

Independent medical examinations

Information for workers



What is an independent medical examination?

An independent medical examination provides the insurer or your legal representative with an independent opinion regarding your injury and treatment to assist with decisions about your rehabilitation, recovery at/return to work and your entitlements to compensation.

An independent medical examiner (IME) is a specialist with qualifications relevant to your injury. They do not replace your nominated treating doctor. They review your injury and provide independent commentary.

IMEs are not employed by the State Insurance Regulatory Authority (SIRA) or the referrer. They cannot treat you or offer to treat you as a patient.

Who refers you and why?

Your insurer* or employer may refer you to an IME when:

- information from your doctor is unavailable, inadequate or inconsistent, despite requests to provide this information
- the insurer has been unable to resolve issues after discussion with your support team
- an assessment of permanent impairment is required.

Your legal representative may also refer you to an IME to understand more about your medical condition to ensure that you receive your full entitlements.

Who pays for the examination?

If you are referred by the insurer, they will pay the cost of the examination.

Your legal representative may pay if they refer you to an IME or, in some cases, you may be required to pay up front and be reimbursed by the insurer later.

The [Independent Legal Assistance and Review Service](#) (ILARS) may pay if they refer you to an IME while helping you with an insurer dispute.

The law protects you from attending unnecessary medical examinations. Only one IME report will be reimbursed unless you have received treatment for multiple injuries. In this case, one from each medical specialty may be obtained.

What is the referrer required to do?

The referrer must select an appropriately qualified medical practitioner with expertise in your type of injury. If an opinion is required about the cause of your injury or treatment needs, the doctor must be in current clinical practice.

The referrer will:

- ensure that an appointment can be made within a reasonable period of time (usually four weeks) and as close to your home as possible
- provide all relevant information they have to assist the doctor's examination.

What you need to do

The law requires you to attend necessary independent medical examinations at the request of your employer or insurer.

At least ten working days before the appointment, you will receive a letter about the arrangements and the reason for the examination. When you receive this letter you should:

- confirm the appointment immediately. If you are unable to attend the appointment, tell the person requesting the examination as soon as possible
- let the person know if you have any special needs such as an interpreter or disabled access
- take all radiographic films and test results (X-rays, MRIs, CTs, ultrasounds etc) relevant to your condition to help the doctor make a thorough assessment
- wear comfortable clothing that will assist the doctor to examine you
- allow extra time before the appointment so that the receptionist can obtain relevant details. Be prepared with important dates and names
- take a friend or relative with you for support if you need to. Advise the doctor or the receptionist if you wish to be accompanied during the examination, as the medical examiner must agree to the support person's presence during the examination. This person cannot act as an interpreter or answer the medical examiner's questions. If the IME requests a third party be present they must seek your agreement prior to the examination
- inform your insurer if you require pre-payment for travel expenses.

With your permission, the doctor may record the examination. You have the right to refuse this request.

During your appointment

Your appointment will involve a review of relevant information, an interview and an examination.

The doctor will ask you a range of questions that may include:

- your past and present medical and work history
- what caused the injury or condition
- how the injury affects you now
- the treatment you have received or are considering.

The doctor needs to understand the extent of your injury or illness and how it affects your life. Cooperate as much as you can with requests for information. Be straightforward and clear. Do not worry if you forget things during the interview. Just do the best you can.

The doctor will explain what they want you to do as part of the assessment. They will examine you and may examine parts of your body that were not injured, to understand the way the injury is affecting other parts of your body.

The doctor will carry out the examination in a respectful and professional manner, taking all efforts to preserve your modesty and not exacerbate your condition or cause you pain.

It is not expected that you undertake any activity that you cannot do safely. If you choose not to undertake an activity or decline to answer any questions, this may be noted in the examiner's report. It is important you explain the reason for your refusal to the examiner.

The IME is not able to provide you with an opinion about your medical condition or about the treatment you have received or are considering, such as surgery – you need to ask your own doctor for advice about your condition and treatment.

The medical examiner's report

The IME will produce a report based on the interview, examination and the information provided, including previous radiography and test results.

The report and recommendations may be used to determine your claim or assist in the management and treatment of your condition. Your nominated treating doctor will be provided with a copy of the report.

You (or your nominee) can request a copy of the report as well as the documents that were provided to the IME. You are entitled to a copy of the report if it is relevant to a decision by the insurer to dispute liability or reduce compensation benefits.

Additional examinations

In some cases the effects of an injury can continue for some time and it may be necessary to attend further examinations so the medical examiner can report on your progress.

If you are asked to attend more than one independent medical examination, ask the insurer, your legal representative or employer why. You have a right to refuse to attend unnecessary appointments.

If there are problems during the examination

If you are unhappy with anything during the examination you should tell the doctor immediately. If you are unable to resolve the problem with the doctor you should advise your referrer.

Making a complaint

If you wish to make a complaint about an IME, contact any of the following:

- the referrer (ie the insurer, employer or your legal representative)
- SIRA on 13 10 50
- your union
- the Health Care Complaints Commission
- Australian Health Practitioner Regulation Agency
- NSW Medical Board
- Workers Compensation Independent Review Office.

Further information

SIRA is the government organisation responsible for regulating the NSW workers compensation system. Learn more about SIRA and workers compensation at our [website](#).

- SIRA Customer Service Centre
Phone: 13 10 50
- Your union or [Unions NSW](#)
Phone: 02 9881 5999
- [Health Care Complaints Commission](#)
Phone: 1800 043 159
- [Australian Health Practitioner Regulation Agency \(AHPRA\)](#)
Phone: 1300 419 495
- [Workers Compensation Independent Review Office \(WIRO\)](#)
Phone: 13 94 76
- [Australian Medical Association](#)
Phone: 02 6270 5400

If you need interpreting services, please contact Translating and Interpreting Services (TIS) on 13 14 50 or visit tisnational.gov.au.

If you have a speech or hearing impairment, you can use the National Relay Service. For voice calls or telephone typewriter (TTY) call 13 36 77 then ask for 13 10 50. Visit www.relayservice.gov.au for more options.

*For the purposes of this publication, 'insurer' means the Nominal Insurer, self-insurer, specialised insurer and agent of icare Insurance for NSW.

This publication contains information that relates to the regulation of workers compensation insurance in NSW. This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice. This material may be displayed, printed and reproduced without amendment for personal, in-house or non-commercial use.

Website www.sira.nsw.gov.au | © State Insurance Regulatory Authority 0119