

**MOTOR  
ACCIDENT  
INJURY  
ASSESSMENT  
SCHEME**



**Government  
of South Australia**

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## Definitions

In this Scheme document:

- ▶ **Accreditation Panel** means the panel established by the Minister to implement and administer the Motor Accident Injury Assessment Scheme.
- ▶ **Accredited Medical Practitioner** means a medical practitioner who is accredited as an Accredited Health Professional under this Scheme.
- ▶ **Act** means the *Civil Liability Act (1936)*.
- ▶ **ISV** means Injury Scale Value, under Schedule 1 of the *Civil Liability Regulations (2013)*.
- ▶ **ISV Medical Assessment Report** means a report prepared by an Accredited Medical Practitioner under regulations 16, 23 and regulation 14 for the assessment of Pure Mental Harm, of the Civil Liability 23 of the *Civil Liability Regulations (2013)*.
- ▶ **Motor Accident Injury Assessment Scheme** means the Accreditation Scheme as established by the Minister under regulation 76(2) of the *Civil Liability Act (1936)*.
- ▶ **Regulations** means the *Civil Liability Regulations (2013)*.
- ▶ **Scheme** means the Motor Accident Injury Assessment Scheme established by the Minister pursuant to section 76(2) of the *Civil Liability Act (1936)*.

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# Introduction

In the Compulsory Third Party (CTP) insurance scheme, a person who is injured in a motor vehicle accident may be entitled to compensation for their injuries. Their entitlement to certain types of compensation, such as non-economic loss, gratuitous services and future economic loss are subject to a threshold based on the Injury Scale Value (ISV) of the injuries sustained.

An ISV is a measure of injury severity. The ISV is primarily determined by reference to the Schedule contained in the *Civil Liability Regulations (2013)* (ISV table) that assigns a value between 0 and 100 for an injury, based on available medical evidence. It also gives consideration to the impact of the injury(ies) on the individual. A whole person impairment (WPI) percentage (*such as 12% WPI*) is often an indicator described in the ISV table for an injury, supporting the assessment of an ISV.

Under section 4 of the *Civil Liability Regulations (2013)* an ISV assessment must not be undertaken until the injury has stabilised and a medical assessment of an injured person has been undertaken by an Accredited Health Professional. However, there are exceptions to this. The regulations state that a medical assessment (ISV Medical Assessment) by an Accredited Health Professional may not be required where no qualified health professional has been accredited or an agreement is made between the insurer and the injured person, or if the court determines that such an assessment is not required.

A key objective of the Accreditation Scheme is to create an independent system that provides consistent, objective and reliable ISV Medical Assessments to assist in the determination of an ISV.

## The Accreditation Panel

Under section 76(2) of the *Civil Liability Act (1936)*, the Minister has established an Accreditation Panel to implement the Accreditation Scheme. Panel members are comprised of nominees of the designated Minister, the Australian Medical Association (SA), the Law Society (SA) and the Motor Accident Commission.

The Accreditation Panel will implement and administer the Accreditation Scheme, including but not limited to:

- ▶ prescribe the processes and documentation of the Scheme;
- ▶ prescribe accreditation training courses and oversee their implementation;

- ▶ make recommendations to the Minister for approval of applicants who meet the accreditation criteria;
- ▶ monitor the performance of Accredited Medical Practitioners to ensure conformity with accreditation obligations;
- ▶ conduct investigations into alleged breaches of these conditions and impose sanctions authorised by the Scheme;
- ▶ maintain and keep up to date a register of all Accredited Medical Practitioners; and
- ▶ ensure continuing oversight of the Scheme.

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# Motor Accident Injury Assessment Scheme

The period and terms and conditions of the accreditation of medical practitioners are determined by the Minister. The conditions are as outlined in this document or as determined by the Minister.

Accreditation as a Permanent Impairment Assessor for Return To Work SA is a pre-requisite for accreditation as an Accredited Medical Practitioner.

## The Motor Accident Injury Assessment Scheme comprises of the following elements:

- 1 Criteria for Accreditation
- 2 Period of Accreditation
- 3 Application Process
- 4 Approval Process for Accreditation
- 5 Accreditation Training Requirements
- 6 Service Standards
- 7 Performance Monitoring
- 8 Conditions of Accreditation
- 9 ISV Medical Assessment Report Templates

## 1 Criteria for accreditation

To be considered for accreditation as a Medical Practitioner under this Scheme, the Minister has determined an applicant must:

- ▶ be a registered Medical Practitioner (Specialist or General Practitioner);
- ▶ be accredited with Return To Work SA as a Permanent Impairment Assessor;
- ▶ satisfactorily complete the training modules prescribed by the Accreditation Panel; and
- ▶ satisfy any other conditions prescribed by this Scheme.

To be accredited as a Permanent Impairment Assessor for Return to Work SA applicants must provide evidence of the following to Return To Work SA:

- ▶ current registration with the Medical Board of Australia;
- ▶ current medical indemnity insurance and public liability insurance;
- ▶ GPs must have a minimum of five years post graduate experience including three years specifically with injury management and provide two medical referees supporting their injury management experience;
- ▶ maintenance of professional standards certification from the Practitioner's professional medical college;

- ▶ currently practising at least eight hours per week (on average over each four week period) in clinical practice and/or in medico legal, compensation or independent assessment practice;

### Or

- ▶ if retired from clinical practice, have been retired for less than three years.

Applicants must also have appropriate qualifications and experience relevant to each body system for which they are seeking accreditation.

Return To Work SA's Accreditation Scheme will also consider:

- ▶ breadth of experience, including the performance of permanent impairment assessments;
- ▶ estimated numbers of assessments likely to be done each year for each body system;
- ▶ the availability of specialists applying to be accredited in each body system; and
- ▶ the number of clinical practice hours undertaken.

An applicant may not be considered eligible for Return To Work SA if there are restrictions on their registration with the Medical Board of Australia.

They may also not be considered eligible if found guilty or convicted of, or fined for, a criminal offence involving dishonesty or an offence punishable by imprisonment.

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## 2 Period of accreditation

The proposed term of accreditation will be four years from 1 July 2015 or such lesser period that the Minister specifies. For example, a different term of accreditation may be specified where additional medical practitioners are sought mid-term, in

which case the term will be reduced to ensure all accreditations cease on 30 June 2019. Further periods will be specified by the Accreditation Panel as required.

## 3 Application process

An applicant should complete the “Medical Practitioner Application Form”, attaching evidence of their accreditation as a Permanent Impairment Assessor for Return To Work SA. The application process to become an Accredited Medical Practitioner is a simple five-step process:

1. Complete accreditation as a Permanent Impairment Assessor with Return To Work SA. (Please note the *exception* between 1 January 2015 and 1 July 2015 only: *If the practitioner has commenced the process of accreditation with Return To Work SA but it has not been completed, the application form for the accreditation of medical practitioners may still be submitted by checking the “incomplete accreditation with Return To Work SA to date” option on the application form. Once accredited by Return To Work SA, the application for accreditation in this Scheme may be promptly processed in full for completion.*)

2. Submit the Application form to the Accreditation Panel, including evidence of qualifications, professional indemnity and public liability insurance.
3. Application considered by the designated Minister, with support from the Accreditation Panel.
4. Undertake Motor Accident Injury Assessment Scheme accreditation training.
5. Upon successful completion of training receive confirmation of accreditation and be listed on the Motor Accident Commission and Motor Accident Injury Assessment Scheme websites as an Accredited Medical Practitioner.

On receipt of the accreditation confirmation, Accredited Medical Practitioners may accept ISV Medical Assessment referrals for their accredited body systems.

## 4 Approval process for accreditation

Applicants are assessed in a four-part process:

1. Assessment by the Accreditation Panel against the eligibility criteria to ensure the applicant has accreditation as a Permanent Impairment Assessor with Return To Work SA, matched with the appropriate qualifications and experience relevant to each body system for which they have applied.
2. Recommendation by the Accreditation Panel to the Minister as to which applicants should be considered for accreditation.

3. Decision by the Minister to accredit, subject to successful completion of training. Applicants will be notified in writing of the Minister’s decision by the Accreditation Panel and Accreditation Certificates will be issued.
4. Successful applicants will be listed on the Motor Accident Commission (MAC) and Motor Accident Injury Assessment Scheme (MAIAS) websites as an Accredited Medical Practitioner.

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## 5 Accreditation training requirements

Successful applicants will be invited to undertake the required accreditation training. The first sessions of this training are planned for June 2015.

The Motor Accident Injury Assessment Scheme training will comprise of a single day program including:

- a. An introduction to the Scheme providing an overview of the legislative requirements including use of the ISV table.
- b. AMA 5 body systems (excluding spine and pain) where “top up” training across AMA 5 chapters is provided for practitioners who have already been accredited as a Permanent Impairment Assessor with Return to Work SA.

c. AMA 5 Pain Chapter.

d. AMA 5 Spine Chapter including ‘Range of Motion’ method.

e. Pure Mental Harm/GEPIC for psychiatrists only, as facilitated at the same time as c and d above.

Further forums of Accreditation Training will be provided annually as needed. Ongoing professional development training will also be offered for Accredited Medical Practitioners annually, in small groups per speciality, or across all specialties as required. This training may be provided face to face or online.

## 6 Service standards

Accredited Medical Practitioners must abide by the service standards as prescribed by Return To Work SA for Permanent Impairment Assessors, except when they are inconsistent with the express terms of this Scheme. In addition, they must:

- ▶ provide medical assessment reports using the ISV Medical Assessment Report templates prescribed by this Scheme;
- ▶ not provide comment to the media on ISV Medical Assessments that are, or have been, before them;
- ▶ not identify themselves as an Accredited Medical Practitioner if providing comment to the media on matters unrelated to their assessment responsibilities;
- ▶ comply with the requirements of this Scheme where they differ from service standards prescribed by Return To Work SA for Permanent Impairment Assessors; and
- ▶ comply with the timeframe for the provision of reports set out in regulation 23(3) of the Regulations.

For Medical Practitioner’s easy reference, the service standards as prescribed for Permanent impairment Assessors in the document “Return To Work Scheme Impairment Assessor Accreditation Scheme January 2015” are included below:

*Accredited Medical Practitioners must:*

- ▶ *abide by all applicable professional standards and codes of conduct;*
- ▶ *comply with the performance and review requirements set out in this document;*
- ▶ *act in an ethical, professional and considerate manner when examining workers demonstrate respect for the law, fairness, accountability, independence, diligence, timeliness, integrity, transparency and respect for persons in undertaking their responsibilities as an accredited assessor;*
- ▶ *act with integrity in the performance of their assessment responsibilities including conducting assessments and making decisions with due rigour and intellectual honesty;*

## 6 Service standards continued

- ▶ provide assessment reports using the Return To Work SA mandatory report template;
- ▶ comply with the confidentiality requirements of the Act and, where applicable, the Privacy Act 1988 and any other law relevant to health records;
- ▶ ensure the worker understands the assessor's role in the evaluation and how the evaluation will proceed;
- ▶ take reasonable steps to preserve the privacy and modesty of the claimant during the evaluation assessment;
- ▶ not offer any advice to the worker about their rights or entitlements relating to their claim or any legal matter relating to their claim;
- ▶ use their discretion as to whether it is appropriate to notify the worker and/or the worker's treating medical practitioner about any incidental clinical finding during a whole person impairment assessment of a worker;
- ▶ not provide comment to the media on WorkCover SA matters that are, or have been, before them. If involved in providing comment to the media on a matter unrelated to their assessment responsibilities they should not identify themselves as a Return To Work SA accredited assessor.

The perception of impartiality is important in the assessment process. As a result, an assessor must:

- ▶ not provide or have provided any form of treatment, advice or assessment in relation to the worker, unless otherwise agreed with the requestor – in some circumstances there may not be an alternative assessor available to undertake the assessment;
- ▶ not offer any opinion on the worker's medical or surgical management by other medical professionals unless it would cause detriment to the future health care of the worker;
- ▶ be pro-active and comprehensive in disclosing to worker's Claims Manager any factor(s) that conflicts with, or may conflict with, the performance of their assessment responsibilities;

- ▶ not assess a worker if that worker, or a member of their immediate family, is known personally to the assessor or the assessor's family;
- ▶ not accept, seek to obtain or offer gifts, benefits, preferential treatment or advantage of any kind as this could reasonably be perceived to compromise the impartiality of the assessor, report requestor or Return To Work SA;

The location of the assessment must comply with the premises standards relevant to the assessor's college or association. For example, disability access access to hand washing facilities, where appropriate, first aid etc.

### ISV Medical Assessment Report quality compliance

ISV Medical Assessment Reports completed by Accredited Medical Practitioners must:

- ▶ contain clear rationale for the Accredited Medical Practitioner's opinion;
- ▶ not contain material errors; and
- ▶ be complete and accurately reflect assessment findings based on due rigour and intellectual honesty.

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## 7 Performance monitoring

Accredited Medical Practitioners are accountable for their decisions and actions in the provision of ISV Medical Assessment Reports and are subject to performance monitoring by the Accreditation Panel.

Accredited Medical Practitioners not meeting their accreditation obligations including, but not limited to, the expected service standards and the assessment reporting benchmarks as set out in this document, may have their accreditation suspended or cancelled.

If an Accredited Medical Practitioner breaches the conditions of accreditation, the Minister may, on the recommendation of the Accreditation Panel, suspend or cancel his or her accreditation.

### Performance monitoring process

The Accreditation Panel is responsible for monitoring the performance of Accredited Medical Practitioners to ensure conformity with accreditation obligations.

In monitoring the performance of Accredited Medical Practitioners, the Accreditation Panel will:

- ▶ Monitor services provided by Accredited Medical Practitioners to ensure:
  - the appropriate delivery of ISV Medical Assessment services and reports, and
  - expected service standards are met.
- ▶ Monitor ISV Medical Assessment Reports (this does not include Independent Medical Examiner's opinions issued by Accredited Medical Practitioners), to ensure:
  - compliance with the accreditation obligations;
  - accuracy in assessment methodology chosen and calculations undertaken;

- consistency between different medical practitioners in determining the degree of a whole person impairment in respect of the same injury and circumstances; and
- medical consistency and sound reasoning.
- ▶ Monitor complaints received by, or concerns raised with the Accreditation Panel regarding Accredited Medical Practitioners to:
  - review the number, nature, validity and outcome of complaints;
  - identify non conformity with accreditation obligations and establish the medical practitioner's willingness and/or ability to comply with these obligations; and
  - determine whether a medical practitioner's accreditation needs to be reviewed.
- ▶ Monitor and review Accredited Medical Practitioner's eligibility status including required attendance at continuing accreditation education.

The Accreditation Panel may provide Accredited Medical Practitioners with periodic provider performance reports.

Accredited Medical Practitioners should also regularly review and evaluate their own performance and capacity as an Accredited Medical Practitioner and maintain the knowledge and skills necessary for the effective performance of their assessment responsibilities.

The relative performance of Accredited Medical Practitioners may be taken into account during the renewal process.



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## 8 Conditions of accreditation

In order to retain accreditation, an Accredited Medical Practitioner must comply with the conditions of accreditation determined by the Minister, which are outlined below. As accreditation with Return To Work SA is an ongoing requirement for Accreditation as a Medical Practitioner, suspension and/or cancellation of accreditation with Return To Work SA will result in instant suspension and/or cancellation of accreditation as an Accredited Medical Practitioner.

### Request for assessment

Requests for an ISV Medical Assessment may be made by the claims agent, or the claimant and/or each of their representatives. The requestor will be liable for payment of the examination or assessment and the resultant report unless the conditions of Regulation 25 and/or any protocol as agreed between the Motor Accident Commission and the Law Society have been met.

There is no guarantee of a minimum number of requests an Accredited Medical Practitioner might receive during the accreditation period.

A register of Accredited Medical Practitioners and relevant accreditation information (e.g. body systems, location, etc.) will be made available to Insurers and the Law Society and published in a Register on the Motor Accident Commission's website ([www.mac.sa.gov.au](http://www.mac.sa.gov.au)) and on the Motor Accident Injury Assessment Website ([www.maias.sa.gov.au](http://www.maias.sa.gov.au)).

Accredited Medical Practitioners must not accept a request if:

- ▶ the request is not in accordance with the conditions set out in this document, titled "Motor Accident Injury Assessment Scheme";
- ▶ the Accredited Medical Practitioner has been asked to provide an assessment in respect of a body system for which they are not accredited for;
- ▶ the Accredited Medical Practitioner is unable to see the claimant within six weeks of the appointment being requested. Examination of a claimant should be performed as soon as possible, generally within three weeks after the request for an appointment is made, unless agreed and documented between the requestor and Accredited Medical Practitioner; or

- ▶ the Accredited Medical Practitioner determines there is an actual or potential conflict of interest in providing the requested service with respect to the claimant. Where such a perceived or actual conflict of interest exists, the Accredited Medical Practitioner should notify the requestor immediately.

If an Accredited Medical Practitioner believes a request for assessment is inappropriate or incomplete, the medical practitioner must discuss their concerns with the requestor and refuse the request if their concerns are not resolved.

### Service standards - assessments and reports

An Accredited Medical Practitioner must meet the service standards described in this document.

If an Accredited Medical Practitioner does not consistently meet the service standards, the practitioner may be required to undertake further education as required by the Accreditation Panel at the practitioner's cost.

### Accreditation eligibility

An Accredited Medical Practitioner must continue to meet the accreditation eligibility criteria outlined in this document and submit relevant details to the Accreditation Panel when requested.

### Performance monitoring

An Accredited Medical Practitioner must comply with the performance monitoring process outlined in this document.

### Training and competency assessment

An Accredited Medical Practitioner must attend the training required for any new published version of the "Motor Accident Injury Assessment Scheme."

An Accredited Medical Practitioner must complete any refresher training required by the Accreditation Panel following identification of ongoing report compliance or quality issues.

## 8 Conditions of Accreditation continued

### Accredited Medical Practitioner status

An Accredited Medical Practitioner must:

- ▶ disclose to the Accreditation Panel details of any findings or actions by the Medical Board of Australia in relation to any breaches under the Health Practitioner Regulation National Law, which has resulted/results in any restrictions or limitations being placed on the Medical Practitioner's registration;
- ▶ inform the Accreditation Panel as soon as possible if they retire from clinical practice or there is a change in their Australian Medical Board registration.

An Accredited Medical Practitioner must notify the Accreditation Panel in writing within 14 calendar days if any of the following occurs:

- ▶ a change in professional disciplines and/or qualifications;
- ▶ a change to their accreditation status with Return To Work SA;
- ▶ a change in services offered;
- ▶ a change of practising location(s);
- ▶ suspension or cancellation of the practitioner's Australian Medical Board registration;
- ▶ if found guilty, or convicted of, or fined for, a criminal offence involving dishonesty or an offence punishable by imprisonment; or
- ▶ any other issue or event affecting the provision of whole person permanent impairment services.

### Suspension of cancellation of accreditation

Under Section 76 of the *Civil Liability Act (1936)* the Accreditation Scheme provides for the suspension or cancellation of accreditation by the Minister on specified grounds. A material breach, or a series of breaches of the conditions of accreditation which in total are considered material, are grounds for suspension or cancellation.

If an Accredited Medical Practitioner ceases to be:

- ▶ registered as a medical practitioner; or
- ▶ accredited as a Permanent Impairment Assessor with Return to Work SA;

accreditation under this scheme will automatically lapse.

### Dealing with Complaints of Breach

Any person may make a complaint regarding a breach of conditions of accreditation by an Accredited Medical Practitioner. The complaint must be made in writing to the Accreditation Panel Chair.

On receipt of a complaint, the Accreditation Panel must determine, on the face of the complaint, whether or not it warrants investigation. If it determines that the complaint warrants investigation, the Accreditation Panel must undertake the investigation.

In undertaking an investigation, the Accreditation Panel must:

- ▶ give the Medical Practitioner an opportunity to respond to the complaint;
- ▶ provide available information to the Medical Practitioner that supports the complaint;
- ▶ provide the Medical Practitioner with the opportunity to provide documentation or an alternative view regarding the complaint; and
- ▶ keep the Medical Practitioner informed of the progress of the investigation, including the provision of a copy of the final decision regarding whether the breach is confirmed.

At the conclusion of the investigation, the Accreditation Panel must make a formal finding either that the complaint is made out or that it is not.

If the Accreditation Panel finds that the complaint is proven, it may determine, at its discretion:

- ▶ to take no further action in respect of the complaint;
- ▶ to admonish the Accredited Medical Practitioner;
- ▶ to admonish the Accredited Medical Practitioner and require him or her to undertake counselling or additional training; or
- ▶ to recommend that the Minister suspends or cancels the Accredited Medical Practitioner's accreditation.

In making a determination in respect of a complaint, the Accreditation Panel must take into account the following:

- ▶ frequency of breaches, if multiple. This includes multiple breaches of one condition or single breaches of more than one condition;

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## 8 Conditions of Accreditation continued

- ▶ degree of participation in the investigation by the Accredited Medical Practitioner;
- ▶ materiality of the breach/breaches;
- ▶ whether the behaviour is considered to be deliberate or inadvertent;
- ▶ demonstrated changes to performance or behaviour;
- ▶ any other matters considered to be relevant by the Accreditation Panel.

### Action other than cancellation or suspension

The Accreditation Panel may impose requirements for remedial action as an alternative to the Minister suspending or cancelling the accreditation of an Accredited Medical Practitioner. Examples of remedial action include retraining monitoring of performance or peer reviews. The Accreditation Panel reserves the right to require that remedial action be at the Accredited Medical Practitioner's cost.

## 9 ISV Medical Assessment Report

Under section 23(2) of the *Civil Liability Regulations (2013)*, an Accredited Health Professional (Accredited Medical Practitioner) must complete their assessment report in a form determined by the designated Minister. ISV Medical Assessment Report templates have been designed for both physical injuries, and for psychiatric injuries (Pure Mental Harm).

These templates have been approved by the Minister and include all legislative requirements set out in

Regulations 16 and 23, and Regulation 14 for the assessment of Pure Mental Harm. Copies of these templates are available on the Motor Accident Injury Assessment Scheme website [www.maias.sa.gov.au](http://www.maias.sa.gov.au).

Accredited Medical Practitioners must use the approved report template when requested to undertake an examination or assessment in that role and include any information required by this form.



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