
**WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION
(INDEPENDENT CONSULTANTS FEES) ORDER 2016**

under the

Workplace Injury Management and Workers Compensation Act 1998

I, Andrew Nicholls, Acting Chief Executive, State Insurance Regulatory Authority, make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 4 day of December 2015

ANDREW NICHOLLS
Acting Chief Executive
State Insurance Regulatory Authority

1. Name of Order

This Order is the *Workplace Injury Management and Workers Compensation (Independent Consultants Fees) Order 2016*.

2. Commencement

This Order commences on 1 January 2016.

3. Definitions

In this Order:

the Act means the *Workplace Injury Management and Workers Compensation Act 1998*.

the Authority means the State Insurance Regulatory Authority as constituted under section 17 of the *State Insurance and Care Governance Act 2015*.

GST means the Goods and Services Tax payable under the GST Law.

GST Law has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Independent Consultant means an allied health practitioner approved by the State Insurance Regulatory Authority (the Authority), Workers Compensation Regulation to provide an Independent Consultation in the NSW workers compensation system.

Independent Consultation includes:

- i. a review where the allied health practitioner requests specialised or expert assistance from an Independent Consultant.
- ii. a Stage 1 review of the treatment/management provided by the allied health practitioner for the purpose of determining whether treatment/service provision is reasonably necessary. Consultation with the treating practitioner is not required for a Stage 1 review.
- iii. a Stage 2 review in consultation with a treating allied health practitioner of the treatment/management provided by the allied health practitioner for the purpose of determining whether treatment/service provision is reasonably necessary.
- iv. a Stage 3 review of relevant documentation, discussion with the allied health practitioner, interview and examination of the worker for the purpose of providing a report.

Unreasonably late attendance means that the worker or interpreter arrives unreasonably late, to the degree that a full examination is prevented from being conducted.

Working days means Monday to Friday (excluding public holidays).

4. Application of Order

This Order only applies to independent physiotherapy, psychology, chiropractic and osteopathy consultant services provided on or after 1 January 2016, whether it relates to an injury received before, on or after that date.

5. Maximum Fees for Independent Consultants

- (1) For the purposes of section 339 of the Act, the maximum hourly fee for the provision of services by an Independent Consultant in connection with a claim for compensation or an appearance as a witness in proceedings before the Workers Compensation Commission or a court in connection with a claim for compensation is as set out in Schedule A.
- (2) An Independent Consultant may charge a cancellation fee specified in item IIN112 where a worker provides 2 working days' notice or less of cancellation, fails to attend their scheduled appointment, or the worker (or interpreter) attends **unreasonably** late preventing a full examination being conducted.
- (3) The incorrect use of any item referred to in this Order can result in penalties, including the Independent Consultant being required to repay monies to the Authority that the Independent Consultant has incorrectly received.

6. Goods and Services Tax

- (1) Services provided by an Independent Consultant are subject to GST.
- (2) An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit an Independent Consultant to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

7. Requirements for invoices

All invoices must be submitted within 30 calendar days of the service provided and must be itemised in accordance with Schedule A of this Order and comply with the State Insurance Regulatory Authority (the Authority), Workers Compensation Regulation's itemised invoicing requirements <http://www.workcover.nsw.gov.au/workers-compensation-claims/medical-professionals/invoicing> for the invoice to be processed.

8. No pre-payment of fees

Pre-payment of fees for reports and services is not permitted.

Schedule A
Rates for Independent Consultants

| Item | Service description | Maximum Amount (\$) (excl GST) |
|--------|---|---|
| IIN110 | Independent Consultation where referral initiated by a party other than the treating practitioner i.e. insurer, employer, Workplace Rehabilitation Providers, worker. May include file review, discussions, interview, examination, and report. | \$213.10 per hour |
| IIN111 | Independent Consultation where referral initiated by the treating practitioner. May include file review, discussions, interview, examination and report | \$213.10 per hour |
| IIN112 | Cancellation with 2 working days or less notice, non-attendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted | \$213.10 |
| IIN113 | Travel for assessment/consultation outside of consulting rooms. | Reimbursed in accordance with the "Use of private motor vehicle" set out in Item 6 Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i> . |