

Australian Capital Territory

Motor Accident Injuries (Authorised IME Provider) Guidelines 2020

Disallowable instrument DI2020–25

made under the

Motor Accident Injuries Act 2019, section 487 (MAI guidelines)

1 Name of instrument

This instrument is the *Motor Accident Injuries (Authorised IME Provider) Guidelines 2020*.

2 Commencement

This instrument commences on the day after its notification.

3 Guidelines

I make the Authorised IME Provider Guidelines attached to this instrument.

Lisa Holmes
MAI Commissioner
MAI Commission
23 March 2020

Authorised IME Provider Guidelines

1. INTRODUCTION

The Authorised Independent Medical Examiner (IME) Provider guidelines (guidelines) are part of the Motor Accident Injuries guidelines made under section 487 of the *Motor Accident Injuries Act 2019* (MAI Act). The purpose of the guidelines is to set out requirements for authorising entities as IME providers for the purposes of the Act.

The Guidelines make provision under subsection 15(3) of the MAI Act for the criteria for authorising an entity to be an IME provider, operational requirements to be imposed on an authorised IME provider, and fees that may be charged by an authorised IME provider for the provision of services for WPI assessments and SOI assessments.

2. STATUTORY FRAMEWORK

Section 15 of the MAI Act requires the MAI Commission to authorise entities to be IME providers for the Act. To qualify for authorisation, the Commission must be satisfied that the entity has expertise in arranging medical examinations for Whole Person Impairment (WPI) assessments and Significant Occupational Impact (SOI) assessments and meets the criteria set out in the MAI guidelines. An authorised IME provider will arrange but not conduct examinations as these will be performed by independent medical examiners. The entity must also enter a deed of services with the Commission.

The legislative framework for WPI and SOI Assessments include:

- the MAI Act and associated regulations;
- the WPI Assessment Guidelines;
- the Quality of Life Defined Benefits Guidelines; and
- these guidelines.

3. GUIDELINES – Criteria for authorising an entity.

An IME provider must be a business that arranges assessments by an IME for permanent impairment and is not owned or controlled by a law practice or insurance company (including a licensed MAI insurer), or any associated entity or related party.

The IME provider must satisfy the MAI Commission they have sufficient resources, capacity and infrastructure to arrange WPI assessments. The assessments should be arranged on a value for money basis and allocated independent of any requestor.

An IME provider will need to demonstrate the ability to engage and monitor suitably qualified, experienced and trained medical specialists to provide WPI assessments for body systems and have access to facilities in the ACT.

An IME provider is to show that they can undertake assessments for the purposes of assessing significant occupational impact (SOI).

The provider will have information management systems with appropriate security, compliance with privacy legislation and quality assurance processes relevant to their business.

4. GUIDELINES – Operational requirements

An IME provider must agree to enter into a deed of services with the MAI Commission. The deed of services will provide for the appointment of the entity and other operational requirements.

Operational requirements include:

- Ensuring assessments, and associated reports, have been completed by suitably qualified and experienced IMEs and in accordance with Chapter 1 of the WPI Assessment guidelines.;
- Providing or facilitating training in the WPI Assessment guidelines as appropriate;
- Having access to facilities in the ACT suitable for the conduct of assessments;
- Arranging assessments so that they occur in a timely manner and advising of any potential delays;
- Managing the timeframes for IMEs to complete reports, and ensuring these timeframes are met;
- Providing for special needs (eg, interpreting and translation services, disability access or cultural sensitivities);
- Maintaining all relevant insurances, including public liability and professional indemnity, and ensuring IMEs also have relevant insurances;
- Entering into contracts with individual IMEs with mandatory qualification and conflict of interest provisions;
- Undertaking quality assurance activities;
- Receiving no other payments for assessments or services;
- Reporting to the MAI Commission on a routine basis, as specified in the deed of services, and advising the MAI Commission if there is a material change in operations.

Similar operational requirements may apply for SOI assessments by independent health assessors against the relevant guidelines. Additional operational requirements applying to SOI assessments may be provided in these guidelines or a deed of services applying on or after 1 August 2024.

5. GUIDELINES – Fees that may be charged for the provision of services for WPI and SOI assessments

A Service Fee payable by the MAI Commission is for the costs of appointing and monitoring IMEs, complaint management and reporting to the MAI Commission. The Service Fee is a set amount agreed between the authorised IME provider and the MAI Commission.

The IME provider may charge fees for their services, subject to the deeds of services. The fees that may be charged to persons organising or paying for WPI assessments and SOI assessments as per the MAI Act include:

- File preparation for the examiner, conducting the examination, preparing and reviewing the report
- Booking, cancellation and non-attendance fees for an examination
- Review of a first WPI report on request from an MAI insurer in response to a second WPI report
- Interpretation and translation services (if applicable)
- IME travel expenses directly attributable to an examination.

The fee charged must not include any amount that is included in the Service Fee to be paid by the MAI Commission.

The MAI Commission may publish applicable fees, or the basis for charging applicable fees, including providing for different service descriptions, by notifiable instrument.