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Comcare keeps sending me to different doctors for assessment of my injury - can they do that?

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If you are an injured worker navigating the [Comcare workers' compensation scheme](#), you are likely familiar with the requirement to attend medical assessments. Under Section 57 of the Safety, Rehabilitation and Compensation Act 1988 (SRC Act), Comcare or your self-insured employer has the legal right to ask you to undergo an Independent Medical Examination (IME) with a doctor of their choosing.

For many workers, a major source of stress is whether Comcare can force them to attend more than one examination. Can they keep sending you to different doctors until they get the opinion they want?

The short answer is: Comcare can require you to undergo multiple examinations, but their power is strictly limited.

How often can Comcare require an independent medical examination?

In the past, injured workers often felt that insurers had an unlimited power to send them for review by a multitude of doctors. But things have changed and now Comcare and self-insured employers are bound by the Comcare Guide for Arranging Rehabilitation Assessments and Requiring Examinations.

The baseline rule is that Comcare/self-insurers cannot require you to attend an IME for the same injury or disease more than once every six months. Before they can even book an appointment, they are legally required to try to resolve any questions using your existing file or by directly consulting your own treating GP or specialist.

When can Comcare require more than one medical examination?

While the six-month rule is the standard, Section 57 allows Comcare to bypass this timeline and order multiple examinations under specific, legally defined exceptions. Comcare can require more than one exam if:

Your injury is highly complex (Multidisciplinary Cases): If you suffer from a severe workplace injury that affects different parts of your body or mind, you may need to see multiple specialists (e.g., an orthopaedic surgeon for a physical injury and a psychiatrist for secondary psychological distress).

A doctor explicitly recommends it: If the first independent examiner reviews your condition but states that a follow-up or a different specialist opinion is required to reach a conclusion, Comcare can act on that advice.

There has been a significant change in your circumstances: If your medical condition suddenly worsens, improves unexpectedly, or you undergo a major treatment milestone (like surgery), Comcare can order a new exam to reassess your current capacity.

The original doctor fails to provide a report: If the examiner fails to submit their report or provides a report that does not answer the necessary legal questions, a re-examination may be required.

Your case is going through a legal review: If you have requested a formal reconsideration of a decision or have lodged an appeal with the Administrative Review Tribunal (ART).

The previous exam was obstructed: If you failed to attend the previous appointment or if the session could not be completed, Comcare can reschedule the appointment.

What happens if you refuse to attend a Comcare medical examination?

If Comcare issues a formal Section 57 notice requiring you to attend an examination, you cannot simply decline because it is inconvenient or uncomfortable.

If you refuse or fail to attend an appointment **without a "reasonable excuse"**, Comcare has the statutory power to suspend your workers' compensation benefits. This means your weekly incapacity payments and medical reimbursements will stop immediately and will not be backpaid for the period of your suspension.

What counts as a reasonable excuse for missing a Comcare medical exam?

According to [Comcare's Scheme Guidance on Reasonable Excuses](#):

Valid reasons: A sudden medical emergency, a severe physical inability to travel, or a critical unforeseen life event.

Invalid reasons: Personal preference, feeling anxious about seeing a specific doctor, or general disagreement with the insurer.

Your rights when Comcare requires a medical examination

If Comcare does require you to attend multiple examinations, they must still treat you fairly. Under current guidelines, you have the following rights:

Right to 14 days' notice: You must be given at least 14 calendar days' written notice before the date of the examination.

Right to be consulted: Comcare must seek your views regarding the selection of the doctor and give you at least 3 business days to respond with your feedback.

Right to review: Since mid-2024, a requirement to attend a Section 57 medical exam is a reviewable determination. If you believe a second or third exam request is genuinely unreasonable, malicious, or breaches the six-month rule, you have the right to formally challenge it.

Need advice about Comcare medical examinations?

If you feel you are being subjected to excessive or unnecessary medical assessments, it is highly recommended to seek professional legal advice to protect your rights and ensure your benefits remain secure.

If Comcare has asked you to attend a medical examination, or keeps sending you to different doctors, contact Cameron Hall Compensation Law for advice on your rights.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.