

What to expect at a medical assessment

This fact sheet will help you prepare for a Personal Injury Commission medical assessment, an important event in the dispute resolution process. The medical assessment forms part of the legal proceedings used to determine your dispute and your participation is extremely important.

What is a medical assessment?

This is an assessment by an independent medical assessor who will assess the injuries which are the subject of your personal injury dispute. It is undertaken for the purpose of making a decision about the medical dispute only and they will not provide medical advice or treatment.

What is the role of the medical assessor?

A Commission medical assessor is a decision maker appointed under the *Personal Injury Commission Act 2020*. Their task is to produce a decision on the medical issues in your claim. They are a medical practitioner or other suitably qualified person appointed on the basis of their expertise, independence and credibility within their area of specialty.

What is my role during the assessment?

Please answer questions concisely and do what is asked of you during the medical assessment. You should seek clarification on any aspect of this process which is unclear.

As it is a private event, neither you nor the medical assessor are permitted to make an audio or video recording.

What happens before the assessment?

The Commission provides the medical assessor access to all documentation and information provided by you (or your lawyer) and the insurer, which they will review before the assessment. The assessor will only review the injuries listed in the dispute.

If you require a female medical assessor for religious or cultural reasons, a request should be made to us in advance of the assessment.

Where is the medical assessment held?

Medical assessments are generally held in the medical assessor's private rooms or at the Commission's medical suites at 1 Oxford St, Darlinghurst, which includes seven fully-equipped, independent medical suites.

Psychological assessments are usually conducted via video conference. In certain circumstances an assessment may be done face to face at the request of the medical assessor.

You will be advised in advance of the medical assessor's name as well as the location, date and time of your medical assessment.

When should I arrive for the assessment?

You should arrive 15 minutes prior to your scheduled assessment. Make sure you know the location and allow extra time for parking or public transport. Take your assessment letter with you in case you need to call for assistance.

How long does the medical assessment take?

A standard assessment is scheduled for one hour, or 90 minutes if you have an interpreter, but may be completed sooner. Psychological assessments are scheduled for 90 minutes. If the assessment will be longer than two hours, we will tell you ahead of time.

What if I cannot attend the assessment?

If you can't attend at the scheduled time, please contact us as soon as possible so it can be rescheduled. You may be asked to provide a written explanation. If you are more than 20 minutes late, your assessment may be rescheduled. Please note that your dispute may take longer to resolve if it is rescheduled.

What if I need an interpreter?

We will organise and pay for an approved interpreter to attend the assessment and will notify you and the medical assessor once they have been organised. The interpreter will be in the room with you. You cannot use a family member or friend as an interpreter.

If you do not have strong English skills, please consider asking for an interpreter as medical and legal terms may be used during the medical examination.

Can I bring a support person?

You may take a support person or carer with you, however, the medical assessor will decide whether that person can be present during the examination. They must not answer questions or respond for you unless the medical assessor asks them to, or unless you have a legal incapacity or are under 18.

If you require a support person, please advise us before your assessment.

What should I take with me?

Please bring all radiological scans and reports (including x-rays, CT and MRI scans). You may also wish to bring a list of your medications.

You should wear loose, comfortable clothing.

You should not bring any other additional documents or information with you, as it will not be accepted by the medical assessor.

What will happen during the assessment?

The medical assessor will explain their role and the medical examination process to you, and will ask questions which may relate to:

- your medical history
- the disputes listed on the application
- details about your accident
- your progress and treatment
- other accidents or medical conditions
- social and domestic activities.

If you are having physical injuries assessed, the medical assessor will physically examine you. You may be asked to remove or loosen clothing, and will be provided a modesty gown for your comfort.

There may be occasions when the medical assessor may ask to take a photograph, for example if you have any scarring. They may also ask you to perform movements, including bend, stand, stretch, sit or walk.

Pain is often the cause of distress, however, pain itself is not assessable during the medical assessment. This is because each person has a different pain threshold, meaning there is no single point of reference to use as the measure. Medical assessors will look for other measurable ways in which to record the effects of pain.

If you are having a psychiatric assessment, the assessor will discuss your injury and its effects. It is unlikely you will need a physical examination.

The medical assessor cannot treat, provide medication to you or provide advice about your injury, treatment, any other matter, or discuss their decision.

What does it cost?

There are no fees for an injured person attending a medical assessment, however, there may be a cancellation fee if you fail to attend. The insurer must pay reasonable expenses for you to attend any medical assessment.

Maintaining independence

The medical assessor must maintain his or her independence and impartiality to ensure an unbiased appraisal of your injuries. You should not have any contact with the medical assessor before or after the assessment.

If you believe you know the medical assessor personally or have previously been treated or examined by them, please advise us immediately.

What happens after the medical assessment?

The medical assessor will consider all the available documentation and information and provide the written certificate to the Personal Injury Commission setting out the examination findings, the decisions and the supporting reasons.

This certificate will be uploaded to the portal for you, or your lawyer (if you have one) to obtain. In most cases the certificate will be available within 14 days of the medical assessment.

Where can I go to for assistance?

If you have a lawyer, you should ask them about the dispute resolution process and request they keep you informed about the progress of your application.

If you are self-represented, we can provide you with general assistance, however we are unable to provide legal advice.

If you would like legal advice, the Law Society of NSW can provide you with a list of personal injury accredited specialists in your area through their Community Referral Service. Call 1800 742 679.

Contact us

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Personal Injury
Commission