

WorkCover IME Guidelines

Discussion Paper

Background

The WorkCover Board has recently developed IME guidelines in consultation with various stakeholders. The value of such guidelines can only be realised if the practitioners undertaking independent medical assessments are aware of the guidelines, their purpose and the principles and processes outlined in them. The various stakeholders who interact with the processes related to independent medical assessment also need an understanding of those processes.

Discussion amongst local occupational medicine practitioners has identified a range of issues relating to IME Assessment, as follows.

1. The Purpose of IME Assessment

It is important to ensure IME assessment adds value and is not just a claims management tool to achieve one party's (whether worker, employer or insurer) objective. An IME assessment can be an effective educational tool, stimulate discussion and change and contribute to accurate diagnosis, and alert others to where treatment may be misguided. There is an important obligation on IME's to provide advice from an evidence-based perspective and transmit up to date 'best practice' within their written opinion.

ISSUE

A clear statement about the purpose and value of IME assessment is required. Could meetings of IME assessors be held to discuss reports? Is there a place for a regular newsletter or other communication for IME assessors? Should there be a requirement for WorkCover registration of IME Assessors (along the same lines as for WPI assessors)?

2. Scope of the guidelines

IME assessments are a subset of a range of medical and related types of assessment conducted in the workplace. In its broadest sense, any medical or allied health assessment conducted by a practitioner who is not a worker's treating practitioner, can be considered to be an independent medical assessment. Such assessments include:

- Pre-employment medical examinations
- Fitness for Work / Work Capacity Assessments
- Injury management Assessments
- Various rehabilitation assessments including Functional Capacity Evaluations, Vocational and Labour Market Assessments

- Independent Medical Assessments conducted in the context of a worker's compensation claim (including WPI assessments)

ISSUE

What types of assessment are covered by the IME guidelines?

3. Processes to identify and deal with conflict of interest and substandard or biased IME assessments

Some jurisdictions have sophisticated peer-review and audit systems to ensure appropriate standards are maintained for IME assessments. In the absence of such systems in a small jurisdiction like Tasmania, what mechanisms can be put in place to deal with concerns about standards. The guidelines refer to processes for complaints by workers, but the reality is that workers might be able to raise concerns about unprofessional conduct of the IME assessment itself. Workers however are unlikely to be able to identify conflict of interest, substandard or biased assessments.

ISSUES

Do we rely on the principles in the guidelines related to conflict and bias directed towards IME assessors to raise self-awareness?

Do we rely on the legal processes at the WRCT to identify biased IME practitioners?

Do we develop a process such that users of the system can raise concerns about bias (with protection against legal consequences)?

If so, who is in the best position to identify substandard, biased or unprofessional report? IME assessors, treating doctors, insurers, lawyers, regulators or workers?

4. Promulgation of IME Guidelines

ISSUE

Is the best means to raise awareness of the guidelines, to just distribute them to IME assessors and users or a more formal process to raise awareness e.g. conduct awareness sessions either face to face or on-line . If so, are the sessions voluntary or mandatory?

5. Protocols for Treating Doctors response to IME opinion

The guidelines explain the independence of the IME process and that treating doctor (usually PTMP) communication prior to and at the time of the IME assessor should be via the report requestor, however responsibilities of the PTMP once the IME report is received in accordance with Section 90B of the Act is not set out.

ISSUE

Does a procedure need to set out for PTMP's about dealing with 'confronting' IME reports and how to navigate the issues raised by conflicting opinions about diagnosis, causation, treatment and fitness for work?

THE WAY FORWARD?

There are sufficient issues surrounding IME assessment to justify a further process relating to the implementation of the Guidelines and discussion about a feedback loop to enable modification of the Guidelines. Where necessary, the development of relevant procedures related to IME assessment, might be required.

There would be value in a WorkCover sponsored "WorkShop" with input from stakeholders, including IME assessors, to discuss issues surrounding IME assessment and develop ideas for implementation.

I am interested in feedback on these issues before the WorkCover Advisory Panel meeting scheduled for 07 October.

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