

Permanent Impairment Assessments: What Injured Workers Need to Know

Imagine this scenario: you're a hard worker who has always done the right thing by your employer but suddenly you get injured at work. Before you know it, due to no fault of your own, you've been on income support for two years as a result of your injuries and your main focus is on recovery. Now your injuries have improved to the point where a doctor is willing to certify that you are not likely to get any better than you presently are.

The insurer involved in your workers compensation case tells you that you've now reached Maximum Medical Improvement and it's time to undergo your Permanent Impairment Assessment in accordance with Section 22 of the *Return to Work Act* 2014 (SA) (**the Act**).

The problem? You have absolutely no idea what a Permanent Impairment Assessment is, you don't regularly read the Act (or at the very least, not Section 22) over your morning cup of coffee, and the words *Maximum Medical Improvement* said together sound like a tongue twister that belongs in a Dr Suess book.

The solution? Andersons. We are here to help. When you need it.

Navigating the Workers Compensation Scheme can be difficult at the best of times. It is best

described as a journey. When you first get injured, and your injuries are lodged with and accepted by the relevant insurer, you have an entitlement to two years of income support and three years of reasonable medical expenses associated with your claim. Then, right at the end of this entitlement period you begin the last part of the journey where you are entitled to be assessed for lump sum compensation.

Your right to be assessed for lump sum compensation which includes both an economic and non-economic payment comes from Section 22 of the Act. The assessment is called a Permanent Impairment Assessment and you undergo it once your accepted workers compensation injuries have stabilised, known as reaching Maximum Medical Improvement.

When undergoing a Permanent Impairment Assessment an accredited medical practitioner will assess your accepted work-related injuries against two key documents:

1. the American Medical Association's "Guides to the Evaluation of Permanent Impairment, 5th Edition"; and,
2. the South Australian Government issued Return to Work Scheme Impairment Assessment Guidelines.

Using these key documents an accredited medical practitioner will find your degree of whole person impairment arising from each injury. Injuries which arise from the same cause are able to be combined to find your overall whole person impairment.

At the time of an assessment, an injured workers degree of whole person impairment is assigned a numerical percentage. If that numerical percentage reaches 5% or more then the worker is entitled to receive a lump sum payout in recognition of their injuries.

If the combination of multiple injuries that arise from the same cause reach 35% or over then a worker is a seriously injured worker and your entitlements are different. In this situation, workers are not paid a lump sum in recognition of their economic loss but rather receive a weekly payment until their retirement age, and reasonable medical expenses are covered for the workers lifetime. Workers who are seriously injured still receive a lump sum payment in recognition of their non-economic loss.

In our experience, the end point of a workers compensation matter and in particular, undergoing your Permanent Impairment Assessment can be the hardest part of the workers compensation journey. This tricky space to navigate through is complex and can be challenging to face. There are a number of important factors to consider along the way that can have the ability to seriously impact your likelihood of successfully reaching the 5% minimum threshold.

If you have suffered an injury as a result of a workers compensation claim and have not yet undergone your Permanent Impairment Assessment, then it is time to get advice. It is important that you seek quality and realistic legal advice that will help you achieve the best result that is designed not only to compensate you now, but in some cases, well into the future.

Our team of lawyers have done the work for you and are waiting to deal with your matter in a timely, cost effective and professional manner.

Feel free to give us a call and arrange a first free interview with one of our experienced workers compensation lawyers for some general advice.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.