



Medical Panels
Victoria

PROCEDURES FOR MANAGING
CONFLICT OF INTEREST
IN THE APPOINTMENT OF MEDICAL PANELS

PURPOSE

- 1 These procedures set out the steps involved in the management of conflict of interest in the appointment of Medical Panels pursuant to Victorian workers compensation legislation and for the purposes of the *Wrongs Act 1958*.

APPLICATION

- 2 These procedures apply to the Convenor of Medical Panels, Deputy Convenors of Medical Panels, the staff of the Office of the Convenor of Medical Panels, medical practitioners eligible to be appointed to a Medical Panel (eligible panellists) as well as the medical practitioners and allied health professionals appointed as consultants to a Medical Panel (consultants).

IDENTIFYING A CONFLICT OF INTEREST

- 3 An actual, reasonably perceived or potential conflict of interest of an eligible panellist or consultant can be identified as follows:
 - Prior to the appointment of an eligible panellist or a consultant to a Medical Panel, the Registry Manager or Registrar of the Office of the Convenor of Medical Panels will access and refer to the 'Register of Interests' and advise the Convenor or Deputy Convenors of any relevant registered interest for that eligible panellist or consultant.
 - A 'Statement of Interest' declared by an eligible medical panellist or consultant in relation to a referral in which he/she has received notice of appointment to a Medical Panel including a declaration of being precluded from appointment by operation of Victorian workers compensation legislation provisions prohibiting conflict of interest.
 - The Convenor or Deputy Convenors decide there could be a conflict of interest when an eligible panellist or consultant raises an issue of interest for clarification.
 - A complaint of a perception of a conflict of interest or an apprehension of bias is received from a party to a particular referral before the Panel has given its opinion or determination in answer to a medical question.

STATEMENT OF INTEREST

- 4 A 'Statement of Interest' declaration (which includes a provision for a statement of no interest) is to be made by eligible panellists and consultants in relation to each referral in which he/she receives notice of appointment to a Medical Panel.
- 5 When an eligible panellist or consultant receives notice of an appointment to a Medical Panel for a particular referral, he/she will examine the referral documents with a view to ascertaining whether a potential conflict of interest exists.
- 6 The 'Statement of Interest' declaration will include a statement that the eligible panellist or consultant has never treated or examined the worker / claimant or been engaged to treat or examine the worker / claimant (otherwise than in his/ her capacity as a member of a Medical Panel).
- 7 The 'Statement of Interest' declaration will be made to the Office of the Convenor of Medical Panels indicating whether there is, or there is no, declarable interest.
- 8 Declaration of the 'Statement of Interest' is compulsory and an Opinion or Determination will not be given in relation to a particular referral if a completed 'Statement of Interest' has not been declared by all of the panellists or consultants of that referral appointed to that Medical Panel.



REGISTER OF INTERESTS

- 9 The Office of the Convenor of Medical Panels will maintain a 'Register of Interests' which will be secured by the Registry Manager on behalf of the Convenor and Deputy Convenors and kept private except for the access allowed in accordance with these procedures.
- 10 The 'Register of Interests' will consist of the annual 'Declaration of Private Interests' of eligible panellists and any 'Statement of Interest' declared by eligible panellists and consultants in relation to their appointment to a Medical Panel in respect of a particular referral, but will not include any 'Statement of Interest' which declares that there is no interest in respect of a particular referral.

AVOIDING A CONFLICT OF INTEREST

- 11 The Convenor and Deputy Convenors will request an eligible panellist and consultant who has, in his/her capacity as part of a Medical Panel, examined a worker / claimant, to refrain from subsequently examining or treating that worker / claimant (otherwise than in his / her capacity as a member of a Medical Panel) so as to avoid any future actual, reasonably perceived or potential conflict of interest which may arise.

REPLACEMENT OF A PANEL MEMBER OR CONSULTANT

12 An eligible panellist or consultant will be replaced on a particular Medical Panel in the following circumstances:

- When an interest is declared in a 'Statement of Interest', that eligible panellist or consultant will be replaced by another eligible panellist or consultant on that Medical Panel and the parties will be notified accordingly.
- If the Convenor or Deputy Convenors decide there could be a conflict of interest when an eligible panellist or consultant raises an issue of interest for clarification, that eligible panellist or consultant will be replaced by another eligible panellist or consultant on that Medical Panel and the parties will be notified accordingly.
- If an eligible panellist or consultant realises he/she does have an interest during, or after, an examination has taken place, that panellist or consultant will immediately notify the Office of the Convenor of Medical Panels and complete a new 'Statement of Interest'. In this case, the whole Panel will be abandoned and a new Panel will be constituted for that referral and the parties will be notified accordingly.

- If a complaint of a perception of a conflict of interest or an apprehension of bias is received from a party to a particular referral before the Panel has given its Opinion or Determination and the Convenor or Deputy Convenors agree that there could be a *reasonably* perceived conflict of interest or a *reasonable* apprehension of bias, the following steps apply:
 - If the Panel have not examined the worker / claimant, the relevant Panel member or consultant will be replaced on the Panel and the parties will be notified accordingly;
 - If the Panel or at least one member of the Panel has examined the worker / claimant, the whole Panel will be abandoned and a new Panel appointed for that referral and the parties will be notified accordingly.
- If a complaint of a perception of a conflict of interest or an apprehension of bias is received from a party to a particular referral before the Panel has delivered its Opinion or Determination and the complaint relates to either the Convenor or Deputy Convenors as a member of that Panel, the responsibility for implementing the procedure lies with the Convenor or Deputy Convenor who is not the subject of the complaint.

13 If an eligible panellist has a perceived or potential conflict of interest in relation to a particular referral and there is no other suitably qualified eligible panellist without a perceived or potential conflict of interest, the Convenor or Deputy Convenors can seek the consent of the parties to that referral for a particular eligible panellist to be a member of that Medical Panel despite their perceived or potential conflict of interest.

EDUCATION

- 14** Education in relation to these procedures will be provided for the staff of the Office of Convenor of Medical Panels, eligible panellists and consultants and include examples of actual conflicts of interest and perceived or potential conflicts of interest in the context of appointments of Medical Panels.

REVIEW AND MONITORING

- 15** These procedures will be reviewed and monitored on an annual basis by the Convenor and the Deputy Convenors.

PUBLICATION OF 'PROCEDURES FOR MANAGING CONFLICT OF INTEREST IN THE APPOINTMENT OF MEDICAL PANELS'

- 16** These procedures will be available on the Medical Panels website with the Medical Panels Conflict of Policy.

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