



# **MOTOR ACCIDENT INJURY ACCREDITATION SCHEME RULES**

**Accreditation for Medical Practitioners**

**OFFICIAL**

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Approved by the Attorney-General, the designated Minister, under sections 76(2) and (3) of the *Civil Liability Act 1936*, on 7 January 2019.  
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## Definitions

Term	Definition
<b>Accredited Medical Practitioner</b>	A medical practitioner who is accredited as an Accredited Health Professional under the <i>CLR</i> .
<b>CLA</b>	<i>Civil Liability Act (1936)</i>
<b>CLR</b>	<i>Civil Liability Regulations (2013)</i>
<b>CTP Regulator</b>	The Regulator established under Part 2 Division 1, <i>Compulsory Third Party Insurance Regulation Act 2016</i> .
<b>CTP Scheme</b>	Compulsory Third Party (CTP) insurance required under Part 4 of the <i>Motor Vehicles Act 1959</i> and claimant entitlements under Part 8 of the <i>CLA</i> .
<b>ISV</b>	Injury Scale Value, under Schedule 1 of the <i>CLR</i>
<b>ISV Medical Assessment Report</b>	A report prepared by an Accredited Medical Practitioner for the assessment of physical and Pure Mental Harm injuries using the prescribed template and determining the ISV item number in accordance with the Regulation 23 <i>CLR</i> .
<b>MAIAS</b>	This Accreditation Scheme established by the Minister under section 76(2) of the <i>CLA</i> .
<b>MAIAS Administrator</b>	Until 19 February 2019, the Panel established by the Minister to implement and administer the MAIAS and thereafter, the CTP Regulator.
<b>Motor Accident Injury Accreditation Scheme Rules</b>	The terms and conditions determined by the Minister under s76(2)(3) <i>CLA</i> .
<b>RTW Scheme Rules</b>	The Return to Work Scheme Rules for the accreditation and administration of the MAIAS.
<b>Training Manual</b>	The MAIAS Training Manual for Accredited Medical Practitioners undertaking ISV Medical Assessments.

## Purpose

The purpose of the Motor Accident Injury Accreditation Scheme Rules is to prescribe the regulatory and service standards required to achieve and maintain accreditation under the MAIAS.

## Introduction

A key objective of the Accreditation Scheme is to create an independent system that provides consistent, objective and reliable Injury Scale Value (ISV) Medical Assessments to determine the ISV Item Number. The ISV Medical Assessment then assists in the claims settlement process in the determination of an ISV. These Rules are to be construed so as to give effect to the key objective.

An ISV is a measure of the impact of an injury or injuries on the injured person. The ISV is primarily determined by reference to the Schedule contained in the Civil Liability Regulations (2013) (ISV table) that assigns a value between 0 and 100 for an injury, based on available medical evidence. A whole person impairment (WPI) percentage may be included in the description of an ISV Item Number in the ISV table, supporting the assessment and determination of the ISV.

In the CTP Scheme, a person who is injured in a motor vehicle accident may be entitled to compensation for their injuries. Their entitlement to certain types of compensation, such as non-economic loss, gratuitous services and future economic loss are subject to a threshold based on the ISV for the injuries sustained.

## MAIAS Administrator

The MAIAS is established by the Minister under section 76(2) of the CLA. The Minister is the Attorney-General. Under section 76(3)(c) CLA the Minister may delegate the administration or management of any aspect of the scheme to a person or body specified by the Minister. The person or body to whom such a delegation is made is called the MAIAS Administrator.

By these Rules, the Minister appoints a panel comprised of nominees of the Minister, the Australian Medical Association (SA), the Law Society (SA) and the CTP Regulator to be the MAIAS Administrator until 19 February 2019 and the CTP Regulator to be the MAIAS Administrator thereafter.

The MAIAS Administrator administers and manages the MAIAS by:

- ▶ prescribing the processes and documentation of the Scheme
- ▶ prescribing accreditation training courses and oversee their implementation
- ▶ making recommendations to the Minister for approval of applicants who meet the accreditation criteria
- ▶ monitoring the performance of Accredited Medical Practitioners to ensure conformity with accreditation obligations
- ▶ conducting investigations into alleged breaches of these conditions and impose sanctions authorised by the Scheme
- ▶ maintaining and keep up to date a register of all Accredited Medical Practitioners
- ▶ ensuring continuing oversight of the Scheme
- ▶ doing all other things necessary to ensure that the MAIAS operates efficiently, effectively and equitably under these rules.

# Motor Accident Injury Accreditation Scheme

## 1. Criteria for accreditation

To be considered for accreditation as an Accredited Medical Practitioner under the MAIAS, the Minister has determined an applicant must:

- ▶ be a registered Medical Practitioner (Specialist or General Practitioner)
- ▶ be accredited under the RTW Scheme as an Impairment Assessor
- ▶ satisfactorily complete the training modules required for accreditation
- ▶ satisfactorily complete the competency assessments required for accreditation
- ▶ satisfy any other conditions prescribed by this Scheme

## 2. Period of accreditation

Unless the Minister directs otherwise either generally or in a particular case, the accreditation of each Accredited Medical Practitioner expires on 30 September 2022 and each third year thereafter. An Accredited Medical Practitioner whose accreditation is expiring may apply for renewal of the accreditation as prescribed by these Rules.

## 3. Application process

To become an Accredited Medical Practitioner an applicant must:

- ▶ Complete accreditation as an Impairment Assessor for the RTW Scheme; and
- ▶ Complete MAIAS accreditation training and competency-based assessments.

## 4. Approval process for accreditation

The MAIAS Administrator will assess each application for accreditation and recommend to the Minister which of them should be approved.

In making a recommendation, the MAIAS Administrator:

- ▶ must be satisfied that the applicant satisfies all the criteria for accreditation under the MAIAS.
- ▶ may not make a recommendation to the Minister to limit the total number of Accredited Medical Practitioners without first consulting with the Law Society (SA) and the AMA (SA).
- ▶ may take into account the number of Accredited Medical Practitioners reasonably required in each specialty for the effective operation and management of the CTP Scheme.
- ▶ on renewal, may take into account the past performance of the applicant compared with other Accredited Medical Practitioners.

## 5. Accreditation requirements

Subject to any direction of the Minister and to these Rules, the MAIAS Administrator must prescribe the criteria for accreditation and the training required to achieve both initial and renewed accreditation and must prepare a Training Manual.

The MAIAS Administrator must take appropriate expert medical advice before prescribing criteria or training requirements for accreditation or publishing a Training Manual.

## 6. Service standards

Accredited Medical Practitioners must abide by the criteria for accreditation, terms and conditions of accreditation, service standards as prescribed by the RTW Scheme for Impairment Assessors, except when they are inconsistent with the express terms of this Scheme.<sup>1</sup>

Additionally Accredited Medical Practitioners must:

- ▶ provide medical assessment reports using the current ISV Medical Assessment Report templates prescribed by the Minister
- ▶ comply with the timeframe for the provision of reports set out in regulation 23(1) of the CLR
- ▶ not provide comment to the media on ISV Medical Assessments that are, or have been, before them
- ▶ not identify themselves as an Accredited Medical Practitioner if providing comment to the media on matters unrelated to their assessment responsibilities
- ▶ comply with the requirements of this Scheme where they differ from service standards prescribed by the RTW Scheme for Impairment Assessors
- ▶ comply with the performance and review requirements set out in this document
- ▶ comply with the guidance material provided in the Training Manual

### *GEPIC ISV Medical Assessment via telehealth conferencing*

Where a MAIAS accredited psychiatrist conducts a GEPIC ISV Medical Assessment via telehealth conferencing during a period of 3 months commencing on a date designated by the Attorney-General (or such longer period as the Attorney-General may subsequently designate), they must comply with the 'MAIAS Protocol for Pure Mental Harm ISV Medical Assessment via Telehealth' and must complete a Telehealth ISV GEPIC Assessment Template as a mandatory term of their accreditation.

## 7. ISV Medical Assessment Report quality compliance

ISV Medical Assessment Reports completed by Accredited Medical Practitioners must:

- ▶ use the current edition of the prescribed template(s) with no amendment or deletion of any section, heading, or question (regulation 23(2) CLR)
- ▶ contain clear rationale for the Accredited Medical Practitioner's opinion
- ▶ not contain material or typographic errors such that correction of the alleged error may result in a materially different outcome of the Assessment
- ▶ provide a written report to the requestor within 30 days of the examination or assessment (regulation 23(1) CLR)
- ▶ accurately record all assessment findings based on due rigour and intellectual honesty
- ▶ provide the information prescribed by regulation 23(1) CLR
- ▶ conform with the guidance provided in the Training Manual

<sup>1</sup> For Medical Practitioner's easy reference, the service standards in the document "Return to Work Scheme: Impairment Assessor Accreditation Scheme" may be viewed online at <https://www.rtwsa.com/>.

## 8. Performance monitoring

The MAIAS Administrator must monitor and manage the performance of Accredited Medical Practitioners to ensure conformity with the CTP Scheme.

In monitoring the performance of Accredited Medical Practitioners, the MAIAS Administrator will:

- ▶ Monitor services provided by Accredited Medical Practitioners against standards required by these Rules, the CLA and the CLR.
- ▶ Monitor ISV Medical Assessment Reports to assess.
  - compliance with the accreditation obligations and the CLA and CLR
  - accuracy in assessment methodology and calculations
  - medical consistency and sound reasoning
  - assessment reports are delivered within required timeframes

Where performance issues are identified, the MAIAS Administrator must manage the performance of the relevant Accredited Medical Practitioner to ensure compliance with the applicable standards and requirements.

In order to monitor and manage the performance of Accredited Medical Practitioners, the MAIAS Administrator may:

- ▶ undertake an annual quality assurance audit of a sample of ISV Medical Assessment Reports from all Accredited Medical Practitioners;
- ▶ arrange for qualified medical practitioners to undertake peer reviews of the ISV Medical Assessment Reports of Accredited Medical Practitioners; and/or
- ▶ where performance concerns are identified (whether those concerns arise out of the annual audit activities, as a consequence of complaints received or otherwise):
  - undertake specific compliance assessment of the ISV Medical Assessment Reports of an individual Accredited Medical Practitioner; and/or
  - undertake feedback and advice sessions with Accredited Medical Practitioners, including with the assistance of a nominated peer reviewer.

Accredited Medical Practitioners must cooperate with the performance monitoring and managing activities of the MAIAS Administrator, including by:

- ▶ providing copies of ISV Medical Assessment Reports prepared by them to the MAIAS Administrator and/or a nominated peer reviewer within 10 business days of receiving a request from the MAIAS Administrator for access to those Reports;
- ▶ participating in feedback and advice sessions with the MAIAS Administrator and/or nominated peer reviewer.

If an Accredited Medical Practitioner changes their opinion in the ISV report on a material matter, including ISV item number or WPI, as a result of performance monitoring, they must as soon as practicable provide to the requesting party a supplementary report in accordance with obligations for expert reports under the *Uniform Civil Rules 2020 (SA)*.

## 9. Request for assessment

Requests for an ISV Medical Assessment may be made by the CTP Insurer, a claims agent, or the claimant and/or each of their representatives. The requestor will be liable for payment of the examination or assessment and the resultant report.

The requestor is required to select an Accredited Medical Practitioner from the MAIAS register of Accredited Medical Practitioners. There is no guarantee of a minimum number of requests an Accredited Medical Practitioner might receive during the accreditation period.

The MAIAS Administrator must keep a register of Accredited Medical Practitioners and relevant accreditation information (e.g. body systems, location, etc.) and must publish the register on the MAIAS website ([www.maias.sa.gov.au](http://www.maias.sa.gov.au)) and the CTP Regulator's website.

An Accredited Medical Practitioner must not accept a request if:

- ▶ the Accredited Medical Practitioner has been asked to provide an assessment of a body system for which the Practitioner is not accredited.
- ▶ the Accredited Medical Practitioner is unable to see the claimant within six weeks of the appointment being requested.
- ▶ the Accredited Medical Practitioner has a conflict of interest in providing the requested service with respect to the claimant.
- ▶ the Accredited Medical Practitioner has provided or plans to provide any form of treatment in relation to the injured person unless there is no other assessor available to undertake the assessment.

If an Accredited Medical Practitioner believes a request for assessment is inappropriate or incomplete, the medical practitioner must discuss their concerns with the requestor and refuse the request if their concerns are not resolved.

## **10. Training and competency assessment**

An Accredited Medical Practitioner must attend and complete the required training and assessments for any new published version of the MAIAS Rules.

An Accredited Medical Practitioner must complete any refresher training required by the MAIAS Administrator following identification of ongoing report compliance or quality issues.

## **11. Accredited Medical Practitioner status**

An Accredited Medical Practitioner must notify the MAIAS Administrator in writing within seven days of any of the following:

- ▶ the practitioner's Australian Medical Board registration is suspended or cancelled
- ▶ the practitioner is charged with or convicted of a criminal offence that involves dishonesty or is punishable by imprisonment
- ▶ restrictions or limitations are placed on the Medical Practitioner's registration as a result of any findings or actions by the Medical Board of Australia in relation to any breaches under the Health Practitioner Regulation National Law
- ▶ the practitioner retires from clinical practice or there is a change in their Australian Medical Board registration
- ▶ the practitioner ceases to be qualified to practice in the area of specialty for which the practitioner is qualified
- ▶ a change in services offered
- ▶ the practitioner changes practising location/s
- ▶ any other issue or event occurs that affects the practitioner's capacity to provide whole person permanent impairment services



## 12. Suspension and cancellation of accreditation.

Accreditation under this Scheme will automatically lapse if an Accredited Medical Practitioner ceases to be:

- ▶ registered as a medical practitioner; or
- ▶ accredited as an Impairment Assessor for the RTW Scheme

In addition, the Minister may suspend an Accredited Medical Practitioner's accreditation for such period as the Minister thinks fit or cancel the accreditation altogether if the Minister is satisfied that the practitioner is no longer qualified or competent to practice in the areas of speciality for which the practitioner is accredited or that there are other good grounds on which the accreditation should be suspended or cancelled in the interests of the integrity and effectiveness of the CTP Scheme.

If the MAIAS Administrator is of the opinion that circumstances exist that could justify the suspension or cancellation of an Accredited Medical Practitioner's accreditation, the MAIAS Administrator may make a recommendation to the Minister to that effect. The MAIAS Administrator may not make such a recommendation unless the MAIAS Administrator has first obtained expert medical advice if the circumstances relate to the medical expertise or suitability of the Accredited Medical Practitioner.

## 13. Complaints

Any person may make a complaint regarding a breach of conditions of accreditation by an Accredited Medical Practitioner. The complaint must be made in writing to the MAIAS Administrator.

On receipt of a complaint, the MAIAS Administrator must determine, on the face of the complaint, whether or not it warrants investigation. If it determines that the complaint warrants investigation, the MAIAS Administrator must undertake the investigation.

In undertaking an investigation, the MAIAS Administrator must:

- ▶ give the Medical Practitioner an opportunity to respond to the complaint
- ▶ provide available information to the Medical Practitioner that supports the complaint
- ▶ provide the Medical Practitioner with the opportunity to provide documentation or an alternative view regarding the complaint; and
- ▶ keep the Medical Practitioner informed of the progress of the investigation, including the provision of a copy of the final decision regarding whether the breach is confirmed

At the conclusion of the investigation, the MAIAS Administrator must make a formal finding either that the complaint is made out or that it is not.

If the MAIAS Administrator finds that the complaint is proven, it may determine, at its discretion any of the following:

- ▶ take no further action in respect of the complaint
- ▶ require the Accredited Medical Practitioner to undertake counselling or additional training;
- ▶ recommend that the Minister suspends or cancels the Accredited Medical Practitioner's accreditation (subject to the MAIAS Administrator having first

obtained expert medical advice if the circumstances relate to the medical expertise or suitability of the Accredited Medical Practitioner)

In making a determination in respect of a complaint, the MAIAS Administrator must take into account the following:

- ▶ frequency of breaches, if multiple including multiple breaches of one condition or single breaches of more than one condition
- ▶ degree of participation in the investigation by the Accredited Medical Practitioner
- ▶ materiality of the breach/breaches
- ▶ whether the behaviour is considered to be deliberate or inadvertent
- ▶ demonstrated changes to performance or behaviour
- ▶ any other matters considered to be relevant by the MAIAS Administrator

#### **14. Action other than cancellation or suspension**

The MAIAS Administrator may impose requirements for remedial action as an alternative to the Minister suspending or cancelling the accreditation of an Accredited Medical Practitioner.

Examples of remedial action include retraining, monitoring of performance or peer reviews (as further described in MAIAS Rule 8). The MAIAS Administrator reserves the right to require that remedial action be at the Accredited Medical Practitioner's cost.

#### **15. Ministerial control and direction**

The MAIAS Administrator is subject to the direction of the Minister in the performance of the MAIAS Administrator's duties and the exercise of the MAIAS Administrator's powers under these Rules.

#### **16. Amendment of these Rules**

The Minister reserves the right to vary or revoke all or any of these Rules at any time but undertakes to consult with the AMA (SA) and the Law Society (SA) before doing so.