

## 1. Introduction

This guidance note is intended for use by internal PIAB teams and external parties making applications to PIAB.

From the 4th September 2023, all applications to PIAB must be accompanied by a medical report in order for the application to be deemed complete and accepted into the PIAB process and for section 50 of the Personal Injuries Assessment Board Act 2003 (Statute of Limitations) to apply. The following guidance note is provided to support internal teams, claimants and claimants' representatives in understanding the requirements for a medical report. Access is also provided to medical report templates.

PIAB has identified a number of scenarios where it would not ordinarily require a medical report, for example in cases involving a fatality.

Changes to the PIAB application process, and in particular, changes relating to medical reports, are as a result of legislative amendments that are effective from 4th September 2023. Section 11 of the Personal Injuries Assessment Board Act 2003 has been amended by section 3 of the Personal Injuries Resolution Board Act 2022. These changes have also been reflected in rules made by PIAB and which can be accessed on PIAB's website at [www.piab.ie/eng/forms-guides/piab-rules-2023.pdf](http://www.piab.ie/eng/forms-guides/piab-rules-2023.pdf).

## 2. Medical Report

The medical report accompanying the claimant's application is referred to as a treating medical report. This means that it should be prepared by a medical practitioner who has treated the claimant in respect of the personal injuries the subject of the relevant claim. A template treating medical report is available should you wish to use it and can be accessed on PIAB's website at <https://www.piab.ie/eng/forms-guides/piab-medical-form-form-b-pdf-.pdf>.

Claimants may submit more than one medical report and any medical report received by PIAB up to the point of assessment will be considered by the assessors. Claimants may also make submissions regarding the medical reports furnished or the nature of their claim to PIAB up to the point of assessment of their claim.

Following receipt of the treating medical report and where the respondent has consented to an assessment, the Board will where required arrange further medical examinations at no cost to the claimant by a relevant specialist/expert. As set out above, the claimant may also submit further medical reports and make other submissions up until an assessment is made. In exercising its discretion under the Personal Injuries Assessment Board Act 2003 (as amended) the Board will consider all fees and expenses submitted by the claimant or on the claimant's behalf. Fees and expenses that have in the opinion of the Board been reasonably and necessarily incurred by the claimant in complying with Part 2 of the Personal Injuries Assessment Board Act 2003 (as amended) and the Rules made thereunder will be allowed in whole or in part as the Board in its discretion determines.

For a medical report to be accepted in order to deem an application complete and for section 50 of the Personal Injuries Assessment Board Act 2003 (Statute of Limitations) to apply, the Board will apply the below principles in determining that a medical report is suitable and acceptable.

A medical report should contain the following information:

- The claimant's name;
- The name of the medical practitioner who has treated the claimant;
- A description of the personal injuries allegedly sustained by the claimant in the accident or incident the subject of the application;
- The date of the accident or incident the subject of the application, or alternatively, a date range if the personal injuries were sustained or the accident or incident occurred over a period of time;
- An opinion/current prognosis on the likely recovery time for the claimant's injuries to resolve;
- Relevant details of the claimant's medical and accident history and an opinion as to whether the accident has exacerbated any pre-existing symptoms/injury.

This is not an exhaustive list and is subject to change.

## 3. Medical Practitioners

The most applicable and relevant medical reports which PIAB will accept are those prepared by the below list of medical practitioners acting within their area of expertise;

- A doctor registered with the Irish Medical Council;
- A psychiatrist specially registered with the Irish Medical Council
- A dentist registered under the Dentists Act 1985 in the Register of Dentists maintained by the Dental Council or other equivalent dental council;
- A dental specialist registered in either of the Registers of Dental Specialists established by the Dental Council under section 29 of the Dentists Act 1985, and maintained by the Dental Council;
- A nurse or midwife registered under the Nurses Act 1985 in the Register of Nurses and Midwives maintained by the Nursing and Midwifery Board of Ireland;
- A physiotherapist registered with CORU in the Register of Physiotherapists.

PIAB will accept medical reports prepared by regulated healthcare practitioners regulated by an equivalent regulator/ professional body in the event the claimant resides outside of the jurisdiction.

PIAB may, in exceptional circumstances, having regard to the context of the individual application, the nature of the personal injuries sustained, and the principles of fairness and justice, accept a report prepared by other relevant registered healthcare professionals.

All reports must be completed by a healthcare professional who is qualified to provide an opinion on prognosis appropriate to the injury.

PIAB will not typically accept reports prepared by unregulated practitioners.

This is not an exhaustive list and is subject to change.

## 4. Exceptional Circumstances

In exceptional circumstances, at the discretion of PIAB (for example the imminent/immediate expiration of the statute of limitation period), having regard to the context of the individual application, the nature of the personal injuries sustained, and the principles of fairness and justice, the Board may accept medical records containing the information set out below, in lieu of a medical report:

- The claimant's name;
- The name of the medical practitioner who has treated the claimant;
- A description of the personal injuries allegedly sustained by the claimant in the accident or incident the subject of the application;
- The date of the accident or incident the subject of the application, or alternatively, a date range if the personal injuries were sustained or the accident or incident occurred over a period of time.

## 5. Claim Applications where a Medical Report is not Ordinarily Required

There are certain classes of claim which PIAB do not assess and accordingly shall not require a medical. These are claims where an authorisation is required by the claimant in order to issue proceedings pursuant to section 17 of the Personal Injuries Assessment Board Act 2003. The classes of claim is set out below, for guidance purposes and in order to ensure consistency of approach.

- Provision of a health service – where the claim arose out of the provision of any health service to a person, the carrying out of a medical or surgical procedure in relation to a person or the provision of any medical advice or treatment to a person, in accordance with section 3(3) of the Personal Injuries Assessment Board Act 2003, the claim is outside the remit of the Board (for example, medical negligence)
- Aviation/marine – where the claim comes within the provisions of section 56 of the Civil Law Miscellaneous Provisions Act 2011, specifically the exclusions in relation to claims governed by the Athens Convention/ Warsaw and Montreal Conventions, then the claim is outside the remit of the Board
- Claims involving sexual abuse and/or sexual assault
- Claims involving illegal adoption
- Claims relating to mother & baby homes

- Claims relating to neglect/abuse sustained while in State care
- Claims involving post-acute sequelae SARS-CoV-2 infection (also known as “long Covid”)
- Claims falling within a class of relevant claim to which Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) applies

## 6. Fatal Injury Applications

All applications being made to PIAB with respect to an accident/incident that resulted in a fatal injury subject to Part IV of the Civil Liability Act 1961 do not require a medical report upon application.

PIAB have a specific application form for fatal injury applications which can be accessed [here](#).

The types of claim applications set out in this guidance are indicative only and are not exhaustive, and each application should be considered on its own facts. This guidance is subject to change.

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**Should you have any queries, you can contact:**

PIAB on Lo-Call 0818 829 12 between 8am – 6pm Monday to Friday