

Comcare's Policy Review of Permanent Impairment Guide Options Paper

WorkCover NSW response

August 2009

WorkCover NSW generally concurs with Comcare's preferred position regarding most of the recommendations in the report. The areas where WorkCover NSW has concerns or suggestions are outlined below:

4.3 The reasonableness of current impairment thresholds

If Comcare does choose to use the *WorkCover NSW Guides for the Evaluation of Permanent Impairment* (NSW Guides) and combines the payment for impairment and "pain and suffering" into a single payment, the need to maintain a 10% threshold is questioned. There may be a need to consider differential thresholds for physical and psychological injuries, for example 5% for physical and 15% for psychological injury.

5.3 Multiple Injuries

Clarification may need to be made as to whether "all impairments" also includes secondary psychiatric impairments when the initial injury is a physical one.

7.3 General review of the Guide

It is suggested that Comcare consider mandating that only Comcare trained doctors can provide permanent impairment (PI) assessments under the Act to assist with managing the quality, consistency and equity of assessments.

8.3 Stand alone guide

WorkCover NSW would favourably consider any request from Comcare to adopt the NSW Guides 3rd Edition, however NSW would prefer that it be adopted in its entirety. This will ensure that geographical borders do not result in different results for workers allegedly being assessed in a similar manner. It will also preserve the efforts that have been devoted to achieving greater consistency in assessment within and between different body systems.

12.2 Comcare PI Guide tables and the 10% threshold

This may not be necessary if Comcare adopts the NSW Guides. Any threshold level can be set and there will be a corresponding number within each of the tables in the Guides which will be the lowest level that compensation will be paid for that particular impairment e.g. if the threshold is maintained at 10%, lumbar spine impairments will be compensated at the lowest level of Diagnosis Related Estimates III (DREIII) (range 10 to 13%) and thoracic spine impairments will also be compensated at DREIII but in the range of 15 to 18%.

13.2 Review of percentage amounts – Comcare Tables

The preferred option appears to contradict the position outlined in 12.2. It would also not be compatible with adoption of the NSW Guides, which attempt to preserve the integrity of the original AMA Fifth Edition.

14.3 Movement to future editions of the AMA Guides

The establishment of a permanent impairment working party is supported. It is also suggested that the creation of a permanent impairment working party could be done in conjunction with other jurisdictions. If Comcare were to adopt the NSW Guides, they could join NSW and other jurisdictions using the NSW Guides in ongoing monitoring and updating of the NSW Guides, which could be renamed as appropriate.