



**Personal Injury
Commission**

PROTOCOL FOR MEDICAL ASSESSMENTS DURING CORONAVIRUS PANDEMIC

1 June 2022

MEDICAL ASSESSMENTS DURING CORONAVIRUS PANDEMIC

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This Protocol for Medical Assessments during the Coronavirus Pandemic (Protocol), 1 June 2022, sets out the requirements for medical assessments arranged by the Personal Injury Commission (the Commission) during the COVID-19 pandemic. This Protocol must be read with Procedural Direction PIC 11 – Medical Assessment Procedure – COVID-19.

The purpose of the Protocol is to ensure in-person medical assessments are conducted in a manner that minimises, to the extent reasonably practicable, the risk of COVID-19 exposure, transmission and/or infection.

The Protocol brings together the Commission’s commitment to:

- meet obligations under the Personal Injury Commission Act 2020
- comply with Work, Health and Safety (WHS) obligations, and
- apply any relevant Public Health (COVID-19) Orders (PHO).

The Protocol applies to all Commission medical assessments, including when a Medical Appeal Panel or Medical Review Panel requires an examination of the claimant/worker.

The Protocol replaces any previous protocol or guidance issued by the Commission, the former Workers Compensation Commission and State Insurance Regulatory Authority’s former Dispute Resolution Service.

Specific or different requirements for medical assessments in the Motor Accidents Division and Workers Compensation Division will be stipulated, as required.

The Protocol has been revised during the pandemic which commenced in March 2020, in response to changes in PHOs, COVID-19 presentation in the community, accepted COVID-19 protections and risk mitigation approaches.

It is effective from 1 June 2022 until it is revoked.

BACKGROUND

The coronavirus pandemic declared in NSW in March 2020 resulted in PHOs which included stay-at-home orders from March to June 2020 and again from June to October 2021. The Commission and its legacy agencies suspended in-person medical assessments when stay-at-home orders were in place.

Since March 2020, the Commission and its legacy agencies have issued guidance and directions about medical assessments to ensure compliance with WHS obligations and PHOs.

In October 2021, revised PHOs included access to some services and activities based on vaccination status of individuals. The Commission resumed in-person medical assessments with provisions determined by Procedural Direction PIC 11 – Medical Assessment Procedure – COVID-19 (PD PIC 11) on 25 October 2021.

In January 2022 the Commission again suspended in-person medical assessments in response to escalating coronavirus (omicron variant) in the community and to revise the settings under which assessments can safely proceed.

From 21 February 2022 in-person medical assessments were resumed in compliance with PD PIC 11 which now requires claimants/workers to submit a Rapid Antigen Test (RAT) administered at the medical premises, before the scheduled assessment. Support persons will only be able to attend in person in exceptional circumstances, with approval from the Commission President or Principal Registrar.

CONTEXT

This Protocol directs the conduct of medical assessments from 21 February 2022. It affirms any relevant PHOs and will be updated to adapt to any changes in rules or restrictions.

COVID-19 vaccination, conducting a RAT, screening for COVID-19 and mask wearing, are the key requirements for meeting WHS and PHO duties.

This Protocol addresses requirements for Medical Assessors, their staff, claimants/workers, and any other person attending an in-person medical assessment, such as a support person or interpreter.

PROTOCOL FOR MEDICAL ASSESSMENTS

This Protocol aims to ensure medical assessments are conducted in a manner that minimises the risk of COVID-19 exposure.

Medical assessments will be conducted by video-conference, on the papers, in-person at the Commission's Medical Suites, in-person at the Medical Assessor's Medical Suites, or a combination of any of these venues, if the Medical Assessor determines that such an assessment can be satisfactorily conducted, and the parties agree.

On-line and on the papers will most likely be selected when the assessment is:

- for a psychiatric or psychological disorder or injury, or
- for other body systems or injuries which the Medical Assessor agrees video-conference, on the papers or a combination approach, is suitable.

When a medical assessment is conducted through an in-person examination, it must be conducted to reduce and restrict any risk of COVID-19 exposure or transmission.

1. CONDUCTING IN-PERSON MEDICAL ASSESSMENTS

Medical disputes lodged with the Commission will be set down for an in-person assessment. In-person medical assessments will be conducted in accordance with the Protocol.

1.1 Vaccination and negative COVID-19 test requirements

Medical Assessors and staff

In-person medical assessments will only be allocated to Medical Assessors who have confirmed with the Commission, that:

- they are fully vaccinated
- staff at their premises are fully vaccinated
- the premises has a registered [COVID-19 business safety plan](#) as required by NSW Health, which includes compliance with relevant PHOs, and
- they will adhere to PD - PIC 11 and this Protocol.

Medical Assessors must advise the Commission immediately about any change that will affect their eligibility for the allocation of in-person medical assessments.

Claimants/Workers, and any approved support persons

The Commission will only refer claimants/workers for in-person medical assessments who can provide:

- evidence that they are fully vaccinated with at least 2 doses of a COVID-19 vaccination with the second dose more than 2 weeks prior to the date of the in-person medical assessment
- a negative Rapid Antigen Test (RAT) which will be provided AT the in-person medical assessment and MUST be administered immediately PRIOR to the in-person medical assessment.

Claimants/Workers must also confirm they are:

- not COVID-19 positive on the scheduled assessment date
- not a close contact of a person with COVID-19 on the scheduled assessment date
- not displaying COVID-19 like symptoms or flu and cold symptoms on the scheduled assessment date.

Unvaccinated claimants/workers seeking a medical assessment must disclose their unvaccinated or partial vaccination status to the Commission. The Medical Assessment will be scheduled on that basis and subject to additional risk controls.

Unvaccinated claimants/workers must agree:

- to comply with COVID-19 risk controls for conducting a Medical Assessment including that the participant must:
 - produce a negative COVID-19 result for a Rapid Antigen Test (RAT)
 - RAT Protocols will be advised to proposed participants not less than five days before the scheduled Medical Assessment, where it is reasonably practicable to do so.

Claimants/Workers MUST strictly adhere to any advice provided at the in-person medical assessment by the Medical Assessor and their staff, in relation to administering the RAT, advising of the RAT result and/or their COVID-19 business safety plan.

Claimants/Workers attending an in-person medical assessment at the Commission's Medical Suites must also adhere to requests from Commission staff in relation to proof of double vaccination and self-administering a RAT with a negative result, before being seen by their Medical Assessor in the Medical Suites.

Claimants/workers who test positive with a RAT at home prior to the in-person medical assessment, must not attend the in-person medical assessment.

Claimants /Workers whose RAT test result is a positive reading at a medical premises or the Commission's Medical Suites, should leave the premises immediately and notify relevant parties including Service NSW.

Claimants/Workers are directed that they MUST not attend and must cancel any in-person medical assessment if they have any COVID-19 [symptoms](#) or have been directed to isolate for the period that includes the in-person assessment.

Claimants/Workers must advise the Commission they are willing to meet these requirements to be able to be referred for in-person medical assessment.

Support Persons

Only the person who is scheduled to be assessed, can attend a Medical Assessment. Other persons may only attend an in-person medical assessment in exceptional circumstances approved by the President or Principal Registrar.

A written application can be submitted to the President in line with PD - PIC 11. An application for the attendance of another person/s must be submitted to the

Commission not less than seven business days before the scheduled Medical Assessment.

Exceptional circumstances include:

- guardian of a child being assessed
- support person of a person with a psychological injury or illness
- carer of a person with physical or cognitive disability who is being assessed, or
- an interpreter who is not able to attend by audio-visual link or telephone because it is not suitable that they do so, for example, to assist someone being assessed who has difficulty hearing and may not be able to be assisted by an interpreter who joins the assessment by online means. (Please note: an exemption, approved by the President is currently in place to enable interpreters to attend Medical Assessments in person).
- Claimants/workers who do not wish to participate in a medical assessment due to the coronavirus pandemic must notify the Commission immediately upon receipt of the medical assessment notification. If the medical assessment is not suitable for video-conference or on the papers assessment, the dispute will remain pending.

1.2 Prior to in-person assessments

The Commission does not conduct any pre-assessment screening. The Medical Assessor can contact the claimant/worker before the assessment to conduct their own pre-screening as required by their COVID-19 safety plan, operations of their practice, and in accordance with WHS obligations and PHOs.

The Commission provides standard advice to claimants/workers about the in-person medical assessment that includes:

- the requirement to provide evidence of double vaccination status at the in-person medical assessment or alternatively to advise the Commission if they are unvaccinated
- that a RAT will be provided at the in-person medical assessment and the Medical Assessor will advise the claimant/worker on how the RAT will be administered
- the requirement to administer a negative Rapid Antigen Test (RAT) at the in-person medical assessment

their obligation to immediately contact the Commission and cancel the in-person medical assessment if they:

- contract COVID-19
- become a close household contact where risk of infection is significant, or
- have any COVID-19 [symptoms](#) on the date of the appointment.

Claimants/Workers are encouraged to:

- self-administer a RAT at home prior to the in-person medical assessment if they have any doubt about their COVID-19 status, and
- travel to the in-person medical assessment by private vehicle to minimise exposure on public transport.

1.3 Reception, screening and RAT

Claimants/Workers must arrive 30 minutes prior to the in-person medical assessment appointment time.

Only the claimant/worker should attend the in-person medical assessment unless a support person has been approved by the Commission.

When the claimant/worker presents for an in-person medical assessment a negative RAT is required.

Administration of the Rapid Antigen Test (RAT)

A RAT will be provided to each claimant/worker and any approved support person at the in-person medical assessment premises.

The Medical Assessor will determine the method of administration of the RAT at their medical premises, which may include:

- The Medical Assessor or their staff provide the RAT and advise the claimant/worker where to perform the RAT and how to assess the RAT result, or
- the Medical Assessor or their staff will administer the RAT, will advise the claimant/worker of the testing procedure and advise where to wait for the result
- staff informing the worker/claimant what will happen if the result is positive.

Staff at the Commission's Medical Suites will require claimants/workers to self-administer a RAT before attending a medical assessment in one of the Medical Suites. Staff will provide advice to the claimant/worker about where to perform the RAT, how to administer the RAT and the correct procedures when managing the result.

Positive Rapid Antigen Test Result

If the claimant/worker receives a positive result with a RAT at the in-person medical assessment:

- the in-person medical assessment will be immediately cancelled
- the claimant/worker must immediately leave the in-person medical assessment premises
- the claimant/worker must follow NSW Health advice [Testing positive to COVID-19 and managing COVID-19 safely at home, and](#)
- the claimant/worker must register the positive test on the [Service NSW website](#).

The Medical Assessor or their staff will also screen claimants/workers according to the COVID-19 safety plan of the practice. This may include, but is not limited to:

- confirming COVID-19 vaccination status with an accepted document (hard copy or digital);
- temperature check, and
- questionnaire about health status and COVID-19 risk.

The in-person medical assessment will NOT proceed if the claimant/worker:

- does not provide the required evidence of vaccination status where required

- does not provide a negative result to the pre in-person medical assessment RAT
- refuses to engage in the COVID-19 screening
- does not comply with the Medical Assessor's directions regarding conducting the in-person medical assessment in a COVID-19 safe way
- presents with a raised temperature (37.5° C or more), and/or
- has or describes other COVID-19 symptoms or risks (as set out by the Department of Health at <https://www.nsw.gov.au/covid-19/symptoms-and-testing>).

The Medical Assessor or their staff member must contact the Commission immediately and cancel the in-person medical assessment if any of these occur.

1.4 Conducting the in-person assessment

Medical Assessors, claimants/workers, staff and any other approved person attending the in-person medical assessment must wear masks for the medical examination, including any time spent in waiting or reception areas.

Masks may only be removed IF directed by the Medical Assessor.

Medical Assessors must undertake the assessment in accordance with COVID-19 safety precautions and procedures following the advice and directions of the national and state health and government authorities.

Medical Assessors must provide and use all and any personal protective equipment required to ensure the examination is conducted according to required health, safety and infection control standards.

Claimants/Workers must comply with any directions from the Medical Assessor that relate to the COVID-19 safe conduct of the examination.

Claimants/Workers, Medical Assessors and staff working at the Commission's Medial Suites should also observe social distancing in the waiting areas, breakout room and reception.

1.5 Interpreters

Interpreters will attend in-person medical assessments at the Commission's Medical Suites to support the implementation of COVID controls introduced from the detailed Risk Assessment conducted in May 2022. COVID screening questions and directions for administering a RAT require that claimants/workers understand what is required of them prior to entering the Medical Suite for their medical assessment.

When an interpreter attends a medical assessment in person, they must:

- provide evidence that they are fully vaccinated with at least two doses of a COVID-19 vaccination with the second dose more than two weeks prior to the date of the in-person medical assessment
- test negative on a RAT which will be provided AT the in-person medical assessment and MUST be administered immediately PRIOR to the in-person medical assessment, and
- strictly adhere to any advice provided at the in-person medical assessment by the Medical Assessor/their staff or the Commission's staff in relation to administering the RAT, advising of the RAT result and/or their COVID-19 business safety plan.

If an interpreter fails to comply with these requirements the in-person medical assessment will be cancelled.

1.6 Support person

Support persons should not attend in-person medical assessments unless the President has approved an application submitted under PD PIC 11.

When a support person attends an in-person assessment they must have concurrence of the Medical Assessor and comply with Personal Injury Commission [Procedural Direction 6 \(49-52\)](#). The support person cannot take an active role in the examination.

Any support person attending an in-person assessment may be required to:

- provide evidence that they are fully vaccinated with at least two doses of a COVID-19 vaccination with the second dose more than two weeks prior to the date of the in-person medical assessment
- test negative on a RAT which will be provided AT the in-person medical assessment and MUST be administered immediately PRIOR to the in-person medical assessment, and
- strictly adhere to any advice provided at the in-person medical assessment by the Medical Assessor/their staff or the Commission's staff in relation to administering the RAT, advising of the RAT result and/or their COVID-19 business safety plan.

If any support person fails to comply with these requirements, they may be refused entry and/or the in-person medical assessment may be cancelled.

2. MEDICAL ASSESSMENT BY VIDEO-CONFERENCE

2.1 Requesting a medical assessment by video-conference

Claimants/Workers who wish to have their assessment conducted by video-conference due to the coronavirus pandemic, must notify the Commission immediately upon receipt of the medical appointment notification.

If the assessment cannot be conducted by videoconference and the claimant/worker does not want to proceed with an in-person assessment, they must notify the Commission and the dispute will be considered pending.

2.2 Allocation of medical disputes for video-conference assessment

Medical disputes will only be referred to Medical Assessors who have advised the Commission that they are available to undertake video-conference assessments and who have appropriate technological resources and the skill to use the technology.

Medical Assessors must contact the Commission to advise of any changes to their availability or ability to conduct assessments by video-conference.

2.3 Medical Assessor discretion to undertake video-conference assessment

If a matter is referred to a Medical Assessor for assessment by video-conference, the Medical Assessor will consider whether video-conference assessment is clinically appropriate. The Medical Assessor must be satisfied that the assessment can be conducted satisfactorily before it can be undertaken.

The Medical Assessor must review the material immediately upon allocation of the dispute to make a preliminary judgment as to whether the assessment can be conducted satisfactorily by video. If not satisfied, the matter should be returned to the Commission with reasons why the assessment is unable to be undertaken by video-conference.

If, at any time during the assessment by video-conference or at the conclusion of the assessment, the Medical Assessor is not satisfied the assessment could be appropriately undertaken, they must advise the Commission with reasons why the assessment was unable to be completed satisfactorily. If a matter cannot proceed by video-conference, it will be referred for an in-person assessment.

2.4 Preparation for video assessment

2.4.1 Claimant/Worker's capacity to participate by video

The legal representative must ensure their client is able to participate by video, including that they have access to and the ability to operate necessary equipment. Assessing the capability of the claimant/worker will enable the assessment to be conducted by video-conference.

Modern mobile phones (smartphones) with high resolution cameras are suitable and easily accessible. The claimant/worker must also have access to a stable internet connection with adequate bandwidth and speed.

Self-represented claimants/workers must ensure they are able to participate by video.

2.4.2 Preparation by Claimant/Worker

The claimant/worker must undertake the following measures in preparation for a video-conference assessment:

- Be in a quiet room, where the door can be closed. This will ensure that no children, pets or others will interrupt the assessment.
- Not take any incoming calls or text messages during the assessment and should inform family and friends not to contact them during the appointment.
- All other telephones should be disconnected or turned off.
- Before commencing the assessment, they must inform any other persons in the premises that they must not interrupt the consultation or enter the room for any other purpose unless it is an emergency.
- The room lighting must be adequate, and the light source should face the claimant/worker.
- The mobile phone (or other device) should be placed on a stable surface and not held. Movement requires more bandwidth and reduces both video and audio quality.
- The claimant/worker should sit in front of the camera and the camera should be situated close to their eyeline, to allow the Medical Assessor to make eye contact.
- The device should be plugged into an AC adapter (power point). Battery operation should be avoided as video-conferencing equipment can quickly deplete batteries. This is particularly relevant in psychiatric interviews, which can extend over 1.5 – 2 hours.
- The claimant/worker should ensure the camera and microphone are switched on and working 24 hours prior to the video consultation.
- Where possible, the claimant/worker should practise video-conferencing with another person beforehand, to familiarise themselves with the process.
- The claimant/worker should be appropriately dressed as if going to see the doctor in person and should wear loose-fitting clothing. It is not acceptable to wear pajamas or unsuitable attire.

2.4.3 Preparation by Medical Assessor

The Medical Assessor and their staff must have adequate training and the skill to use equipment for a video assessment. The cooperation of the claimant/worker is also essential.

Before conducting the video assessment, the Medical Assessor should attend to the following checklist:

- Ensure that the premises used by the Medical Assessor and the claimant/worker are quiet and fit for purpose, reasonably soundproof and free from outside noise and interruption.
- Ensure the background for the Medical Assessor is plain (e.g. curtain or blank wall).
- Ensure the Medical Assessor and claimant/worker do not have bright lights behind them and do not sit in front of a window, which will affect the clarity of the video image.
- Ensure that the equipment being used by the Medical Assessor and claimant/worker are compatible by checking the equipment used by the claimant/worker provides adequate clear audio and quality visual images.
- Ensure that there is ready access to resources to manage technological difficulties.
- Establish the identity of the claimant/worker.
- Identify whether any other person is present with the claimant/worker at the time of the assessment.
- Advise the claimant/worker that they are not allowed by law to make a recording of the video assessment.
- Advise the claimant/worker that the assessment will not be recorded.

Note: A Medical Assessor should only record a video consultation in exceptional circumstances and only if the claimant/worker consents. Medical Assessors must take steps to ensure the confidentiality and privacy of health information, bearing in mind the possible security breaches that can occur with electronically stored information.

2.5 Security and Systems

2.5.1 For Motor Accidents proceedings

The video assessment will be arranged by Commission staff using Microsoft TEAMS.

The Commission staff member will commence the meeting, confirm the Medical Assessor and claimant/worker are present and the technology is suitable, and then will exit the TEAMS meeting to allow the assessment to proceed.

2.5.2 For Workers Compensation proceedings

The video assessment will be arranged by Commission staff using Microsoft TEAMS.

The Commission staff member will commence the meeting, confirm the Medical Assessor and claimant/worker are present and the technology is suitable, and then will exit the TEAMS meeting to allow the assessment to proceed.

A secure and private internet connection is mandatory and will increase security. This includes using a trusted network for internet access, and generally excludes public Wi-Fi or hotspots.

FaceTime is not recommended for use by Medical Assessors. While it is secure, it is only available for users who have Apple devices.

2.6 Conducting the assessment by video-conference

2.6.1 Attendance by support person

Subject to PD - PIC 11, a support person may attend the video-conference assessment examination with the concurrence of the Medical Assessor and in compliance with Personal Injury Commission [Procedural Direction 6 \(49-52\)](#). The support person cannot take an active role in the examination.

2.6.2 Managing interpreters who are not physically present with the claimant/worker

If an interpreter attends by video-conference or telephone, consecutive interpreting will be used (i.e., the interpreter listens to a segment, may take notes and interprets while the speaker pauses).

Medical Assessors should adapt their assessment to facilitate the interpreter's participation.

It is likely that increased time will be needed for interpretation and interpreters must be able to finish interpreting. They must not be stopped or interrupted by the Medical Assessor or the claimant/worker/support person.

2.6.3 Additional requirements for Medical Assessment Certificates

Medical Assessors must state in the Medical Assessment Certificate why the examination could be undertaken by video.

The Certificate should also state the platform used to conduct the assessment, where the Medical Assessor was located for the examination and where the claimant/worker was located.

Any technical difficulties experienced during the assessment, such as poor audio or image quality, should also be documented in the Certificate. If technical difficulties are experienced, the Medical Assessor must address in the Certificate the reasons why they were still satisfied the assessment was able to proceed and conclude in an appropriate manner.

Medical Assessors should log the duration of the video assessment for all attendances with the commencement time and finishing time.

3. CONDUCTING ASSESSMENT 'ON THE PAPERS'

3.1 On the papers assessments in limited circumstances

A matter may be referred for assessment based 'on the papers', in appropriate circumstances.

It is expected that a referral for an 'on the papers' assessment will rely on the consent of the parties.

An 'on the papers' assessment should only be completed if the Medical Assessor is of the opinion that the assessment can be competently and accurately undertaken without an examination of the claimant/worker.

An assessment 'on the papers' may be conducted in conjunction with an assessment by video-conference.

To address your concerns or questions regarding the conduct of medical assessments during the Coronavirus pandemic please contact the Personal Injury Commission on 1800 742 679.