply for an arbitrator to determine the worker's degree of permanent impairment.

APPENDIX 1

Workers Compensation and Injury Management Act 2023

APPROVED PERMANENT IMPAIRMENT ASSESSOR (APIA) APPROVAL CRITERIA

To be designated as an APIA, under section 193 of the *Workers Compensation and Injury Management Act 2023*, a person must satisfy **all** of the criteria:

1. Be registered as a medical practitioner¹ with no current notations, conditions or reprimands for disciplinary purposes recorded against their registration for medical practice.
2. Have at least five (5) years post-graduate experience as a medical practitioner.
3. Provide evidence of current clinical practice and/or expertise in assessment.
4. Have undertaken and completed training in the WorkCover WA Education Module, which includes training in the WorkCover WA Guidelines
5.
 - a) Have undertaken and completed training in the use of the *American Medical Association Guidelines to the Evaluation of Permanent Impairment* upon which the current edition of WorkCover WA Guidelines are based, **or**
 - b) Have current accreditation as a “Certified Independent Medical Examiner” with the American Board of Independent Medical Examiners (ABIME), **or**
 - c) Undertaken other training in impairment assessment approved by WorkCover WA.
6. Have qualifications as an Australian medical specialist.

Other (non-specialist) medical practitioners

Despite eligibility criteria 6, a non-specialist medical practitioner may be approved as an APIA and the criteria requirement to be a medical specialist waived. Upon application, WorkCover WA will consider the applicant's relevant skills, experience and qualifications to determine if the applicant's competency levels meet WorkCover WA's requirements. As a guide, WorkCover WA will review the extent to which a medical practitioner can demonstrate:

- Significant work in a medical practice with consistent management and assessment of injured workers
- Experience in undertaking medical assessments of injured workers
- Relevant qualifications, for example ABIME exam certification or other similar qualifications.

Applications in this category will be considered on a case-by-case basis and decisions will be at the sole discretion of WorkCover WA.

¹ *Medical practitioner under the Workers Compensation and Injury Management Act 2023 means:*

(a) a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession; or

(b) a person who is not resident in a State but who is recognised as a medical practitioner for the purposes of this Act by WorkCover WA.

APPENDIX 2

Workers Compensation and Injury Management Act 2023

APPROVED PERMANENT IMPAIRMENT ASSESSOR (APIA) APPROVAL CONDITIONS

1. Statutory requirements

- 1.1 The APIA must comply with conditions prescribed now and in the future by the *Workers Compensation and Injury Management Act 2023* (the Act) and the *Workers Compensation and Injury Management Regulations 2024* (the Regulations).

2. Registration status

- 2.1 The APIA must be registered as a medical practitioner with no current notations, conditions or reprimands for disciplinary purposes recorded against their registration for medical practice.

3. Ministerial fee order

- 3.1 The APIA must comply with the *Workers Compensation (Approved Permanent Impairment Assessor) Fees Order* approved by the Minister in accordance with section 195 of the Act.

4. Production of reports on results of assessment

- 4.1 The APIA must complete impairment assessments in accordance with the *WorkCover WA Guidelines for the Evaluation of Permanent Impairment*.
- 4.2 The APIA must ensure assessments are arranged and conducted in a timely manner following a request for assessment.
- 4.3 The APIA must ensure reports are accurate and contain clear reasons for decisions and in the form approved by WorkCover WA.
- 4.4 The APIA must ensure assessments, reports and certificates reflect the absence of actual bias and any apprehension of bias.
- 4.5 The APIA must provide reports to workers and employers within a reasonable timeframe following a request for assessment. If the APIA is unable to meet the timeframe, reasons are to be given and documents provided as soon as practicable.
- 4.6 The APIA must ensure errors in impairment assessment reports or certificates are kept to a minimum and are rectified in a timely manner.

5. Compliance audits and investigations

- 5.1 The APIA must participate in any audits and investigations as required by WorkCover WA to ensure compliance with legislative and regulatory requirements in accordance with section 198 of the Act.

6. Conduct and character

- 6.1 The APIA must act in an ethical, professional and considerate manner when examining injured persons.
- 6.2 The APIA must comply with all applicable professional standards and codes of conduct.
- 6.3 The APIA must declare real, perceived or potential conflicts of interest as soon as practicable.

- 6.4 The APIA must notify WorkCover WA if found guilty or convicted of a criminal offence involving dishonesty, misconduct with regard to patients or sentenced to imprisonment.

7. Interactions with WorkCover WA

- 7.1 The APIA must keep all contact details up to date and notify WorkCover WA of any changes in a timely manner.
- 7.2 The APIA must notify WorkCover WA of any change in status of registration, disciplinary action taken against the APIA, and any changes in engagement in clinical practice.
- 7.3 The APIA must abide by any requirements published by WorkCover WA.
- 7.4 The APIA must participate in training with respect to impairment assessment from time to time as required by WorkCover WA.
- 7.5 The APIA must respond to WorkCover WA in a timely manner with respect to all matters.