

Independent Medical Examinations

This information will help workers understand the reasons why an independent medical examination (IME) may be required by an employer or their insurer, and the obligations of everyone involved in the process.

What is an IME?

An IME is an impartial medical assessment conducted by an appropriately qualified medical practitioner.

Your employer or their insurer may require you to undergo an IME. There are a number of reasons why an IME may be requested. These may include, but are not limited to:

- determining whether your claim for a work-related injury or illness arose out of or in the course of your employment
- determining whether your employment is the major or most significant contributing factor to your condition
- determining the need for surgery or other requested treatment
- assessing whole person impairment
- determining your capacity or incapacity for work

Obligations of your employer/insurer when arranging an IME

If an IME is required, your employer/insurer must:

- discuss the reasons for the IME with your treating doctor
- provide you with written reasons why the IME is required

Do you have to attend?

Once notified in writing of the IME arrangements, unless you have a reasonable excuse, you are required to attend if the time and place are reasonable and if you have been given reasonable notice of the appointment. If you are unable to attend an IME you should contact the person who arranged the appointment as soon as possible to discuss options.

Do you have to attend multiple examinations?

You are only required to attend one IME in any three month period, unless you have suffered multiple injuries or your injury requires the consideration of medical practitioners from different specialties. For example, if you have a physical injury with a psychological component, you may be required to see an orthopaedic specialist plus a psychologist or psychiatrist.

What information will be provided to the independent medical practitioner?

The employer/insurer will write to the medical practitioner, requesting answers to various questions about your injury/illness.

They may also provide any of the following documents:

- a copy of the claim form
- medical certificates
- a copy of any statements taken from you, your employer or other parties

- return to work/injury management plans
- workplace rehabilitation provider reports
- copies of medical reports
- any other evidence that the employer/insurer thinks the medical practitioner should be aware of.

What information should you take to the IME?

You should take:

- a form of photo identification (for example, your driver's licence or passport)
- any relevant information that may help the medical practitioner assess your condition, such as X-rays, scans, MRI films, test results, reports, or details of any medication you are taking.

The medical practitioner may have already been provided with some of this information. If the medical practitioner needs results or reports you don't have with you, you may be asked to sign a consent form to authorise the release of information directly to the medical practitioner.

All personal and sensitive information is treated as confidential and is managed in accordance with the *Privacy Act 1988 (Cth)*, the Australian Privacy Principles and other applicable state and territory laws.

What will happen during the IME?

The independent medical practitioner's role is to provide a detailed report on your medical condition to the person or organisation that referred you for the review. Their role is not to provide you with guidance or discuss treatment as you would expect from your own treating doctor/s.

The medical practitioner will ask you a number of questions about your injury during the examination. These questions may be about:

- the medical history of your injury (for example, what treatment you received and the results of that treatment)
- your work history (for example, your duties at the time of your injury, whether you have returned to work, or your capacity for work)
- treatment you have received and/or is being considered
- your current symptoms
- your relevant personal or social history
- your daily activities and interests

As part of the IME, the medical practitioner may ask you questions that don't directly relate to your injury. It may be necessary to ask you in-depth questions about your family and personal history to better understand your circumstances.

The medical practitioner may need to conduct a physical examination to properly assess your injury. They must obtain your consent before doing this.

You should wear clothing that will allow the medical practitioner to easily examine your injury. If you are required to remove your clothing for the examination, the medical practitioner should provide you with a gown or sheet for cover. If they don't, you may ask them to provide one. They may ask you to remove the gown or sheet during the examination, so they can conduct a thorough examination. They may also find it necessary to examine other parts of your body that may not appear to relate to your injury.

Can I bring a support person to the IME?

A spouse, partner, relative or friend may accompany you to the location of the IME, but it is the medical practitioner's discretion whether they can be present during the actual IME.

A psychologist or psychiatrist will rarely allow a support person to attend their examination because of the personal nature of the questions that may be asked.

If a physical examination is needed, you may ask someone to be present during that part of the IME; however, they should not take an active part in the IME.

The medical practitioner may also have a nurse or attendant present.

Children should not be present during the IME, as they may distract you or the medical practitioner. If it is unavoidable that a child goes with you, another person should come to supervise the child while you are being examined.

If you prefer a support person to be present, you should consult with the person who arranged the appointment to discuss your concerns.

What happens if I am late or the medical practitioner is late?

If you are running late, you should phone the medical practice or contact the person who arranged the examination. Their information will be detailed on the written notification of the appointment you were provided with.

The medical practitioner is expected to see you on time, but emergency or other unscheduled issues may cause delays. The medical practice should let you know how long you may have to wait. If you have concerns about the time you may have to wait, contact the person who arranged the appointment to discuss options.

Who is provided with the report?

After the IME and review of any diagnostic test results or other medical records, the medical practitioner must prepare a report and provide it to the person who requested the IME.

Your employer/insurer must provide a copy of the report, with 7 days of receiving it, to:

- your treating doctor
- your appointed injury management co-ordinator.

Your treating doctor must then provide you with a copy of the report. This allows you to ask questions about any of the opinions or recommendations made in the report.

Disagreements about IMEs, including refusal to attend an IME

If there is a disagreement about whether an IME should be conducted, a referral may be made to the Tribunal by you, your employer or their insurer within 30 days.

If you refuse or fail to attend an IME without reasonable excuse, obstruct an IME, or refuse to undertake any treatment required, the employer/insurer may refer the matter to the Workers Rehabilitation and Compensation Tribunal. Your right to compensation/ongoing benefits may be suspended until the matter is referred to the Tribunal (unless the refusal relates to a surgical treatment recommendation).

When considering whether an IME should be conducted, the Tribunal must consider whether:

- the medical practitioner has the appropriate expertise to properly assess your injury
- an excessive number of IMEs have been conducted
- you have previously made a complaint, with reasonable grounds, about the conduct of the medical practitioner
- the time and location of the IME was reasonable
- any other relevant matter.

What happens if medical or surgical treatment is recommended?

If the medical practitioner recommends medical or surgical treatment that might either terminate or shorten the time you are likely to be off work, you must submit to that treatment, unless, after having consulted with your treating doctor, you advise the employer/insurer that you are not satisfied with the report. You must do this within 14 days of receiving a copy of the report.

You will then be required to attend another examination by a medical practitioner that you have selected. This may or may not be your treating doctor. The employer or their insurer is required to pay for this examination.

If the doctor selected by you agrees with the original IME, you must submit to the treatment. If you refuse the recommended treatment you, the employer or their insurer may refer the matter to the Tribunal.

Claiming for expenses associated with the IME

Your employer/insurer is to pay the reasonable expenses necessarily incurred by you for travelling and attending the IME. You should discuss potential costs with your employer/insurer.

Complaints

If you have a complaint about the conduct of an independent medical practitioner you should raise it during the examination or as soon as possible afterwards. If your complaint is not resolved satisfactorily you might like to discuss it with the person who requested the report or your treating medical practitioner.

Complaints about the conduct of medical practitioners should be made to the appropriate registering body. Find more information at the Australian Health Practitioner Regulation Agency website at www.ahpra.gov.au.

Complaints about the IME process in general should be referred to your employer/insurer or to the WorkCover Tasmania Board.

Please note

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the *Workers Rehabilitation and Compensation Act 1988*, the *Workers Rehabilitation and Compensation Regulations 2011* and any other relevant legislation, see www.worksafe.tas.gov.au

This guide was produced by staff from WorkSafe Tasmania.

We welcome your feedback on this guide via email at workcover@justice.tas.gov.au