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Convenor's Direction

Medical Panel Examinations

This Direction is given under section 303 of the *Workplace Injury Rehabilitation and Compensation Act 2013*.

1. About this Direction

1.1 This Direction applies to Medical Panel members and staff dealing with referrals under the *Workplace Injury Rehabilitation and Compensation Act 2013* and *Wrongs Act 1958*. The Direction is intended to facilitate accessible, fair, economical, timely and proportionate conduct of Medical Panel examinations for the benefit of workers, employers, claimants, respondents and Medical Panels.

1.2 This Direction has effect from 1 October 2017.

2. Examinations

2.1 A Medical Panel may ask a worker or claimant to meet with the Medical Panel and answer questions; and/or to undergo a medical examination by the Medical Panel.

2.2 Appointments with the Medical Panel usually consist of a meeting with the worker or claimant at the premises of Medical Panels Victoria, where questions are asked in relation to the medical history, and a medical examination is performed.

3. Special examination arrangements

3.1 The Convenor may consider other examination arrangements where there are special circumstances. This can include referrals that relate to a worker or claimant who is now deceased; where a worker or claimant resides interstate or overseas; where a worker or claimant is physically unable to travel to the Medical Panel premises; or where a worker or claimant is in detention. Any party to a referral can ask the Convenor to consider making a special examination arrangement.

3.2 Options available to the Medical Panel include:

- 3.2.1 meeting with and examining the worker or claimant at a suitable offsite location;
- 3.2.2 asking the worker or claimant questions using video, Skype or similar technology;
- 3.2.3 engaging a suitably qualified, approved and experienced medical practitioner as a consultant to assist with a physical examination at a suitable offsite location, whether or not in conjunction with using video, Skype or similar technology;
- 3.2.4 making a determination or forming an opinion by reviewing the available medical records and reports, without meeting with or examining the worker or claimant in person.

3.3 Decisions about special examination arrangements will be made by the Convenor or Deputy Convenor taking into account relevant policies and all the circumstances of the referral, including but not limited to the following considerations:

- 3.3.1 the over-riding consideration is that a special examination arrangement must enable a Medical Panel to form a fair and accurate opinion or determination about an impairment or medical question;
- 3.3.2 the nature and complexity of the referral;
- 3.3.3 the information available to the Medical Panel contained in the referral material;
- 3.3.4 availability of appropriate Panel Members for the particular referral;
- 3.3.5 whether the special arrangement will provide the worker or claimant with a fair hearing and allow the conduct of the examination to be equivalent to that undertaken had the special examination arrangements not been required;
- 3.3.6 availability of personnel as required, including as appropriate:
 - approved and suitably experienced medical practitioner consultant
 - registered nurse
 - chaperone;
- 3.3.7 the suitability of an offsite location for an in-person or remote examination, including:
 - security arrangements
 - privacy of the room
 - availability of any necessary medical equipment required according to the nature of the referral
 - the capacity to respond appropriately to an emergency
 - the availability and suitability of video or other necessary technology links;
- 3.3.8 the need for timeliness;
- 3.3.9 cost implications of the special examination arrangement.



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