

# Proposed injury management consultant approval and regulatory framework

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Summary of changes

**State Insurance  
Regulatory  
Authority**

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## Approval process

What	How	Why
<b>SIRA contact with referees</b>	<p>From:</p> <p>must have references supporting their approval from employers, insurers and/or unions</p> <p>SIRA contacts referees to obtain reports on applicants who meet selection criteria</p> <p>To:</p> <p>SIRA may conduct referee checks provided by the applicant to verify stated experience and professional skills.</p>	<p>To reduce administrative burden where the applicant clearly meets all selection criteria.</p> <p>To allow flexibility for SIRA to contact referees should clarification be required.</p>

## Period of approval

What	How	Why
<b>Period of approval</b>	<p>From:</p> <p>The initial term of approval is 12 months with a review after that time.</p> <p>Subsequent terms of approval are for a maximum period of 3 years.</p> <p>To:</p> <p>SIRA will set a period of approval, which will commence on a date specified by SIRA, and have a nominal expiry date of three years from this date (with the option to extend).</p> <p>This period of approval will apply to all injury management consultants.</p> <p>Should an injury management consultant successfully apply for approval during the 3 year period, the expiry date of their approval will align with the nominal expiry date of the set period of approval.</p>	<p>Reduce red tape for IMCs.</p> <p>Reduce administrative burden for both SIRA and medical practitioner.</p> <p>Allows SIRA to allocate appropriate resourcing for re-approval of IMCs every 3 years.</p>

## Re-approval process

What	How	Why
<p><b>Provision of information to SIRA</b></p>	<p>From:</p> <p>IMC provides:</p> <p>a summary of the last 3 injury management consultations they have undertaken,</p> <p>provision of contact details of 3 referees who can discuss the medical practitioners work in the role of the injury management consultant,</p> <p>provision of a copy of their latest referral and associated report</p> <p>To:</p> <p>Applicants to submit an 'Application for re-approval as an injury management consultant', including a signed agreement to conditions of approval as an injury management consultant</p> <p>SIRA reviews the application to ensure the applicant meets all eligibility conditions and has adhered to all conditions of approval during their period of approval as an injury management consultant</p> <p>SIRA may seek clarification or collect further information as necessary to confirm applicant meets eligibility conditions. This may involve SIRA collecting information from another person or body including third parties.</p>	<p>Increased objectivity of application process as IMC is not selecting reports and referees submitted with their application.</p> <p>Reduce red tape and administrative burden for IMCs.</p> <p>SIRA have increased access to data and reporting to monitor and review performance in the role, compared to previously.</p>
<p><b>Conditions of approval</b></p>	<p>From:</p> <p>Not previously specified in this format</p>	<p>Clear expectation setting.</p> <p>Legislative power to enforce under 45A(2).</p> <p>Ability to act on specific breaches of conditions of</p>

What	How	Why
	<p>To:</p> <p>Conditions of approval within the approval document</p> <p>Conditions of approval specified:</p> <ul style="list-style-type: none"> <li>• Eligibility conditions including professional eligibility, compliance eligibility and complaint history eligibility</li> <li>• Process conditions</li> <li>• Legislative conditions</li> <li>• Professional conduct conditions</li> <li>• Communication and reporting conditions</li> <li>• Administrative conditions</li> <li>• Re-approval conditions</li> </ul>	<p>approval, and revoke approval (where required).</p>
<p><b>Mediation/negotiation</b></p>	<p>From:</p> <p>following approval, an injury management consultant must undertake training in mediation/negotiation skills as arranged by SIRA</p> <p>To:</p> <p>complete any training to the standard required by SIRA, within the prescribed timeframe and at the injury management consultants own expense</p> <p>This now sits in the Conditions of approval as an IMC.</p>	<p>To reduce administration burden and red tape on IMCs and SIRA.</p> <p>If SIRA identifies an approved injury management consultant would benefit from training, the conditions state they would be required to complete.</p>

## Eligibility conditions

What	How	Why
<b>Registration as medical practitioner with AHPRA</b>	<p>From:</p> <p>with no conditions on registration</p> <p>To:</p> <p>with no conditions, undertakings, reprimands, limitations or restrictions on their registration</p>	The injury management consultant must have respect and credibility to effectively mediate/negotiate with other medical practitioners which is an essential part of their role.
<b>Qualifications/clinical experience</b>	<p>From:</p> <p>at least 12 months experience in workplace based rehabilitation</p> <p>To:</p> <p>be a Fellow of the Australasian Faculty of Occupational and Environmental Medicine (AFOEM) or</p> <p>have at least 5 years full-time equivalent relevant clinical experience, including the treatment/management of work related injuries</p>	To set a minimum standard for appropriately qualified and/or experienced practitioners to undertake the role.
<b>Knowledge of NSW workers compensation system</b>	<p>From:</p> <p>knowledge of the NSW workers compensation system</p> <p>To:</p> <p>have an extensive working knowledge of the NSW workers compensation system</p>	To set a minimum standard expected for competency in the role, as IMC required to educate various parties about the workers compensation system.
<b>Communication/negotiation skills</b>	<p>From:</p> <p>good communication and negotiation skills</p> <p>To:</p>	To set a minimum standard expected for competency as IMC role requires high level skills to adequately perform the mediation and negotiation aspect of the role in order to overcome barriers to recovery at work.

What	How	Why
	<p>have demonstrated high level communication and negotiation skills in a challenging injury management/return to work environment.</p>	
<p><b>Complaint history</b></p>	<p>From:</p> <p>Nothing</p> <p>To:</p> <p>It is a condition of approval that an applicant must satisfy SIRA that SIRA should grant approval of the applicant to be an injury management consultant, taking into account whether the applicant has:</p> <ul style="list-style-type: none"> <li>• been subject to a complaint made to insurance, compensation or health authorities and government agencies and statutory bodies regarding the applicant's conduct: <ul style="list-style-type: none"> <li>○ in any role in an insurance compensation system in an Australian jurisdiction</li> <li>○ in the provision of health services</li> </ul> </li> <li>• been subject to a complaint relating to a breach of confidentiality, privacy and health information laws, including but not limited to the <i>Health Records and Information Privacy Act 2002 (NSW)</i>, the <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>, and the <i>Privacy Act 1998 (Cth)</i>.</li> </ul>	<p>To assist SIRA to approve and maintain the best quality doctors into the role who will improve worker outcomes and experiences.</p>

## Re-approval conditions

What	How	Why
<p><b>Re-approval criteria regarding performance and behaviour</b></p>	<p>From:</p> <p>A list of 6 separate criteria regarding performance, behaviour and compliance</p> <p>To:</p> <p>must continue to meet and adhere to all conditions of approval as an injury management consultant</p>	<p>Set clear expectations of performance in the role.</p> <p>Allow SIRA to intervene where required, to maintain a list of IMCs who meet minimum standards expected in role.</p> <p>SIRA may revoke the approval of an IMC for any breach of the conditions of approval.</p>
<p><b>Activity in the IMC role</b></p>	<p>From:</p> <p>the medical practitioner has completed at least one injury management consultation in the previous 12 months</p> <p>To:</p> <p>the applicant has completed at least <i>five</i> injury management consultations per 12 month period of approval</p>	<p>To ensure IMCs are active in the role.</p>
<p><b>Reasons for revocation</b></p>	<p>From:</p> <p>A list of seven separate points where SIRA could revoke approval</p> <p>To:</p> <ul style="list-style-type: none"> <li>• no longer meets eligibility conditions of approval as an injury management consultant</li> <li>• any breach of the conditions of approval as an injury management consultant</li> <li>• such other reasons deemed appropriate</li> </ul>	<p>Allow SIRA to intervene where required to maintain a list of IMCs who meet minimum standards expected in role.</p> <p>Robust framework for compliance for SIRA to revoke the approval of an IMC for any breach of the conditions of approval.</p>

## Performance monitoring and quality assurance

What	How	Why
<p><b>Performance monitoring and quality assurance</b></p>	<p>From:</p> <p>Review of performance and quality through re-approval process and complaints to SIRA.</p> <p>To:</p> <p>SIRA may monitor performance by collecting information from another person or body including but not limited to third parties such as insurance or compensation authorities, other government agencies, law enforcement agencies and health authorities for the purpose of determining whether the applicant meets the eligibility conditions and has adhered to all conditions of approval. This may involve SIRA analysing information including, but not limited to data, billing practices and service provision at any time.</p> <p>At SIRA’s discretion, feedback on monitoring results may be made available to the injury management consultant on a confidential basis.</p>	<p>Clear expectation setting.</p>

#### Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers.

However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website [legislation.nsw.gov.au](http://legislation.nsw.gov.au)

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State Insurance Regulatory Authority, Level 6, McKell Building, 2-24 Rawson Place, Sydney NSW 2000

Website [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au)