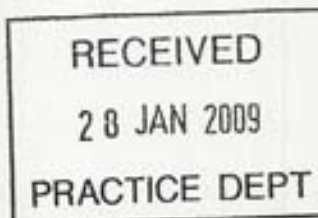




Ref: WC 00035/09



Mr Hugh Macken
President
The Law Society of New South Wales
170 Phillip St
DX 362
SYDNEY NSW 2000

23 JAN 2009

Dear Mr Macken

Joint Statement Law Society and Australian Medical Association

I refer to your letter regarding the role of Scheme agents in reviewing whole person impairment assessments.

I note the Law Society and Australian Medical Association's concern regarding the role of Scheme agents in undertaking quality assurance reviews of permanent impairment assessments. In particular, I refer to concerns that agents may use the review to offer unqualified advice or to inappropriately pressure the permanent impairment assessor into revising the impairment result.

The coordinating committee for the WorkCover Guides for the Evaluation of Permanent Impairment has agreed to arrangements for quality assurance reviews of assessments. This committee consists of representatives from all relevant medical specialist colleges, the Australian Medical Association and Unions NSW.

The objective of agents' quality assurance reviews is to identify any obvious factual mistakes made by assessors. Agents are permitted to contact the assessor to raise obvious factual errors where the report appears not to have been developed in accordance with the WorkCover Guides. Quality assurance reviews have been agreed upon as an appropriate means of allowing the report's original author to correct factual mistakes for the purpose of saving the worker from attending further unnecessary assessments.

Please be assured that under no circumstances should an agent ask or pressure an assessor to alter their assessment result unless a mistake or omission has occurred. Should you have evidence that an agent has requested a revision for reasons other than error or omission, it would be appreciated if you would provide this information to WorkCover so that the matter can be raised with the agent concerned.

WorkCover. Watching out for you.

WorkCover NSW ABN 77 682 742 966 92-100 Donnison Street Gosford NSW 2250 Locked Bag 2906 Lisarow NSW 2252
Telephone 02 4321 5000 Facsimile 02 4325 4145 WorkCover Assistance Service 13 10 50
DX 731 Sydney Website www.workcover.nsw.gov.au

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I have provided a copy of this response to the President of the Australian Medical Association. Should you wish to discuss this matter further, please contact Mr Rob Thomson, General Manager of WorkCover's Workers Compensation Division, by telephone on 4321 5540.

I trust that this information clarifies your concerns.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Vicki Telfer', written in a cursive style.

Vicki Telfer
A/Chief Executive Officer



The Law Society
of New South Wales



THE VOICE OF THE PROFESSION

JOINT STATEMENT TO WORKCOVER NSW

SCHEME AGENTS' REVIEW OF WHOLE PERSON IMPAIRMENT ASSESSMENTS

The Law Society of NSW has convened the Medico-Legal Liaison Committee with representation from both the legal and medical professions. The Committee's role is to collaborate on matters that are of mutual interest to the professions. From time to time its representations will be made jointly in the names of the Law Society and the Australian Medical Association (NSW).

At a recent meeting of the Medico-Legal Liaison Committee the issue of scheme agents undertaking quality assurance reviews of Whole Person Impairment assessments was discussed. The Committee was presented with de-identified examples of correspondence being sent from agents to doctors involved with WPI assessments. The Committee agreed that it was wholly inappropriate for agents to be in direct contact with doctors under these circumstances for the following reasons:-

- The assessment of the agent as to accuracy or otherwise of the WPI is based on limited medical knowledge;
- The agent may bring to bear undue pressure on the doctor to alter his or her WPI assessment inappropriately;
- The agent may provide the doctor with further information not admissible in dispute proceedings on which they seek reassessment of the WPI.

The Committee firmly believes that processes already set up by WorkCover NSW, if adhered to, provide adequate quality assurance of WPI assessments. If in doubt, specialised medical practitioners can provide further opinion as to the accuracy of the assessment. Whilst agreeing that further information may be required from the provider of the WPI, the Committee is firmly of the view that no doctor should be asked to alter his or her position without consideration of further admissible evidence or to correct an obvious factual error.

Hugh Macken
President
Law Society of NSW

Brian Morton
President
Australian Medical Association (NSW)

10 December 2008