

### Chairman's Message



The CTP Accreditation Scheme has been functioning well since our first session of accreditation training twelve months ago.

Feedback from

all stakeholders regarding ISV Medical Assessments and resulting reports has been positive.

MAC's claims manager, Allianz, advises that ISV Medical Assessment reports continue to make a significant and positive impact on their ability to make timely claims determinations and settlement offers. The Motor Accident Commission (MAC) has provided data to MAIAS as to the following:

- ▶ 80% of our currently listed Accredited Medical Practitioners (Assessors) have received referrals since July 2016.
- ▶ Assessments are predominantly for injuries of the musculoskeletal system.
- ▶ 30 GEPIC assessments for injuries of Pure Mental Harm have been referred to date.
- ▶ 85% of referrals have been made by the insurer (including those made by agreement with plaintiff solicitors) with the remainder made by plaintiff solicitors directly to Assessors.
- ▶ Over 150 assessments are now being referred by MAC (Allianz) each month.

The SA branch of the Australian Medical Association (AMA) invited MAC, MAIAS and Allianz to respond to general

queries and concerns at a meeting held in Adelaide in June. The parties agreed to share an ongoing forum to facilitate timely and open communication.

The CTP Accreditation Panel continues to work closely with the Attorney-General's department regarding the implementation of the MAIAS Quality Assurance program for ISV Medical Assessment reports. We anticipate this program to be implemented in the next quarter, at which time we will provide further information to all doctors.

From 1 July 2016 CTP insurance will be provided by four approved insurers for motor vehicle accidents occurring after this date. In addition a Compulsory Third Party (CTP) Insurance Regulator has been established to oversee the operation of the Scheme under these new arrangements. MAC will continue to manage claims from motor vehicle accidents up to and including 30 June 2016. This newsletter contains more details about these changes.

Thank you for the calls, questions and feedback so many of you share frequently with the MAIAS team. The Panel is determined to remain responsive to your concerns and suggestions. ■

**Dr Andrew Sutherland AM**  
Chairman, CTP Accreditation Scheme



### A new CTP insurance regulator in SA

A new CTP Insurance Regulator (Regulator) has been established in South Australia as an independent statutory body under the *Compulsory Third Party Insurance Regulation Act 2016*. The Regulator is responsible for:

- ▶ the oversight, monitoring and reporting of approved CTP insurer activities in the South Australian market,
- ▶ ensuring that a fair and affordable CTP Insurance Scheme (Scheme) is maintained,
- ▶ continuing to improve Scheme outcomes for the injured,
- ▶ providing consumer protections for motorists, and
- ▶ having oversight of the CTP Insurance premium setting process.

#### New CTP insurers too

From the 1st of July 2016, Compulsory Third Party (CTP) insurance will be provided by the following four approved insurers:

- ▶ AAMI
- ▶ Allianz Australia Insurance Limited
- ▶ QBE Insurance (Australia) Limited and
- ▶ SGIC

MAC and Allianz CTP will continue to manage claims occurring before 1st of July 2016. MAC will also continue to operate its road safety initiatives and non-commercial community programs, including sponsorship of road safety research and communications aimed at safer road user behaviour. The CTP Accreditation Panel and MAIAS remain the responsibility of the Attorney-General and will be relocated to the Regulator's offices in the new financial year.

For more information on these changes and the new CTP Insurance Regulator go to [ctp.sa.gov.au](http://ctp.sa.gov.au) ■

## Additional agreed questions in the ISV Medical Assessment

Regulation 23 of the *Civil Liability Regulations 2016* sets out nine compulsory questions that must be answered by an Assessor, as reflected in the ISV Medical Assessment template. It also requires the Assessor to answer **“any other relevant matter if the insurer and injured person reach agreement.”**

A referring party must set out any additional questions in the referring letter to the Assessor and include a statement that the parties have agreed on the additional questions.

If there is no statement that agreement on the additional questions has been reached, the Assessor should not answer them.

If when accepting a referral, the Assessor is of the opinion that the additional questions are numerous and/or onerous, they may contact the referring party to discuss additional assessment time and/or the need for the provision of a separate report and the appropriate fee arrangement. (see page 19 of the MAIAS Training Manual.)

## Complete the summary table in full

The Summary Table at the conclusion of the ISV Medical Assessment template is an important feature of the report template approved by the Attorney-General. Every injury referred must be listed on this template, including injuries you assess as resolved, not rateable or not at MMI. Any additional injuries identified during assessment may also be included if you wish to do so (see Q and A section of this newsletter.) For example:

### Summary Table

Body part or system	AMA5 Chapter, page, table/figure	Other methodology used, including relevant references	Whole Person Impairment (WPI) %	ISV Item Number
Cervical Spine	DRE. Chapter 15, page 392, Table 5-5, 15-1.	N/A	0%	84
Left Knee	Chapter 17 page 525, Table 17-1 Page 526, table 17-2 Page 530, Table 17-6 Page 537, Table 17-10 and page 546, Table 17-33.	N/A	7%	134
Right Knee	Not MMI	N/A	Not MMI	Not MMI
Left Ankle (nb: within the body of the report, the Assessor noted their opinion that the ankle injury had fully resolved)	Chapter 17, page 525, Table 17-1, page 526, Table 17-2 page 537, Table 17-11	N/A	0%	139
Lumbar Spine (nb: within the body of the report, the Assessor noted their opinion that no lumbar injury had been sustained in the MVA motor vehicle accident)	N/A	N/A	N/A	N/A

## Provide your reasoning for WPI's

Question 8 of the ISV Medical Assessment report (Physical Injuries) asks for a whole person impairment rating for each injury diagnosed during assessment. Regulation 16 of the *Civil Liability Regulations 2013* states:

*"If a medical report states a whole person impairment percentage, it must state how the percentage is calculated, including-*

- (a) the **clinical findings**; and*
- (b) **how the impairment is calculated**; and*
- (c) if the percentage is based on a criteria provided under AMA 5 –
  - (i) an **identification of the relevant provision of AMA 5**, and**

*(ii) if a range of percentages is available under AMA 5 for an injury of the type being assessed – **the reason for assessing the injury at the selected point in the range.**"*

Feedback from parties indicates most Assessors are providing sufficient details regarding the clinical findings along with AMA5 calculations and relevant provisions when answering this question, but are failing to give details regarding why they assessed the injury at a certain WPI% within a given WPI% range.

Consider these examples where Assessors **have** referenced the range point selected. Please ensure that you clearly set out your reasons for any value you select within a WPI range. ■



**Take care with the detail**

Allianz has provided feedback that occasionally Assessors are not making reference to the sub-item numbers related to an ISV item number. For example, when stating an ISV item number for a moderate shoulder injury, an Assessor may list 92, when they are required to make a selection of either 92.1 or 92.2.

Other examples of this sub-item number requirement can be found when considering item numbers related to injuries of the fingers or thumb (111.1-111.4), moderate wrist injuries (102.1 or 102.2), moderate upper limb injuries (118.1 or 118.2), brain injury (7.1 or 7.2), injury to teeth or gum (18.1-18.3), minor ear injury (33.1 – 33.3), minor chest injury (39.1 or 39.2) and others.

## Consider ALL ISVs for lower limb injuries

Assessors of lower limb injuries should familiarise themselves with ISV Item Numbers 128-131, which provides ISVs for minor, moderate, serious and extreme injuries of "broader" lower limb injuries that cannot clearly be defined within the separate ISVs for the knee, ankle, foot and toes. Descriptors in these tables include fractures of the tibia, femur, fibula, injury to multiple joints or ligaments, impairment of soft tissues, de-gloving and neurovascular injuries. ■



## NO RANGE REQUIRED!

MAIAS have been advised that some Assessors are incorrectly providing a range of whole person injury ratings (WPI's) for each injury assessed, and/or including a range of ISV's rather than a single ISV item number per injury assessed. For example:

### Summary Table

Body part or system	AMA5 Chapter, page, table/figure	Other methodology used, including relevant references	Whole Person Impairment (WPI) %	ISV Item Number
Cervical Spine	DRE. Chapter 15, page 392, Table 5-5, Box 15-1	N/A	5-8% <b>✗</b>	82-83 <b>✗</b>

### Summary Table

Body part or system	AMA5 Chapter, page, table/figure	Other methodology used, including relevant references	Whole Person Impairment (WPI) %	ISV Item Number
Cervical Spine	DRE. Chapter 15, page 392, Table 5-5, , Box 15-1	N/A	5% <b>✓</b>	83 <b>✓</b>



## 2nd Edition Training Manual now available

The MAIAS Training Manual has been updated to remove first-print errors and to add details accidentally omitted from some sections of the ISV tables. This second edition manual is now available in an easy to use, online flip-book located on the MAIAS website. The manual's Contents page and all reference tabs are included to help you find your way around this on-line version just as easily as the hard copy version. Try it now at [maias.sa.gov.au/resources](http://maias.sa.gov.au/resources) ■



## WPI% and Apportionment

Questions 5 and 6 of the ISV Medical Assessment template ask about the effect of the MVA motor accident on pre-existing and subsequent injuries. If the Assessor identifies pre-existing or non-mva motor accident related conditions but does not have sufficient information to diagnose and assess these and/or comment on their impact on the MVA motor

accident related injuries, please note this in the report.

While the template does not ask the Assessor to provide an apportionment of any WPI% assessed between the MVA motor accident injury and other causes, when stating a WPI% rating in Question 7, additional information in this regard is valued. ■



During an ISV Medical Assessment, may I assess injuries that I identify during the examination but have not been listed in the referral letter?

Yes. The last paragraph on page 21 of the 1st edition of the MAIAS Training Manual has now been amended as follows:

*“If during the assessment, the Assessor identifies other injuries relating to the MVA motor accident that have not been listed in the referral letter, the Assessor may comment on these in the body of the report and include them in the responses provided to each template question, including the provision of a WPI rating and ISV Item Number.”* –

*page 21, MAIAS Training Manual, 2nd Edition.*

The Accredited Assessor should clearly identify these injuries as additional to the injuries listed in the referral letter in the body of the report. The additional injuries identified should be considered in the Assessor’s response to all questions as well as in the Summary Table at the conclusion of the report.

*I need to change the date and time of an ISV Medical Assessment due to unforeseen changes to my schedule. Can I call the injured person directly to change this?*

No. All requests to change appointments should only be made through the referring party. Their contact details should be clearly set out on the referral letter.

It is the referring parties responsibility to liaise with the injured person to reschedule the appointment.

*As an Accredited Medical Practitioner, can I undertake an ISV Medical Assessment for my own patients when their injuries have stabilised?*

An Insurer or injured person (or their Plaintiff Solicitor) may choose any Assessor on the MAIAS Register (as accredited in relevant body systems) to undertake an ISV Medical Assessment, including a treating doctor. Allianz CTP may approve payment for ISV Medical Assessment reports undertaken by treating practitioners who are also Accredited Medical Practitioners if agreement has been reached between with the plaintiff solicitor *prior* to the request for an ISV Medical Assessment. ■



What if through assessment, I disagree with the diagnosis provided on the referral letter or identify another psychiatric condition that was not included?

An Assessor is not restricted to only assess the injuries detailed in the referral letter (see page 21 of the MAIAS Training Manual, 2nd edition.) The Assessor may provide a diagnosis for any/all of the injured person’s psychiatric conditions. However, Question 7 of the ISV Medical Assessment report template requires the assessor to *only complete a GEPIC rating for the conditions diagnosed as Pure Mental Harm.*

## for Psychiatrists

Do I separate out the pure mental harm conditions from the consequential mental harm conditions *before or after* the GEPIC assessment?

Question 7 of the ISV Medical Assessment report template requires the Assessor to **only complete a GEPIC rating for the conditions diagnosed as Pure Mental Harm.** By following the template questions in order, the Assessor will be guided to separate out the conditions of consequential mental harm PRIOR to completing the GEPIC assessment, as follows:

Question 1: provide a diagnosis for any/all accident-related injury or condition identified during assessment.

Question 2: provide a prognosis for each of the conditions diagnosed

Question 3: provide an opinion as to the stability of each of the conditions diagnosed.

Question 4: provide an opinion as whether each of the conditions diagnosed is consistent with the stated cause (the MVA motor accident as detailed in the referral letter).

Question 5. provide an opinion as to the effect of the MVA motor accident on any pre-existing injuries and the extent to which it has been made worse by the injury.

Question 6. provide an opinion as to the effect of the MVA motor accident on any subsequent injury and the extent to which it has been made worse by the injury;

Question 7: provide a GEPIC rating with detailed reasons only for the conditions diagnosed (in question 1) as Pure Mental Harm injuries. ■

## Your contact details

Have your contact details changed since you first applied for accreditation? MAIAS regularly update the MAIAS Register (located on both the MAIAS and MAC websites) to ensure the contact details of each Assessor is current. Check your listing on the MAIAS website or follow the direct link at [maias.sa.gov.au/resources/downloads/accredited\\_medical\\_practitioners.pdf](https://maias.sa.gov.au/resources/downloads/accredited_medical_practitioners.pdf). Email any changes required to [jayne.gowland@sa.gov.au](mailto:jayne.gowland@sa.gov.au)

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### MOTOR ACCIDENT INJURY ASSESSMENT SCHEME

Contact Officer: Ms Jayne Gowland, Manager MAIAS | Telephone: 08 8422 8143

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MAIAS Matters is one of the ways South Australia's Motor Accident Injury Assessment Scheme communicates with Accredited Medical Practitioners. It provides information about South Australia's MAIAS and related Compulsory Third Party (CTP) Scheme information.



**Government  
of South Australia**