

Independent medical examinations

Gathering claim information

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Introduction

An employee may be required to attend an independent medical examination by a [legally qualified medical practitioner](#) (LQMP), referred to as the **examiner** in the guidance below:

- as part of the initial determination process or
- as part of the management of an employee's accepted claim or
- where a request for a reconsideration has been received

Relevant legislation

The relevant sections of the *Safety, Rehabilitation and Compensation Act 1988 (SRC Act)* for independent medical examinations (IMEs) are **section 36** (employee's capacity to undertake a rehabilitation program) and **section 57** (for managing claims for workers' compensation).

Comcare has the power under section 57 of the SRC Act to request an employee attend an independent medical examination.

An independent medical examination aims to gather any further medical information about the employee's injury or illness that is required to manage their claim. It is the responsibility of the Claims Manager or the Review Officer, in the case of a request for a reconsideration, to arrange this.

Section 57A of the SRC Act requires Comcare to prepare a **Guide for Arranging Rehabilitation Assessments and Requiring Examinations** (the Guide). The Guide's purpose is to support ethical, transparent and accountable decision-making in relation to:

- arranging a rehabilitation assessment and examination under section 36 of the SRC Act or
- requiring medical examinations arranged under section 57 of the SRC Act

Claims Managers will need to document their considerations against the requirements of the Guide when issuing section 57 medical examination determinations to employees.

The Guide applies to all section 57 medical examination determinations on or after [REDACTED]

As a Claims Manager, the Guide requires you to adhere to the following when considering requiring the employee to undergo a section 57 examination.

- You must first rely on existing information to manage the claim.
- If existing information on the claim is insufficient or inconsistent, you must seek further information from the employee's treating practitioner.
- If a medical examination is required after receiving the information from the employee's treating practitioner, you must seek and consider the employee's views on the person conducting the examination.
- You must issue a determination under section 57 together with a notice of rights to the employee.
- The frequency of the medical examinations must occur no more often than every six months unless certain criteria are met.

Reasons for arranging an independent medical examination

Independent medical examinations are used to obtain a specialist opinion in relation to an employee's compensable condition. There are several reasons for arranging a medical examination which include, but are not limited to:

- an employee is not receiving treatment from a legally qualified medical practitioner (LQMP) or evidence-based treatment from an allied health provider
- there is insufficient or conflicting medical evidence on the employee's claim file or new claim
- a claim is medically complex
- an employee has developed a new or secondary condition
- an employee has submitted a claim for permanent impairment
- there is evidence the employee's treating LQMP or practitioner is adopting the role of an advocate
- there is difficulty establishing a link between employment and the claimed condition
- the condition has stabilised
- clarification of capacity. For example, determining that the employee is able to study but is unable to return to any form of work.

Requiring a medical examination

Claims requiring a medical examination can be identified during a:

- routine review of the claim
- claims plan meeting
- triage meeting
- Clinical Panel review
- compliance review
- discussion with the relevant Injury Manager
- at the initial liability determination stage, or

- at any time during the claim's lifecycle

Before considering whether an employee should undergo a medical examination, you must consider whether you already have sufficient medical information to determine the claim. This includes information about the 'employee's circumstances' or any change in those circumstances.

'Employee's circumstances' is a defined term in the *Guide for Arranging Rehabilitation Assessments and Requiring Examinations* and includes a range of matters that you may need information on when determining liability for compensation. These include:

- the injury
- other medical conditions that may be relevant to the claim, for example pre-existing or secondary injuries
- the requirement for medical treatment
- the employee's capacity for work
- the employee's claim for permanent impairment and non-economic loss
- the employee's need for alterations, modifications or aids or appliances
- the employee's need for household services or attendant care services
- understanding suitable employment requirements
- personal circumstances - such as any biopsychosocial factors that may be impacting their return to work
- any other relevant matter.

If available information is insufficient or inconsistent, you **MUST** first request the information or clarification of the inconsistent information with the employee's treating practitioner.

The request must be in writing and specify a period in which the information is to be provided. This period must be at least **14 calendar days**. You do not have to wait for the specified period to expire if the treating practitioner provides the requested information within that timeframe.

Stop clock provisions: If requesting further information from the employee's treating legally qualified medical practitioner (LQMP) in relation to an undetermined claim, the **prescribed timeframes** will apply. You will need to create and update the stop clock actions in the *Manage Initial Liability Assessment* (MILA) function in Pracsys.

After considering the information from the employee's treating practitioner or if you do not receive the requested information from the treating practitioner, you may require the employee to undergo a section 57 examination.

Before you arrange a medical examination, you must consider:

- the employee's circumstances or
- any change to the employee's circumstances or
- the employee's capability to undertake a rehabilitation program

Arranging for an independent medical examination should only be considered when the above methods of obtaining the required medical information have been tried.

You should use internal resources including Injury Management or the Clinical Panel to support you with gathering and interpreting the medical information from the treating practitioner to make an informed decision. If an informed decision cannot be achieved, then it is reasonable to consider arranging an Independent Medical Examination (IME).

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Factors to consider prior to arranging an IME

When considering an IME, you first need to ask the following questions, to determine if an IME is necessary:

1. Is there sufficient information on the claim to make a decision?
2. Has information been sought and received from the employee's treating practitioners?
3. Is the response received from the treating practitioner/s sufficient and received within the specified time?
4. Has an IME been conducted in the last six months for this claimed condition?
5. If yes, consider if one of more of the following apply to this situation:
 - Is the medical information received inconsistent or conflicting?
 - Has the employee requested the IME?
 - Has the employee's treating health practitioner requested the IME?
 - Has there been a change in the employee's circumstances?
 - Does the injury require multidisciplinary medical treatment?
 - Did the previous examiner fail to provide a report following the examination?
 - Is there a current reconsideration or a determination underway?
 - Is there an application for a reviewable decision underway in accordance with section 64 (Administrative Appeals Tribunal)?
6. Has an Injury Manager been consulted regarding the IME and suitable specialty type?

7. What is the specific purpose of this IME?

For further information, please see the [IME Decision Making Checklist](#).

Important: Attendance at medical examinations can be distressing. You should consider the impact that attending a medical examination may have on an employee, and whether this is the most appropriate avenue to seek the required information.

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Seeking the employee's views on the IME

Before requiring an employee to attend an examination, you must:

- seek their views about the selection of the medical practitioner to conduct the medical examination, including but not limited to:
 - the selected medical examiner/s to conduct the examination
 - The specialisation of the examiner
 - The availability of the examiner
 - The gender of the examiner and or any cultural concerns.
- take those views into account when scheduling the examination.

While not required in the Guide, for ease of booking an appropriate appointment, you should also discuss the employee's availability regarding date and time.

This process can be verbal or in writing. Ensure that you document any response in writing and record the details of the verbal conversation.

To limit any potential delay in determining the employee's claim, you must give the employee a period in which to respond. This period must be at **least three calendar days** from the date of your request. You can make a decision on the person to conduct the examination as soon as the employee responds. You do not have to wait for the specified period to end.

Document your considerations: You will need to clearly document all considerations relating to the selection of the medical practitioner, including the employee's views, in the section 57 medical examination letter.

Reconsideration requests or intent not to attend: If the employee indicates that they will be requesting a reconsideration in relation to the medical examination or indicated that they will not be attending and/or raise any objections to attending the medical examination, please discuss this with your Assistant Director as soon as possible.

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Qualifications of medical practitioners

Before you or the Review Officer (in the case of a reconsideration) arrange a medical examination, the Guide requires you to be reasonably satisfied that the medical practitioner is a legally qualified medical practitioner registered with the Australian Health Practitioner Regulation Agency (AHPRA). They must be qualified, by their training or registration, to assess the employee's injury.

The Injury Manager assigned to the claim will provide a clinical recommendation to you or the Review Officer for the appropriate specialist to complete the assessment.

Please see the [List of Legally Qualified Medical Practitioners](#) for details of different specialists and what injuries and illnesses they are responsible for.

In deciding which examiner to use, you should consider:

- the qualifications, experience or expertise of the examiner
- whether the examiner is registered in the state or territory where the examination is to be conducted
- whether the employee has previously been assessed by the examiner and if so, is the use of the same examiner appropriate?
- the quality and comprehensiveness of any previous medical reports prepared by that examiner and the objectivity displayed towards the employee's compensable condition and/or towards the employee's personal circumstances
- whether the employee has a treating specialist, and
- the proximity of the examiner to the employee.

For employees in rural areas, consideration can be given to completing the assessment via telehealth, or if travel is appropriate, in the nearest major city/town.

Timeliness: An examiner should be chosen who can provide appointments and quality reports with minimal delay.

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Other factors to be considered when arranging the medical examination

When arranging the medical examination, there are other factors that you may need to consider in consultation with your Injury Manager and/or the employee.

These include the following:

- The date and time of the appointment:
 - is the appointment at a time and date that the employee can attend?
 - does the time and date provide the employee with reasonable notice of the appointment?
- Whether the distance the employee is required to travel is reasonable and within their current capacity.
- Where the employee lives and whether transport for them to attend the appointment will need to be arranged.
- Whether the employee requires a support person to attend the medical examination.
- Whether the employee is currently using mobility aids. If so, is the examination room accessible, and has the employee the ability to navigate their way through the community?
- Whether interpreting services are available in the location of examination if required.
- Whether the gender of the employee and the examiner should be considered.
- Whether any other cultural sensitivities have been considered.

Further information can be found in the [IME Talking Points and Call Guide](#)

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Independent medical examination providers

Comcare currently has a contract with the *Medilaw Group* and *MLcoa* for the delivery of independent medical examination (IME) services for Comcare.

Medilaw group

[Medilaw specialist directory](#)

[Medilaw group contact details](#) - Contactable if you have any queries regarding an IME booking or concerns regarding the MedEbridge platform.

Medilaw group - Telehealth services

[Medilaw Group - Telehealth Client information sheet](#)

[Medilaw Group - Telehealth Instruction sheet: Zoom](#)

MedEbridge have developed the following [FAQ document](#) which will be updated frequently. Please continue to send through queries and questions to the IME and Injury Management Practice team, so that they can include these in the FAQs document.

MLcoa

[MLcoa - Comcare panel specialist directory](#)

[MLcoa - contact details for Comcare](#)

Important: When considering the employee's injury/illness and personal circumstances, you may need to consider a medical practitioner who is not part of the Medilaw Group or MLCOA to conduct the examination. If this is the case, please discuss this with the Assistant Director, IME and Injury Management Practice.

If you have any other concerns or queries in relation to Medilaw or MLcoa, please contact the Assistant Director, IME and Injury Management Practice.

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Notice of determination

A decision to require an employee to attend a medical examination under section 57 of the SRC Act will be a determination for the purposes of section 60 of the SRC Act from [REDACTED]

The determination in relation to the medical examination must include the terms and reasons for the decision and be accompanied by a notice of the employee's rights and obligations relating to the examination.

If the determination is made on or after the application date of the Guide on [REDACTED] it will also need to demonstrate that you have had regard to the requirements in the Guide.

If the employee is dissatisfied with your determination, they may request a reconsideration of the determination. If the employee is still dissatisfied with the subsequent decision, they may request a merits review at the Administrative Appeals Tribunal.

However, the employee must still comply with their obligations under the SRC Act during the review process. This includes attending and not in any way obstructing the examination unless they have a reasonable excuse as required by section 57(2) of the SRC Act.

Intent to request a reconsideration: If you are advised by the employee that they will be requesting a reconsideration on the determination for them to attend a medical examination, please discuss this with your Assistant Director.

Document your considerations: As the determination requiring an employee to attend a medical examination is now reviewable, you **MUST** clearly document your conversations with the employee, your considerations on the choice of medical examiner (including taking into consideration the employee's views) and the reasons why the employee is required to attend an IME in Pracsys. This information should also be included in the section 57 medical examination determination letter.

Please refer to the [Reconsiderations](#) page for further information on the reconsiderations process.

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Reconsideration on own motion

As a decision to require an employee to attend a medical examination will now be a determination for the purposes of section 60 of the SRC Act from [REDACTED] you will now have to issue a reconsideration on own motion should you decide that the employee is no longer required to attend a medical examination.

When considering whether to undertake a reconsideration on own motion, you should discuss the claim with your Assistant Director.

For further information, please see: [Reconsideration on own motion](#)

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Limitations on frequency and number of medical examinations

Subject to some specific exceptions, you cannot require an employee to undergo more than one medical examination in respect of the injury/disease more frequently than at six-month intervals.

The exceptions include the following:

- The employee does not undergo the examination or obstructs the examination.
- An examination is requested by the employee or their treating practitioner.
- Another medical practitioner has recommended a further examination or re-examination.
- There has been a change in the 'employee's circumstances' as defined in section 4 of the Guide.
- The injury requires multidisciplinary medical treatment (i.e. a complex case) and it is appropriate for the Claims Manager to require the employee to undergo more than one examination, with a different medical practitioner.
- The assessor fails, for any reason, to provide a written report.
- A request for a reconsideration of a determination is made but a reviewable decision in response to that request has not yet been made.
- An application for review of a reviewable decision is made to the AAT but a final decision has not yet been made.

The limitations placed on the frequency of arranging section 57 medical examinations are not impacted by the arrangement of a section 36 rehabilitation examination. That is, a Claims Manager could organise a Section 57 medical examination in the same six-month period as a section 36 rehabilitation examination organised by a rehabilitation authority.

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Medical examination documentation

Once the medical examination has been booked, you will need to supply a case summary, outlined in this section, to the examiner.

You will also need to provide a list of questions that you would like the examiner to answer in relation to the employee's condition as part of the examination.

Please see: [Obtaining a medical report or clinical notes](#) for a list of questions you may want to ask the examiner.

Case summaries

A case summary is used to provide background information to an examiner in relation to an employee's compensable condition or undetermined workers compensation claim. A case summary should only contain facts relevant to the employee's compensable or undetermined condition and must not be used to lead the examiner in any way.

As outlined in the [Procedure for referring an employee for an independent medical examination](#), the Injury Manager will work collaboratively with you to assist in developing a detailed case summary and schedule of questions to be provided to the examiner.

Below is a brief outline of what should be included in a case summary.

Background to injury

Provide a brief history of the claim focusing on how the injury occurred and what stage it is currently at. The history can

include the following but is not limited to:

- when the claim was lodged by the employee
- diagnosis of the injury sustained (including diagnosis on the initial medical certificate)
- details as to how the injury occurred
- what the accepted condition is (if claim is accepted), and
- any secondary conditions/other claims.

The Claim Chronology document can be used to assist in providing a detailed history of complex claims to the examiner. For further guidance, refer to the [Claim chronology](#) page.

Incapacity

Provide the examiner with information relating to the employee's treatment, rehabilitation and any incapacity the employee has had in relation to their compensable condition. The summary should include, but is not limited to:

- treatment the employee has undertaken in relation to their condition(s)
- outcome of any treatment
- details of any rehabilitation program in which the employee has participated
- the outcome of any rehabilitation program
- any time off work the employee has had in relation to their condition(s), and
- the employee's duties at work (pre-injury, current and proposed).

Medical evidence / history

All documents provided to the examiner for the examination should be clearly labelled with a letter or number in the top right-hand corner.

A list of attachments should be included in the letter to the examiner. The list of attachments should be under the date of your signature block with corresponding letters or numbers so the examiner can easily refer to the documents attached.

Examples of the documents to be provided to the examiner include, but are not limited to:

- copy of workers' compensation claim form
- relevant medical certificates
- medical reports
- rehabilitation reports
- service provider reports, e.g. imaging
- employer/employee statements.

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Support persons and interpreters for independent medical examinations

Interpreters for examinations

If the employee requests an interpreter to be present at the examination, then Comcare can arrange for a professional interpreter to attend. Comcare will meet the costs of the interpreter.

It is not appropriate for the interpreter to be a family member or friend. This is to ensure the interpretation of what the employee is saying is not affected by the family/friend's own view.

If required, interpreters can be arranged and booked online from [Translating and Interpreting Services \(TIS\) National](#).

Support persons for examinations

Employees may require or request that a friend or relative attend a medical examination with them as a support person.

Sometimes a support person is medically required to assist the employee in attending the medical examination. In this case, there needs to be medical evidence that shows that it is medically necessary that the employee has someone attend with them.

Where an employee requires a support person for medical reasons, Comcare will meet reasonable travel costs associated with the support person attending.

Please see [Receiving and actioning travel requests](#) for more information.

Where the support person is not medically required to assist the employee, Comcare will not meet travel costs associated with the companion attending.

The employee's support person must not interfere with or in any way obstruct the examination. They should not attempt to answer questions put to the employee by the examiner.

The selected examiner may be unable to continue with the examination due to the behaviour of the support person. In this case, the examiner may choose to terminate the examination and will advise Comcare of their reasons for doing this in writing.

Please note: It is not appropriate for the employee to take their children to the medical examination. Employees should make alternative arrangements for their children while they attend the medical examination.

Informing the examiner

If an employee would like a support person to attend the independent medical examination, the examiner must be informed before the appointment.

The examiner may not agree to any support person attending the medical examination. In such a case, the employee should be informed and a different examiner should be sought who will allow the support person to attend.

If a suitable examiner is unable to be found, the employee will need to attend the examination. The support person will be required to wait in the waiting room during the appointment.

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Costs of an independent medical examination

Comcare has an appointed primary service provider for independent medical examinations (IMEs), *Medilaw Group*. The costs associated with examinations are set according to an agreed [pricing list](#).

If the Medilaw Group (or Mlcoa) do not have a suitable examiner to conduct the examination, please contact the Assistant Director, IME and Injury Management Practice.

Cancellations by the examiner

Where an examiner cancels an IME appointment, there is no fee. You will need to arrange a new appointment and contact the employee as soon as possible to advise them of the situation. You will need to provide the new appointment details in writing to the employee and employer.

Cancellations by the employee or Comcare

If the IME appointment needs to be cancelled, you or the Claims Support Officer must log in to the IME portal and cancel the appointment.

Reasons for the cancellation and explanation of the situation must be documented in Pracsys.

Three full business days' notice are required to avoid any cancellation charges.

If the employee needs to cancel the appointment, you will need to determine if the reason/s for the cancellation are reasonable.

Refer to the [Reasonable excuse](#) section for details on what is reasonable.

If they are, cancel and re-schedule the appointment for a date and time that is suitable for the employee.

If the only changes to the medical appointment are the time and date, you do not have to send another section 57 determination letter to the employee. You are however still required to inform the employee in writing of the new details of the medical appointment.

However, if you are required to change the medical examiner and/or the qualifications of the medical examiner when changing the medical appointment, then a new section 57 determination letter will need to be sent to the employee.

As a decision to require an employee to attend a medical examination will now be a determination for the purposes of section 60 of the SRC Act from 14 June 2024, you will have to issue a reconsideration on own motion should you decide that the employee is no longer required to attend a medical examination.

If the reason/s for cancelling the appointment are not reasonable, the appointment should proceed, and you will need to advise the employee of their obligations under section 57 of the SRC Act.

If the employee does not attend the IME appointment, Comcare may be charged a non-attendance fee by the IME provider.

You will need to determine if the employee has a reasonable excuse for not attending the appointment before paying the non-attendance fee.

For further information see, [Non-attendance at a medical examination](#)

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Claiming incapacity for attending an independent medical examination

Where an employee is requested by Comcare to undergo a medical examination, they may, depending on the provisions of their employer's Enterprise Agreement, be considered 'on duty' when attending.

This means there will be no loss of earnings or leave credits involved. Therefore, the employee will not need to lodge a claim for time off work.

The employee should consult with their employer about how the absence will be dealt with under their Enterprise Agreement.

If the Enterprise Agreement does not provide direction, an employee may be able to claim incapacity for the period of the examination. They will need to complete a claim for time off work form (CTOW) and submit it to Comcare.

Please see: [Incapacity for work](#) for more information.

If a claim is undetermined or rejected Comcare cannot pay for time off work. The employee will need to seek paid or unpaid leave from their employer to cover the absence.

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Injury sustained at an independent medical examination

If an employee reports an injury whilst travelling to or from an examination, or during the course of the examination, the employee will need to lodge a new claim for compensation for the new injury.

Liability for the new injury will be determined by Comcare. For further guidance, refer to the [Newly reported conditions](#) page.

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Complaints about the independent medical examination process

Concerns, queries or complaints regarding the independent medical examination (IME) process should be escalated to the Assistant Director, IME and Injury Management Practice.

These might include concerns around report timeliness, report quality and contents, or conduct of the IME consultant. The Assistant Director will address the issue with the service provider to ensure a resolution is found.

You and the relevant Injury Manager can directly liaise with the Assistant Director, IME and Injury Management Practice, to escalate such issues. You should copy your Assistant Director into the correspondence.

Assistant Directors and Directors can also engage directly with the Assistant Director, IME and Injury Management Practice to address any concerns regarding IMEs.

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Procedure for referring an employee for an independent medical examination

Background Information

all medical examinations **MUST** be undertaken in accordance with section 57A of the SRC Act and from with the *Guide for Arranging Rehabilitation Assessments and Requiring Examinations* (the Guide).

Medical examination bookings

The responsibility for booking the medical examination appointment and uploading supporting documentation is the responsibility of the Claims Operations teams/ Reconsideration & Appeals team.

The Injury Management team continues to play a vital role in this process. This includes:

- being involved in the discussion as to whether a medical examination is required
- identifying the appropriate specialist to conduct the examination
- contributing to the schedule of questions
- ensuring clinically appropriate questions are included, and
- contributing to the schedule of documents to be submitted to the medical specialist.

Step 1: Request information

If you identify a claim that may require an independent medical examination, you will need to review the claim file to ascertain if you require further information from the employee's treating practitioners prior to progressing with the medical examination.

If you require further information from the treating practitioners, the request must be in writing and specify a period in which the information is to be provided. This period must be at **least 14 calendar days**. You do not have to wait for the specified period to expire if the treating practitioner provides the requested information within that timeframe.

If the information received from the treating practitioner/s is sufficient and is consistent with other medical evidence on the claim, and you do not need further evidence to make a determination on the claim, the procedure ends here.

If the information received from the treating practitioner/s is still insufficient or inconsistent, and you are not able to make a determination on the claim, continue to **Step 2**.

Prescribed timeframes: if requesting further information from the employee's treating practitioner in relation to an undetermined claim, the prescribed timeframes will apply. You will need to create and update the stop clock actions in the

'Manage Initial Liability Assessment' (MILA) function in Pracsys.

The stop clock provisions do not apply to requests for information from the employee's treating allied health practitioners, e.g. physiotherapist, psychologist, massage therapist etc.

Step 2: Discuss and agree the need for an independent medical examination

Once all the information from the treating practitioner/s has been received and it has been identified that an independent medical examination is required, this should be discussed by the Claims Manager or the Review Officer in consultation with the relevant Injury Manager and Assistant Director, Claims Operations.

Where agreement cannot be reached on the proposal for an employee to attend a medical examination, you should escalate the matter to the Assistant Director (Claims Operations) and Assistant Director (Injury Management). Where necessary, the Director (Claims Operations) will make a final decision as the delegate whether it is reasonable to arrange a medical examination under Section 57 of the SRC Act.

If a decision is made that a medical examination is not needed, end the procedure and add a comment to Pracsys with the reasons why a medical examination is not required at this time.

If a decision is made to proceed with a medical examination, this decision should be recorded in the Claim Plan and the [IME Decision Making Checklist](#) must be completed.

Step 3: Update Pracsys

The Injury Manager will need to complete a "New IMAS service" case note in Pracsys within **one business day** of the agreement being reached on the requirement for the medical examination. The case note should summarise why the medical examination is needed. This note should include:

- details of the triage meeting including any stop clock activities (if an undetermined claim)
- that the IME Decision Making Checklist has been reviewed
- the purpose of the medical examination
- a recommendation for which specialist/s, based on their medical speciality and required sub-specialities, should assess the employee.

Step 4: Contact the employer and other stakeholders

Employer

The Claims Manager or Review Officer will need to contact the employer to advise them that the employee is required to undergo a medical examination and explain the reasoning for this decision.

The employer may want to organise a combined section 36/section 57 examination at this time. Please see the procedure for [Combined medical \(section 57\) and rehabilitation \(section 36\) examination](#).

If the employer has any concerns about the employee attending the medical examination, please discuss next steps with your Assistant Director in conjunction with the Injury Manager.

If the employee accepts the reasons for the employee to undertake a medical examination, progress to **Step 6**.

Treating medical practitioner

The Injury Manager, where appropriate, contacts the treating medical practitioner to advise them that the employee is required to undergo a medical examination and discuss the reasoning for this.

Record your conversations: As medical examinations under section 57 are reviewable, all conversations with employers, treating medical or allied health practitioners or other stakeholders should be recorded in Pracsys.

Step 5: Contact the employee

Steps 5 (discussion) and 6 (booking IME) can take place in the same telephone conversation. If you or the employee need time to consider or book the appointment, you will need to contact the employee again to seek their views on the person you have booked to conduct the examination.

The Claims Manager or Review Officer will need to contact the employee and advise them of the requirement for an independent medical examination.

You should establish contact with the employee via their preferred contact method **within 2 business days** of the decision to proceed with a medical examination. During this contact the following must be discussed:

- Explain the purpose of the medical examination, including why an examination is required.
- Explain what type of speciality the medical examiner will need to conduct the examination.
- Recommend the medical examiner/s that have been identified as being the best suited to conduct the examination (based on qualifications/experience etc) and the reason you would prefer the employee to attend the examination with this examiner.
- Seek the employee's views about the selection of medical practitioner/s to conduct the examination.
- If the employee recommends another examiner, other than the nominated examiner, you will need to take their views into consideration when deciding on the relevant medical examiner to conduct the examination.
- You will need to consider the medical practitioner's qualifications, availability and cost of the examination when determining the most appropriate medical practitioner to conduct the examination.
- Explain what the employee can expect from the IME assessment and process.
- Obtain the employee's availability to attend (dates and time) and note any personal circumstances that need to be considered. These may include but are not limited to:
 - gender or cultural concerns
 - mobility requirements if the employee uses mobility aids
 - location of the examination/whether they prefer face to face or telehealth
 - travel requirements and options
 - the employee's need for a support person or an interpreter/the employee's preferred language
 - caregiver responsibilities
 - any other considerations that the employee may have.

For further information, refer to the [IME Talking Points and Call Guide](#)

You must also advise the employee of their obligations under section 57 of the SRC Act and inform them of their right to request a reconsideration in relation the medical examination.

If the claim is undetermined, explain about the prescribed timeframes and how the stop clock actions work.

Document your conversation: You will need to document your discussions or contact with the employee in Pracsys.

See [IME consultation call record template](#).

If the employee has concerns about attending the medical examination, discuss next steps with your Assistant Director in consultation with the Injury Manager.

Reconsideration requests or intent not to attend: If during your contact with the employee, the employee indicates that they will be requesting a reconsideration of the section 57 determination or indicates that they will not attend the medical examination, please notify your Assistant Director and Injury Manager as soon as possible.

If the employee accepts the reasons for undertaking a medical examination, progress to **Step 6**.

Step 6: Schedule the medical examination

You will then schedule the IME appointment via the [IME portal](#) with the recommended specialist at a date and time that suits the employee.

Based on the employee's considerations, it may be appropriate to seek a NEXUS/telehealth appointment or request that the medical examiner undertake a desk top examination of the claim information rather than seeking a face-to-face or in-person examination.

Under the Guide, you are required to seek the views of the employee about the medical examiner that we have selected to conduct the medical examination.

This process can be verbal or in writing and this should be documented in Pracsys.

You must give the employee a period in which to respond to your request and this period must be at least **three calendar days** from the date of the request.

If during the phone call, the employee is satisfied with your selection of the medical examiner to conduct the examination, you do not have to wait for the specified period to expire.

Other considerations when scheduling the medical examination:

- The medical examiner may have requirements for face-to-face or in-person examinations – please notify the employee of these requirements and attach any available guidance from the medical practitioner to the section 57 determination letter.
- If the requirements cannot be met, the medical examiner may not be able to go ahead with the examination.
- If the face-to-face requirements cannot be met, an at-home NEXUS / telehealth appointment may be scheduled, where appropriate.

If the employee chooses to attend a face-to-face appointment after we have provided them with the above information, and the attendance requirements cannot be met, they will not be seen by the medical examiner at this time. If this situation occurs, please consider seeking an at-home NEXUS/telehealth appointment if appropriate.

Step 7: Contact the employee

If you have not in the previous conversation sought the employee's views on the person you have booked to conduct the medical examination, you will need to contact the employee again to seek their views.

You must give the employee a period in which to respond to your request and this period must be at least **three calendar days** from the date of the request.

Step 8: Draft the section 57 determination letter

You will need to draft the section 57 determination letter to the employee. Use '*Letter template 712 – 'Section 57 Medical Assessment – employee'*

The draft letter should include:

- The appointment details
 - time and date of appointment
 - medical examiner's name
 - medical examiner's address
 - medical examiner's telephone number
- If the examination is conducted via telehealth:
 - the medical examiner's name
 - the location where the telehealth consult will be held

- the name of the qualified allied health practitioner assisting in the telehealth consult
- Any other details in relation to the appointment (if applicable) e.g.
 - requirements that the medical examiner has in relation to the examination
 - travel arrangements including those of the support person
 - details of the interpreter
- the details that you have considered in relation to the employee's medical and personal circumstances
- background and considerations for the medical examination
- reasons for the choice of the nominated medical examiner
- details of the prescribed timeframes (if applicable)
- information on the employee's rights and obligations.

The draft section 57 determination letter and draft IME Decision Making Checklist will need to be QA'd by the Assistant Director.

Once the draft letter has been signed off by the Assistant Director, contact the employee and advise them of the outcome of their feedback regarding the selected examiner and confirm that a determination letter explaining your reasons for choosing the medical examiner will be sent to them.

Reminder: Please record your conversation with the employee in the '*Manage Claim Comment*' (MCOM) function in Pracsys.

Prescribed timeframes for undetermined claims: if requiring the employee to attend medical examination in relation to an undetermined claim, the prescribed timeframes will apply. You will need to create and update the stop clock actions in the '*Manage Initial Liability Assessment*' (MILA) function in Pracsys.

The stop clock action will start the date that you send the section 57 determination letter to the employee.

The stop clock action will end the date that Comcare has received the notification from the medical examiner that the medical report is ready to be downloaded from the IME portal or if the IME portal is not used, then the date that Comcare receives the medical report from the examiner.

The calendar-day countdown will recommence the following day.

Step 9: Draft the medical examination referral

You will need to draft the medical examination referral in Pracsys.

This should include:

- the case summary – refer to the '[Medical examination documentation](#)' section
- the schedule of questions that you would like the medical examiner to answer in relation the employee's compensable condition – refer to '[Obtaining a medical report or clinical notes](#)' page and
- any supporting documentation

Comcare can request that the medical examiner telephones Comcare to discuss the outcome of the examination.

If this is required, **please specify in the referral letter**, that Comcare requests that a call is made following the examination to advise the Injury Manager verbally of any recommendations that the examiner has made before the examiner submits the written report to Comcare.

If you require assistance with drafting the questions to ask the medical examiner, please discuss this with the Injury Manager.

When the referral letter and documents are ready for review, you must email them to the Injury Manager for review.

Eight business days before the appointment, the Injury Manager reviews and contributes to the summary, schedule of questions and the supporting documentation within Pracsys, to ensure that relevant clinical information and the appropriate condition-specific questions are included.

Once the medical examination referral has been reviewed by the Injury Manager and the referral documentation is complete, you can upload the relevant documentation to the IME portal. This should be done **five business days** prior to the scheduled appointment.

Step 10: Update Pracsys

You, in consultation with the Injury Manager, will need to complete the [IME Decision Making checklist](#).

You will then need to upload the checklist to the '*Manage Claim Plan*' function in Pracsys.

Step 11: Requests for reconsideration

If you receive a request for a reconsideration of the section 57 determination, you will need to:

- review the employee's request
- discuss the request with your Assistant Director and Injury Manager
- proceed with the medical examination (unless there are exceptional circumstances for cancelling the appointment)
- contact and advise the employee of their obligations under section 57
- document the discussion with the employee in the Manage Claim Comment (MCOM) function in Pracsys including the employee's rationale for not attending the medical examination
- forward the reconsideration request to the Reconsiderations team as soon as possible (if you have not already done so).

Important: The employee is still required to attend the medical examination even if they request a reconsideration of the section 57 determination.

However, reconsiderations should be reviewed on a case-by-case basis, and in exceptional circumstances, you may need to cancel the medical examination. Please discuss this with your Assistant Director and Injury Manager prior to cancelling the appointment.

Stop clock provisions: For undetermined claims where the prescribed timeframes apply, the stop clock actions will continue until the employee has attended the medical examination and Comcare has been notified that the medical report is ready to be downloaded from the IME portal or has received the medical report from the medical examiner.

Step 12: Remind employee of medical examination

Contact the employee **seven calendar days** prior to the medical examination and remind them of their upcoming appointment.

If the employee notifies you that they are unable to attend the medical examination, you will need to determine if the reason/s for not attending the medical examination are reasonable.

Refer to the [Reasonable excuse](#) section for details on what is reasonable.

If reasonable:

If the reason/s for not attending the medical examination are reasonable, you may need to cancel and re-book the appointment. Please refer to **Step 6**.

If the only changes to the medical appointment are the time and date, you do not have to send another section 57 determination letter to the employee. You are however still required to inform the employee in writing of the new details of the medical appointment.

However, if you are required to change the medical examiner and/or the qualifications of the medical examiner when changing the medical appointment, then a new section 57 determination letter will need to be sent to the employee.

In not reasonable:

If the reason/s for not attending the medical examination are not reasonable, you should advise the employee of their obligations under section 57 of the SRC Act.

Intent not to attend: If you believe that the employee will not attend the medical examination, even after being informed of their obligations under section 57, you should notify your Assistant Director and Injury Manager.

Step 13: Failure to attend appointment

If you are notified by the medical examiner that the employee did not attend the appointment, you will need to determine if the non-attendance is reasonable or not.

For further information, please see the section [Non-attendance at an independent medical examination](#).

The procedure ends here.

Procedure for actioning an independent medical examination report

Upon receipt of an independent medical examination (IME) report, follow this procedure:

Timeframes for receiving the medical reports

Reports should be completed and provided to Comcare within the following timeframes:

- Standard report: **7 business days**
- Urgent report: **2 business days**
- Supplementary/Clarification report: **4 business days**
- Desktop File Review report: **17 business days**

Once you have been notified that the medical report is available through the IME portal, you will need to upload the report to Pracsys and alert the Injury Manager that you have received the report and send a copy of the report to the Injury Manager.

If the report has been received via email or mail, it should have already been uploaded to Pracsys by the Claims Administration and Income Support (CAIS) team, and you will need send a copy of the report to the Injury Manager to notify the Injury Manager that the report has been received.

The CAIS team will download and process the invoice and make this available for verification by the Claims Manager in Pracsys.

Stop Clock Actions: You will need action any stop clock requests in the *Manage Initial Liability Assessment* (MILA) function in Pracsys.

The stop clock action will end the date that Comcare has received the notification from the medical examiner that the medical report is ready to be downloaded from the IME portal or if the IME portal is not used, then the date that Comcare receives the medical report from the examiner.

The calendar-day countdown will recommence the following day.

Step 2: Review the report

Within **one business day**, you and the Injury Manager will both need to review the medical report.

If the report identifies any **urgent actions** that are required from Comcare, you and the Injury Manager must work together to action these, especially if the examiner has raised any safety concerns in relation to the employee.

Within **one business day**, the Claims Manager should schedule a triage meeting to discuss the report and agree on any decisions/actions resulting from the report's recommendations or findings.

Reminder: Please record the outcome of the triage meeting in Pracsys.

Stop clock provisions: If the prescribed timeframes apply, and further actions are required, please update the stop clock actions in the *Manage Initial Liability Assessment* (MILA) function in Pracsys.

Within **two business days**, the Injury Manager will review the quality of the report as part of their review process and identify any concerns in relation to the examination or report. If any concerns are identified, the Injury Manager will notify the Assistant Director, IME and Injury Management Practice and request that appropriate steps are taken to rectify these concerns.

Step 3: Advise employee and other stakeholders of examination outcome

Once the triage meeting has been undertaken, and an agreement on the actions has been reached, you will need to contact the employee to explain the outcomes of the medical examination.

A full copy of the report can be provided to the employee (or their representative) providing there are no identified risks or health concerns.

If an adverse decision needs to be communicated to the employee, consideration should be given to sending a copy of the report to the treating practitioner to explain the outcome of the examination to the employee.

You will also need to contact the employer to discuss the outcomes and actions taken as a result of the medical examination.

You may need to provide an extract of the relevant information from the report to the employer via email.

Please see the section below for the relevant prompts and a template to assist you with writing a summary email to the employer.

You may also need to contact the employee's treating practitioner to discuss the outcomes of the report.

A full copy of the report can be made available to the treating practitioner if required.

The procedure ends here.

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Summary of report for the employer

If you need to provide a summary of the report to the employer, please use the relevant prompts in the template below and email the summary to the employer.

Subject heading: IME Report Summary

Dear [RCM, Name],

This email is to provide you with a summary of the IME report to assist in facilitating recovery and return to work.

IME Provider:

Report Date:

Specialist Name:

Employee Name:

Claim Number:

Diagnosis:

- *The condition/s formally diagnosed by the Doctor.*

Causation:

- *Has the specialist concluded that there is a causal link between employment and the condition/injury?*
- *Has the specialist indicated a significant employment contribution for the claimed condition/s?*

Prognosis/Capacity:

- *Expected recovery timeframes.*
- *Recommended treatment and duration.*

Rehabilitation & Return to Work:

- *Timeframes for returning to work, or if at work, timeframe to achieve normal hours/duties.*

- *Workplace modifications recommended to support return to work (i.e. ergonomics, physical restrictions)*
- *Reasonable adjustments recommended to support return to work (i.e. working from home, reduced hours, reduced/alternate days)*

If you wish to obtain a full copy of this IME report, a request can be made under Section 59: [Request access to information](#)

Regards.

[Comcare Delegate, Name]

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Supplementary Report Requests

Requests for a Supplementary Report will follow the [Procedure for referring an employee for an independent medical examination](#).

Permanent Impairment IME Reports

Requests for a Permanent Impairment IME report will follow the [Procedure for referring an employee for an independent medical examination](#).

Reconsideration IMEs (including Supplementary Report requests)

Requests for Reconsideration IMEs will require the Review Officer to email the [IMT mailbox](#) to initiate communication with the relevant Injury Manager. The process will then follow the [Procedure for referring an employee for an independent medical examination](#).

Releasing medical reports

There is an underlying principle governing the release, or protection from release, of medical reports or other such material (particularly psychiatric or psychological reports). The principle is that they should not be released where there is a real risk that the report could lead to the employee harming (physically or mentally) themselves or another person.

The person best placed to determine the risk involved is the employee's treating practitioner or specialist. It would therefore be considered appropriate to consult with the doctor/specialist before releasing any potentially sensitive information to the employee.

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Combined medical (section 57) and rehabilitation (section 36) examination

There may be occasions where it is appropriate for you and the Rehabilitation Case Manager (RCM) to arrange for an employee to attend a combined medical (section 57) and rehabilitation (section 36) assessment under the SRC Act.

The SRC Act provides for:

- examinations you need to arrange under section 57, and
- assessments to be arranged by a Rehabilitation Authority (usually the RCM) under section 36 to assess an employee's capability of undertaking a rehabilitation program.

From 14 June 2024, all section 36 assessments and section 57 examinations **MUST** comply with the requirements as set out in the *Guide for Arranging Rehabilitation Assessment and Requiring Examinations* (the Guide).

Note: It is not necessary to arrange a combined assessment when **either** a liability review (section 57) **or** an assessment of capability of undertaking a rehabilitation program (section 36) are not required. If only one of these assessments is required, then only the assessment for that purpose should be arranged.

Rehabilitation Case Manager responsibilities

The RCM should issue a notice under section 36 but also forward the completed [rehabilitation assessment referral form](#) with costing to Comcare in order for CAIS Rehabilitation to register it.

Benefits of a combined assessment

Undertaking combined assessments will result in:

- minimising the number of examinations employees are required to attend
- consistency of specialist opinion
- the development of collaborative relationships between you and RCMs
- improved timeframes for early intervention, rehabilitation and appropriate medical treatment to advance employees' ability to recover and return to work as quickly as possible, and
- reduction in overall claim costs.

Choosing the most appropriate specialty

It is important that you, the Injury Manager, and Rehabilitation Case Manager agree on the appropriate medical specialty for the combined assessment. Once this is agreed upon, please follow the [Procedure for referring an employee for an independent medical examination](#).

Process for arranging a combined assessment

Contact the employee via their preferred communication method once a decision to conduct a combined assessment has been made.

From 14 June 2024, you are also required to seek the employee's views on the medical examination and the selection of the medical examiner. For further information, please see the section [Seeking the employee's views on the medical examination](#).

Also refer to Step 5: [Procedure for referring and employee for an independent medical examination](#).

When contacting the employee, you should:

- explain the purpose and benefit of the combined assessment and their obligations under section 57
- discuss their availability to attend the scheduled appointment and any other factors that need to be taken into consideration such as travel

- advise that their Rehabilitation Case Manager will contact them to explain the section 36 component of the assessment.

Next steps:

- Book the combined assessment with the required specialist/examiner through the [IME provider portal](#) and advise that the assessment is combined.
- Provide the contact details for both parties (employee and medical specialist/examiner).
- Advise the examiner if the employee suffers from multiple/complex conditions. If so, obtain advice about whether the examiner requires an extended consultation to be booked.

What if an employee objects?

If an employee objects to attending a combined assessment, you should again explain the benefit to them of attending a combined assessment (as opposed to two separate assessments). If the employee still has concerns, they should be asked to provide their reasons to you. You, the Injury Manager and the Rehabilitation Case Manager should then discuss whether it is appropriate to arrange separate assessments.

From 14 June 2024, the employee has a right to request a reconsideration of section 36 and/or section 57 determinations in relation to the requirement for them to attend a rehabilitation assessment or medical examination.

Required paperwork

Notice of combined IME and rehabilitation assessments (to employee)

Both you and the Rehabilitation Case Manager are required to issue separate determination letters to the employee under section 57 and section 36 respectively. You should send the employee a letter using the '*Letter 751 - Section 57 Medical Assessment - employee*' template.

Important: A decision to require an employee to attend a medical examination under section 57 of the SRC Act will be a determination for the purposes of section 60 of the SRC Act from 14 June 2024.

The determination in relation to the medical examination must include the terms and reasons for the decision and be accompanied by a notice of the employee's rights and obligations relating to the examination.

For further information, please see: [Notice of determination](#)

Case summary (to specialist/examiner)

The Rehabilitation Case Manager is required to prepare and send you a letter of instruction under section 36. This letter is to be sent to you at least one week before the IME booking. The summary should include a schedule of questions, details of the rehabilitation activities to date, and specific details about the employee's pre-injury job, current return to work arrangements and opportunities.

You will incorporate this information into the case summary to be sent to the specialist one week before the examination, so that the examiner has enough time to review the information. The case summary for the specialist also needs to include your schedule of questions and any other relevant documents. One case summary combining all the data will reduce the time spent by the specialist reviewing the documents and will also ensure consistency of the information being provided to the specialist.

Receipt of report

On receipt of the report from the specialist/examiner, you and the Injury Manager will review the report. You will contact the Rehabilitation Case Manager (RCM) to set up a discussion with the Injury Manager to:

- discuss the section 36 (rehabilitation assessment) report from a liability and rehabilitation perspective (note that you can discuss the section 57 (medical assessment) report as well, if the RCM feels it would be beneficial)
- discuss how each party will proceed based on the specialist's assessment and recommendations for the benefit of the employee's recovery and return to work
- identify what impact the outcomes will have in relation to the management of the claim and the rehabilitation process and any further actions required, and
- implement all actions within an agreed timeframe.

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Non-attendance at an independent medical examination

An employee may refuse or fail, without a reasonable excuse, to undergo an independent medical examination (IME), or may in some way obstruct an examination. Under section 57(2) of the SRC Act, the employee's rights to compensation under the SRC Act may be suspended until the medical examination takes place.

Where an employee fails to attend or obstructs a medical appointment, you must provide the employee with an opportunity to give a reasonable excuse within **14 calendar days**. You are then responsible for deciding whether the employee's excuse is reasonable.

If you do not consider the excuse reasonable, you must suspend the employee's rights to compensation. For information about suspending a claim, refer to [Suspending claims](#).

Reasonable excuse

What constitutes a reasonable excuse depends on the facts of each case. To be reasonable, an excuse must show that an employee was physically, mentally or emotionally unable to participate in or attend the examination rather than unwilling to do so. Examples of excuses that may be considered reasonable include but are not limited to:

- medical inability, supported by medical evidence
- a risk of injury or aggravation (supported by medical evidence) to the employee in undertaking the medical examination
- urgent and unforeseeable family matters, and
- other unforeseen circumstances about which the employee was not able to notify Comcare in advance.

The following may not be considered reasonable, remembering that the employee should have been given sufficient notice of the examination:

- resignation
- travel overseas
- relocation interstate
- dissatisfaction with how an examination is delivered, or belief that an exam is not necessary
- belief that the IME could be uncomfortable or unpleasant (different to the belief that the IME could be detrimental).

If you are unsure whether an excuse is reasonable, consult your Assistant Director and refer to the [Reasonable excuse - examples](#) guidance document.

Procedure for actioning non-attendance or obstruction of a medical examination

If an employee does not attend an independent medical examination (IME) or obstructs an examination, follow the steps outlined below.

Step 1: Send letter to employee

If the employee did not attend or obstructed the medical examination, you will need to send the employee a letter requesting the reasons why they did not attend or obstructed the medical examination.

The employee's reasons need to be provided to Comcare in writing.

You can use the template '*Letter 366 - Section 57 - Failure to Attend - Empl*' for most claims or for claims for permanent impairment '*Letter 794 - Section 24/57 PI New Appt Accept Refusal to Attend*'

These letters will seek information from the employee about the reasons or the circumstances for their non-attendance or their obstruction of the medical examination.

This will help inform whether their reasons for not attending or obstruction of the medical examination were reasonable in the circumstances.

Step 2: Update Pracsys

Go to '*Manage Action Plan*' (MAP) and create an action plan. The 'Description' field should state that you will follow up with the employee. The 'Required Date' field should be **14 calendar days** after you requested the employee provide their reasons for non-attendance or obstruction.

Prescribed timeframes: If the prescribed timeframes apply, you will also need to update the *Manage Initial Liability Assessment* (MILA) function in Pracsys.

Step 3: Determine if the non-attendance or obstruction was reasonable

Once the reasons for the non-attendance or obstruction have been received from the employee, you will need to determine whether they were reasonable.

Refer to the [Reasonable excuse](#) section for details on what is reasonable.

If yes, they were reasonable:

- re-schedule a new appointment via the [IME portal](#), with the original medical examiner at a date and time that suits the employee

If the only changes to the medical appointment are the time and date, you do not have to send another section 57 determination letter to the employee. You are however still required to inform the employee in writing of the new details of the medical appointment.

However, if you are required to change the medical examiner and/or the qualifications of the medical examiner when changing the medical appointment, then a new section 57 determination letter will need to be sent to the employee.

Refer to the [Procedure for referring an employee for an independent medical examination](#) section.

If no, they were not reasonable or the employee provided no reasons for their non-attendance/obstruction:

- suspend the claim - refer to the procedure for [Suspending claims](#)
- send a section 57(2) determination letter to the employee advising of the suspension of their claim or entitlements under section 57(2) of the SRC Act. **The section 57(2) decision will remain in place until the employee attends the**

medical examination as per the original section 57(1) determination.

- in your letter, request that the employee contact you to discuss options for getting the claim reinstated. This includes discussions about the need for the employee to attend a medical examination and arranging a new appointment for the employee.

Refer to the [Procedure for referring an employee for an independent medical examination](#) section.

Step 4: Update Pracsys

Go to '*Manage Claim Comment*' (MCOM) and enter a comment. Record all your conversations and actions. Your comment should include:

- information on the non-attendance or obstruction of the previous appointment
- the reasons provided for the non-attendance or obstruction and whether the reason/s were reasonable in the circumstances
- details of the suspension (if applicable)
- the new appointment details.

Prescribed timeframes: If the prescribed timeframes apply, you will also need to update the *Manage Initial Liability Assessment* (MILA) function in Pracsys.

This is the end of the procedure.

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