

Independent medical examinations and reports during the COVID-19 pandemic

Guidance for examiners

This guidance is issued by the State Insurance Regulatory Authority (SIRA) to examiners who are receiving referrals for medicolegal examinations during the current COVID-19 pandemic.

When determining whether it is appropriate to accept a referral for a medicolegal examination, SIRA expects that an examiner consider each matter on a case-by-case basis, considering the following:

1. The **method of assessment** most appropriate to resolve the matter, including options such as video examination.
2. How to avoid or minimise any **risks to the safety, health, and wellbeing** of the injured person, yourself, and your staff where an 'in person' examination is deemed necessary, and
3. In light of the above, whether the examination should be **postponed** until a later date, also noting any potential impact of delay on the injured person.

Each of the above is explained in more detail below.

1. Method of assessment

The examiner must be confident that the method of assessment proposed will ensure accuracy in the examination and report.

The examiner must consider on a case-by-case basis whether the proposed method of assessment is appropriate, factoring in:

- the purpose of the assessment:
 - some methods of examination may be appropriate for providing an opinion on liability or appropriateness of proposed treatment
 - some methods may not be suitable for determining the degree of permanent impairment, for which examinations must comply with relevant Guidelines (e.g. where an extensive physical examination would normally be undertaken, such as may be required for musculoskeletal or neurological injuries)
- the injured person's unique circumstances:
 - their injuries
 - whether they require an interpreter, professional support at the time of assessment and/or a carer/support person
 - the injured person's access to, and familiarity with, software and hardware (for telehealth services)
- advice from the Australian Government and NSW Government in relation to COVID-19, including public health restrictions in place from time to time, and other relevant considerations
- whether an examination by video is appropriate in the circumstances, and
- whether a combination of methods can be used, such as taking an oral history by telephone and only conducting the physical examination 'in person'.

Examiners are advised that the injured person's cooperation is required and therefore the referring party must advise them of the proposed method of assessment prior to the examination taking place.

2. Avoiding or minimising risks to safety, health and wellbeing

In determining whether an examination should proceed, the examiner is to consider whether the examination is likely to impact the injured person's, the examiner, or their staff's safety, health and wellbeing.

Consideration should be given to:

- the injured person's injury, including whether it is physical or psychological
- the injured person's preference
- the injured person, examiner, and their staff's overall health, including:
 - health conditions that increase the risk of infection (e.g. chronic medical conditions, compromised immune system)
 - whether they are over the age of 70, or are over 60 with other health issues, or are over 50 for Indigenous Australians
- advice from the Australian Government and NSW Government in relation to COVID-19, including public health restrictions in place from time to time, and other relevant considerations.

Where an 'in person' assessment is deemed necessary, the examiner should follow COVID-19 advice from the Australian Government, NSW Government, and their National Boards relating to conducting examinations.

In addition, it may be appropriate for the examiner to:

- conduct a risk assessment prior to the examination, including implementing telephone screening protocols
- undertake the history component of an examination via telephone/video prior to the appointment in order to limit the amount of 'in person' contact time on the day, or
- ensure that the injured person, examiner and their staff wear personal protective equipment, if appropriate.

Where telehealth services are deemed appropriate, it is recommended that the method of examination and the platform used is stated in the report (e.g. Skype for Business video conferencing used, 'in person' examination conducted, history taken by telephone, etc).

Prior to accepting a referral for a telehealth examination, the examiner must be confident they are using a platform with end-to-end encryption to ensure the safety and security of the examination process.

3. Postponing examinations

It may be appropriate for medicolegal examinations to be postponed in instances where:

- an appropriate method of examination is not available, or
- an examination is likely to cause an unreasonable risk to the injured person, examiner and/or their staff's safety, health and wellbeing.