

Physical medical assessment – what to expect

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



What is a medical assessment?

A medical assessment helps to make decisions about the medical aspects of your dispute. The assessor does not provide medical advice or treatment.

The role of the physical medical assessor

A Commission medical assessor (assessor) is a **decision maker** appointed under the *Personal Injury Commission Act 2020*. Their role is to gather information and make decisions on the real issues in proceedings. They are medical practitioners or other suitably qualified people appointed on the basis of their expertise, independence, and credibility within their area of specialty.

Difference between an assessment and treatment

The physical medical assessment forms part of the legal proceedings to resolve your dispute. It is more like a formal interview and less like a consultation with your treating specialist or general practitioner. It is not the assessor's role to provide treatment such as counselling, medication, or lifestyle advice.

It is not the role of the assessor to counsel you during the retelling of your experiences; they will be empathetic and support you through the process. If you become distressed, the assessor may take a short break. However, they must ask numerous questions to assist them to arrive at a decision.

At times, you may feel like you are being asked the same question repeatedly. If there are any inconsistencies in the information provided by you or if information is not clear, it is the assessor's role to clarify this.



Maintaining independence

The assessor must be independent and impartial to ensure an unbiased appraisal of your injuries. You should not have any contact with the assessor before or after the assessment.

If you believe you know the assessor personally or have previously been treated or examined by them, other than for the Commission, please disclose this immediately to your legal representative or to the dispute officer directly if you are self-represented.

Accessibility and support needs

If you have accessibility or support requirements, let your legal representative or the Commission know as soon as possible.

Interpreters

- If you do not have strong English skills, please request an interpreter as medical and legal terms may be used during the assessment.
- The Commission will organise and pay for an approved interpreter. You cannot use a family member or friend as an interpreter.

Religious or cultural needs

- If you require a female assessor for religious, cultural, or other reasons, a request should be made to the Commission in advance of the assessment.
- If you will bring a support person to the medical assessment, please advise your legal representative or the Commission.

Support person

- The assessor may allow a support person to be present during the assessment if the assessor considers it reasonable in the circumstances. Your legal representative (or you) should notify the Commission as soon as possible if you require a support person.
- If you are a minor or under legal incapacity, your support person will be allowed to be present during the assessment.
- A support person cannot respond to questions unless invited to by the assessor. The assessor can request that the support person withdraw from the assessment if their conduct interferes with the assessment.
- If your assessment is on video conference, your support person must be visible to the assessor at all times.
- Legal representatives, union representatives or treating doctors cannot be a support person at an assessment.

Chaperones

- Assessors may invite their own chaperone to an assessment. Chaperones are registered nurses who act as silent witnesses to the medical assessment proceeding.

Importance of attending an assessment

Attending your assessment on the day/time it is scheduled is essential as with any legal proceedings before a court or tribunal. The appointment has been scheduled with as much notice as possible to ensure you are able to attend.

It is important that you make every effort to attend or notify your legal representative well in advance if your circumstances change and you are unable to attend your scheduled medical assessment. Please note that cancellations made with less than seven days' notice result in the appointment availability being lost. This incurs a cost to the Commission, which may be passed on to you and will delay the resolution of your dispute.

Cost

There are no fees for attending a medical assessment. The insurer must pay reasonable expenses for you to attend an assessment arranged by the Commission. Contact your legal representative or insurer to make travel arrangements if required.

Your responsibilities before, during and after an assessment

You are responsible for

- treating the assessor and all parties with courtesy and respect
- participating cooperatively in the assessment
- answering questions truthfully.

Behaviour that is unreasonable, including disruptive, aggressive, bullying, or harassing, may interfere with the assessment and could result in its termination.

Before the assessment

The Commission provides the assessor with access to all documentation and information provided by you (or your legal representative) and the insurer, which they will review before the assessment.

The assessor will read in detail all information submitted and undertake extensive preparation prior to seeing you.

Although relevant details may be outlined in the documentation, the assessor may seek clarification or ask additional questions about this information during the assessment.

Where are assessments held?

Assessments are held in the assessor's private rooms or at the Commission's medical suites at 1 Oxford Street, Darlington.

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

How long do assessments take?

A standard medical assessment is scheduled for 60 minutes, or 90 minutes if you have an interpreter. It may be completed sooner if the assessor is able to gather all information required. If the medical assessment will take longer than two hours we will tell you ahead of time.

The length of the assessment is not an indication of the thoroughness of the assessment.

How can I prepare for the assessment?

The 'Prepare for your physical medical assessment checklist' at the end of this fact sheet will assist you with your preparation for the assessment.

During the assessment

As it is a private event, neither you nor the assessor are permitted to make an audio or video recording or use any AI note taking applications during the assessment.

The assessor will ask questions which may relate to:

- your medical history, including your health prior to the date of injury
- your background and work history
- the disputes listed on the application
- the injuries listed on the application, be sure you know which parts of your body are to be assessed
- details about your accident/injuries or circumstances of your dispute
- your progress and treatment
- your medical history, including past surgeries
- other accidents/injuries, medical conditions, or disputes
- past experience with mental health challenges
- social and domestic activities, what you can and cannot do in many areas of your life and who you interact with.

The assessor will discuss your injury and its effects and will ask you about any inconsistencies they may see via observation or reported by you.

You might notice some questions being repeated or phrased differently. This is a normal part of the process and helps ensure the information is accurate and complete. If there are any inconsistencies in the information provided, the assessor will discuss these with you and give you an opportunity to clarify.

The assessment can sometimes be emotionally challenging. If you become distressed at any point, the assessor may pause the session and offer a short break to help you regroup.

Pain is often the cause of distress; however, pain itself for the majority of physical injuries is not assessable during the assessment. Pain relating to the trigeminal nerve may be assessed. This is because each person has a different pain threshold meaning there is no single point of reference to use as the measure. Assessors will look for other measurable ways to record the effects of pain where relevant.

The physical examination

If you are having physical injuries assessed, the assessor will need to physically examine you.

- You may be asked to remove or loosen items of clothing. The removal of some items of clothing may be necessary to assess your physical injuries.
- You must wear undergarments to the medical assessment – even if you do not think a physical examination is necessary. Please tell the assessor if you are not wearing undergarments prior to undressing.
- The assessor will take every precaution to preserve your modesty by providing you with a gown, bed sheet, or disposable shorts. The assessor may close the curtain around the examination bed to provide privacy when removing clothing or will leave the room.
- You must keep undergarments on unless these interfere with the physical examination or you are asked to remove these by the assessor.
- If you are uncomfortable with removing any items of clothing, you should tell the assessor.
- There may be occasions where the assessor may ask to take a photograph, for example, if you have scarring.
- They may also ask you to perform movements, including bending, standing, stretching, sitting, or walking. These movements may be uncomfortable, however they are necessary to accurately assess your range of movement. Tell the assessor immediately if you experience any discomfort.
- Additional tests or assessments may be required to further validate assessment findings. These may include procedures such as applying eye drops or performing a cold test on the teeth, depending on the nature of the injury.

After the assessment

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

The certificate will be uploaded to the portal for you (or your legal representative if you have one) and the insurer to obtain. In most cases the certificate will be available within 14 days of the assessment.

In certain cases, the Commission may publish its decisions. The [‘Publication of Personal Injury Commission Decisions’](#) fact sheet will help you understand in what circumstance the Commission publishes its decisions and how to apply for the redaction or de-identification of a decision.

Further assistance



Complaints about the Commission

A complaint will not change the decision of the Commission, nor will it change which Commission decision-maker is allocated to your matter.

A complaint will not be investigated while a dispute is live before the Commission to ensure the process remains impartial and free from bias.

If you are represented by a lawyer, direct any questions to them in the first instance. It is important to ask them to clearly explain the dispute resolution process and to keep you regularly updated on the progress of your application, including any scheduled medical assessment appointments.

If you are self-represented, the Commission can provide you with general procedural advice and assistance but cannot 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.

If you are unhappy with your experience at the Commission, you may lodge a formal complaint. Information on the complaints policy can be found [here](#).

Prepare for your physical medical assessment

This checklist will aid you in preparing for your Personal Injury Commission (Commission) medical assessment. Tick off each step as you prepare.

Prior to the medical assessment

- ☐ Check ahead of time with the Commission or via your legal representative that a support person may attend (if you need one).
- ☐ Confirm with the Commission or your legal representative that an interpreter is available (if needed) for the medical assessment.
- ☐ Prepare a list of your medications and the dosage.

On the day of the medical assessment

- ☐ Plan your route, know where you are going.
- ☐ Allow extra time for traffic, parking, or public transport.
- ☐ Take your confirmation letter with you in case you need to call for assistance.
- ☐ Double check your appointment time.
- ☐ Arrive 15 minutes ahead of your scheduled appointment time.
- ☐ Ensure you have photo ID with you.
- ☐ Bring all radiological scans and reports including x-rays, CT, and MRI scans. Please note, the medical assessor will not accept any other additional documentation.
- ☐ Bring a list of your medications.
- ☐ Turn your mobile phone off prior to going into the assessment.
- ☐ Wear comfortable clothing.
- ☐ Ensure you are wearing undergarments as depending on your injury, the assessor may need to physically examine you (disposable gowns will be provided for maintaining modesty).
- ☐ If attending an eye examination, bring your current prescription glasses and any glasses you wore prior to the injury. Your pupils will be dilated with drops as part of the assessment, you will be unable to drive for up to an hour after the assessment, it is recommended that you take public transport or have someone accompany you.
- ☐ Come prepared to give a full history of the accident.
- ☐ Know which part of your body is to be assessed.
- ☐ Contact the Commission as soon as possible if you cannot attend your appointment.