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**RACP submission to the NSW Government State  
Insurance Regulatory Authority's consultation on  
health Professionals and earning capacity  
decisions in the CTP scheme**

**June 2019**

## About the Royal Australasian College of Physicians (RACP)

The RACP trains, educates and advocates on behalf of over 17,000 physicians and 8,000 trainee physicians throughout Australia and New Zealand. It represents a broad range of medical specialties, including addiction medicine, cardiology, general medicine, geriatric medicine, neurology, occupational and environmental medicine, oncology, paediatrics and child health, palliative medicine, public health medicine, rehabilitation medicine, respiratory medicine, and sexual health medicine.

As part of its drive for medical excellence, the RACP is committed to developing health and social policies that bring vital improvements to the wellbeing of all patients.

### Introduction

Thank you for the opportunity to provide feedback to the NSW State Insurance Regulatory Authority's (SIRA) consultation on the role of health professionals in informing insurers' earning capacity decisions in the CTP scheme.

This submission has been led by the Australasian Faculty of Occupational and Environmental Medicine (AFOEM). AFOEM is a Faculty of the RACP, representing nearly 500 specialist occupational and environmental medicine physicians (OEPs) in Australia and New Zealand. It is committed to establishing and maintaining the highest standards of practice in occupational and environmental medicine through training, continuing professional development and advocacy.

OEPs use their specialist knowledge to ensure healthy and productive workforces, while connecting workplaces with the diverse range of health services necessary to optimise employee health and wellbeing. Their role regarding occupational medicine entails taking a preventative approach to workplace health and safety, by looking at how people's work can affect their health and how their health affects their work. In addition, the OEPs' environmental medicine role pertains to the health impacts of workplace practices on communities beyond workplace sites.

### Feedback on SIRA's proposed advice for CTP insurers and health professionals on the role and expectations for health professionals who are supporting insurer decisions about earning capacity

AFOEM draws SIRA's attention to the information contained under the 'Required Skills' heading and 'Skills required to assess a person's capacity to undertake certain tasks / duties' subheading. The assessment of fitness for work and current and future work capacity requires consideration of multiple factors, not limited to functional capacity. Practitioners performing assessment of fitness for work additionally require expertise in the application of legislation and workplace/organisational factors relevant to workplace health and safety and their application in individual cases.

The following are examples of factors and therefore skills required in assessment of fitness for work (in addition to the assessment of functional capacity):

- Assessment of medical suitability for safety sensitive / critical work
- Assessment against medical standards of relevant licencing bodies
- Assessment against medical standards relevant to specific industries
- Assessment of risk of aggravation / exacerbation of conditions / injuries and assessment of likelihood of person's ability to sustain the proposed work activity
- Assessment of ability to wear and utilise personal protective equipment
- Assessment of workplace accommodation requirements

The draft wording of the proposed advice does not capture the complexity of the skills required to independently assess fitness for work. The focus on functional capacity (and functional capacity evaluations) risks an incorrect/incomplete assessment process, particularly in non-musculoskeletal injuries and the assessment of risk of aggravation in musculoskeletal and other injuries

In addition, the draft wording does not clearly provide provision for involvement of medical practitioners in the independent assessment process. AFOEM Fellows, known formally as specialist occupational and

environmental medicine physicians, have specialist training and qualifications to perform independent/third party assessment of fitness for work and will be able to consider all the relevant medical and occupational factors. Occupational medicine physicians provide expert opinion on the medical fitness of persons to return to specific occupations/work including those identified by professionals assessing employment and transferable skills. AFOEM recommends including appropriately qualified medical practitioners in the independent assessment of fitness for work and earning capacity as it will improve the rigour and completeness of the assessment process.

Thank you again for the opportunity to comment on SIRA's draft advice on the role of health professionals in informing insurers' earning capacity decisions in the CTP scheme. Should you require any further information about this submission, please contact AFOEM on [REDACTED]