

**WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION
(INJURY MANAGEMENT CONSULTANT FEES) ORDER 2023**

under the

Workplace Injury Management and Workers Compensation Act 1998

I, Dr. Petrina Casey, 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 10th day of January 2023



Dr. Petrina Casey
Acting Chief Executive
State Insurance Regulatory Authority

**Workplace Injury Management and Workers Compensation
(Injury Management Consultant Fees) Order 2023**

1. Name of Order

This Order is the *Workplace Injury Management and Workers Compensation (Injury Management Consultant Fees) Order 2023*.

2. Commencement

This Order commences on 1 February 2023.

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)*.

Injury Management Consultant is a Medical Practitioner approved by the Authority under section 45A of the Act to perform the functions as outlined in the *Workers Compensation Guidelines* current at the time.

Medical Practitioner means a person registered in the medical profession under the *Health Practitioner Regulation National Law (NSW) No 86a*, or equivalent Health Practitioner National Law in their jurisdiction with the Australian Health Practitioner Regulation Agency.

Telehealth means delivery of examinations via video or telephone by an Injury Management Consultant. It is an extension of existing face-to-face services. The Injury Management Consultant must determine if telehealth is suitable on a case-by-case basis, taking into account clinical and person related factors and be satisfied that it will not compromise outcomes. The following factors should be considered:

- whether a physical assessment is required
- availability of support at the worker's location
- availability and access to a suitable device e.g. videoconferencing units/systems or a personal device capable of videoconferencing
- ability of the worker to participate, considering any physical, mental, social and cognitive barriers
- the worker's desire and consent to participate in a telehealth consultation
- ability to schedule telehealth session within the timeframes for a service
- the worker's access to fast internet connection and internet or mobile data quota/allowance
- the worker's capability/capacity to access care this way.

The worker retains the right to receive reasonably necessary medical and related treatment in the method of delivery that is most appropriate to them. This means the worker can nominate the best method of delivery of care for them at the time and vary this as their needs change.

Telehealth consultations would be inclusive of any electronic communication to support the delivery of the treatment service.

Unreasonably late attendance means that the worker or interpreter arrives for the scheduled appointment, or joins their scheduled telehealth appointment, 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 applies to all Injury Management Consultant services provided on or after the commencement date of this Order, whether it relates to an injury received before, on, or after that date.

5. Maximum Fees for Injury Management Consultants

- a. For the purposes of section 339 of the Act, the maximum hourly fee for the provision of services by an Injury Management Consultant in connection with a claim for compensation or work injury damages is as set out in the Schedule to this Order.
- b. An Injury Management Consultant may not charge for more than 3 hours of work in the absence of express written agreement in advance from the relevant insurer. Where appropriate, an Injury Management Consultant may request approval for additional time where more than three hours are required to complete the Injury Management Consultation and report.

- c. An Injury Management Consultant may charge a cancellation fee specified in item IIN107 where a worker provides 2 working days' notice or less of cancellation, fails to attend their scheduled appointment/telehealth consultation, or the worker (or interpreter) attends their appointment/telehealth consultation **unreasonably** late preventing a full examination being conducted
- d. An Injury Management Consultant's report is to be provided to the referrer within 10 working days of the examination, or in the case where no examination has been conducted, within 10 working days of the request having been received, or within a different timeframe if agreed between the parties at the time of referral.
- e. The incorrect use of any item referred to in this Order can result in penalties, including the Injury Management Consultant being required to repay monies that the Injury Management Consultant has incorrectly received.

6. Goods and Services Tax

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 Injury Management 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 should be submitted to the insurer within 30 calendar days of the service provided and must comply with the Authority's itemised invoicing requirements for the invoice to be processed. Refer to the injury management consultants page on the SIRA website at www.sira.nsw.gov.au

8. No pre-payment of fees

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

SCHEDULE A
Rates for Injury Management Consultants

Payment Classification Code	Service description	Fee (excl. GST)
IIN105	Assessments, examinations, file reviews, discussions and reports	\$429.20 per hour to a maximum of 3 hours (unless additional time authorised in advance by the insurer or Personal Injury Commission).
IIN305	Examination conducted via telehealth	\$429.20 per hour (examination only). Discussions with other parties and report to be charged under IIN105.
IIN107	Cancellation with 2 working days notice or less, worker or interpreter fails to attend the scheduled appointment/join the Telehealth appointment, or the worker or interpreter attends the appointment/joins the Telehealth appointment unreasonably late preventing a full examination being conducted.	\$429.20
IIN108	Examination conducted with the assistance of an interpreter	\$536.60 per hour (examination only). Discussions with other parties and report to be charged under IIN105 at \$429.20 per hour.
IIN308	Examination conducted via telehealth with the assistance of an interpreter	\$536.60 per hour (examination only). Discussions with other parties and report to be charged under IIN105 at \$429.20 per hour.
IIN109	Travel for assessment/consultation at the worker's place of work	\$429.20 per hour.