

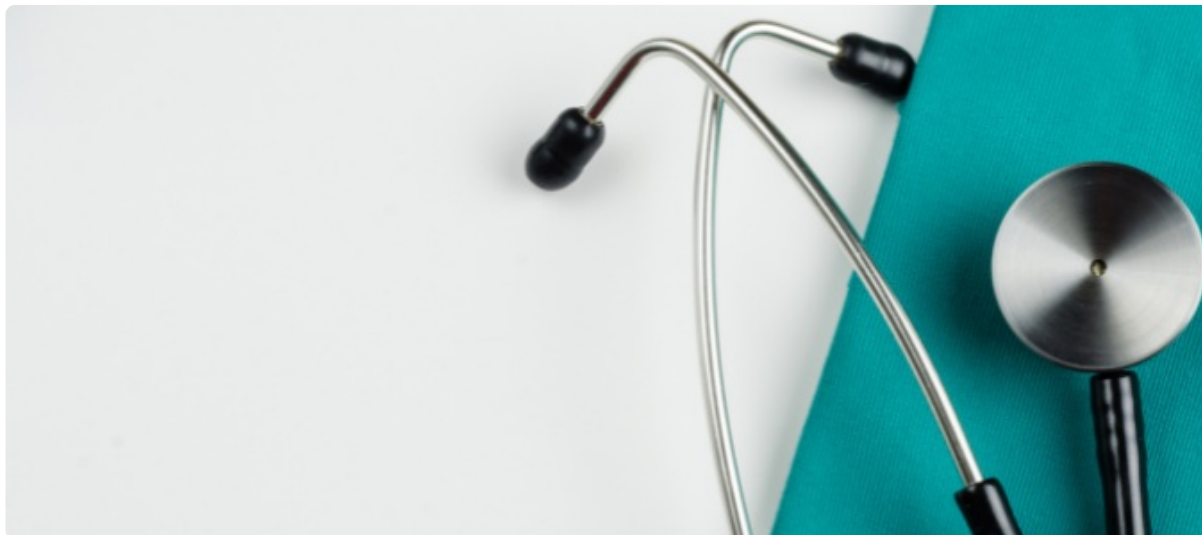
Conducting IME Assessments

Reading time:

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Independent Medical Examinations (IMEs) play a crucial role in ensuring individuals receive a fair and unbiased health assessment in cases of injury or illness.

As registered healthcare practitioners, examiners are bound to [Ahpra's Code of Conduct](#) and the various State or Territory judicial expert witness codes, as well as various statutory compensation scheme requirements that often commission the reports.

If you currently provide IMEs or are considering expanding your role, ensure you understand what is required and how you can protect yourself from complaints or claims.

This is particularly relevant if you are involved in virtual IMEs where there is no 'in-person' physical examination, or given circumstances during COVID-19, the patient being assessed may even be located outside Australia.

Understanding the role of healthcare practitioners as an IME

Injuries and illness are significant public health concerns. An assessment by a healthcare practitioner is often required when individuals make a claim on a variety of insurance policies covering items such as accidents, illnesses, disability or loss of income. To facilitate the recovery of workers or those injured in transport accidents, governments provide various statutory workers and transport accident compensation systems which also require a similar assessment.

Within this context, healthcare practitioners may offer their expertise for two different purposes – **treatment** and **assessment**.

In the first, they deliver care to those injured or unwell. In the second, they conduct independent health assessments, thus performing the role of IMEs. IMEs assess individuals who are not their regular patients, and their expert reports help claim or injury compensation management entities, courts of law and tribunals, to make informed and fair decisions on the medical issues affecting these individuals.

MIPS' coverage

The **MIPS Medical Indemnity Insurance Policy** indemnifies members in respect of writing IME reports subject to the usual policy terms and conditions. IMEs is an area of healthcare which is defined in the policy as follows:

Healthcare means:

- any care, treatment, advice, service or goods provided for the physical or mental health of a patient; and
- any healthcare examination, report or opinion prepared by You at the request of a third party, such as a lawyer, insurer or statutory body.

Telehealth/virtual IMEs

Where an IME is virtual, the MIPS indemnity policy will respond in accordance with the definition of [Telehealth](#)

The use of telehealth including virtual IMEs has risen in recent years. Many patients are located in remote or rural locations and may not have immediate access to specialist examiners. COVID-19 has made the practicalities of 'in person' examinations even more difficult. In some cases, patients or practitioners have been located outside of Australia.

Virtual IMEs can sometimes benefit from having an allied healthcare practitioner located with the patient to assist the specialist examiner, where possible.

The MIPS indemnity policy excludes the provision of healthcare outside of Australia unless MIPS agrees in writing. If the patient resides overseas and you wish to undertake an IME please contact MIPS for an assessment of the case at info@mips.com.au

Other requirements for MIPS indemnity include; you hold appropriate current Ahpra registration, qualifications, training and experience for the healthcare you provide and maintain an appropriate MIPS membership classification.

Ahpra Codes of conduct

The code of conduct provides a guide to assist in the management of IMEs.

Medical Board of Australia code of conduct

10.8 Medico-legal, insurance and other assessments

10.9 Medical reports, certificates and giving evidence

Dental Board code of conduct

8.7 Legal, insurance and other assessments

8.8 Reports, certificates and giving evidence

Members conducting virtual IMEs should also familiarise themselves with the Medical Board's [Technology-based-consultation-guidelines](#)

Code and immunity

Most States and Territories have an **Expert Witness Code of Conduct** or set of guidelines to outline the requirements for expert evidence. You need to obtain a copy of the relevant codes when preparing a report. Experts should be guided by Expert Witness Guide of Conduct in their respective jurisdiction.

All jurisdictions provide an immunity to suit in negligence for expert witness providing both a protection and incentive to provide the assessment.

What are the risks?

Ahpra complaints arising out of clinico-legal, insurance or other assessments are not uncommon. Many arise from individuals who:

- haven't obtained the assessment they desired.
- allege boundary transgressions or unprofessional behaviour
- have failed to provide information or not sought understanding or informed consent around the assessment
- allege virtual examinations were not appropriate.

Any complaint must be taken seriously as any deviation from the required standard of conduct may result in an Ahpra investigation. Always contact MIPS to notify of an Ahpra query and obtain advice and support before you respond to AHPRA.

Recent Government enquiries heard allegations of requesting insurers attempting to influence IMEs on claim assessment outcomes and providing incentives. Any agreement by a practitioner to do so, may pose a risk to an Ahpra investigation or that of an alternative body.

What is expected of you as an IME?

You must:

- provide accurate and unbiased health assessments of individuals drawing upon your clinical expertise to recommend the best course of action
- maintain an unbiased approach and to strive for impartiality
- practice within your area of expertise
- assess situations from an independent standpoint
- be mindful of a referring parties' vested interest in an outcome¹

Further resources

¹ Busse, J. W., Bruun-Meyer, S. E., Ebrahim, S., & Kunz, R. (2014). A 45-year-old woman referred for an independent medical evaluation by her insurer. *CMAJ*, 186(16), E627-E630.

² [Guide for independent medical examination reports - WorkSafe](#) (2020). Retrieved 3 November 2020

[Conducting-medical-assessments-third-parties.pdf](#)

Any queries, [contact MIPS](#)

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