

Independent Medical Review of Workers

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* permits 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

Act ref: ss. 180, 181 Reg ref: reg 88

- 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 an injured worker.
- 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 *Workers Compensation and Injury Management Regulations 2024 (WCIMR24)* specify that a worker cannot be required to attend a medical examination more than once every 2 weeks; during unreasonable hours or by more than 3 specialists in the same field of medicine (reg. 88).
- If a worker fails to comply with a requirement to undergo a medical examination, an arbitrator may order the suspension of income compensation.

Questions & Answers

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

A. If an arbitrator has made an order suspending income compensation and there is continued non-compliance without reasonable excuse by the worker an order can be made to cease the worker's entitlement to all compensation (s. 181).