

 <p>Yukon Workers' Compensation Health and Safety Board</p>	<b>Part:</b>	<b>Health Care Assistance</b>		
	<b>Board Approval:</b>	Original signed by Chair	<b>Effective Date:</b>	<b>Jan.1, 2010</b>
	<b>Number:</b>	<b>HC-01</b>	<b>Last Revised:</b>	
	<b>Board Order:</b>		<b>Review Date:</b>	

## **OVERVIEW: PROVISION OF HEALTH CARE ASSISTANCE**

### **GENERAL INFORMATION**

Section 36 of the *Workers' Compensation Act* S.Y. 2008 (the *Act*) states that the Yukon Workers' Compensation Health and Safety Board (YWCHSB) may provide payment for health care assistance. The *Act* further provides the YWCHSB with the authority and discretion to determine the necessity, character and sufficiency of health care assistance.

### **PURPOSE**

This policy outlines the fundamental guiding principles for the provision and authorization of appropriate health care assistance that is consistent with accepted practice within the health care community.

### **DEFINITIONS**

- 1. Injury:** As in Section 3 of the *Act*, an injury is a disablement, occupational disease or death caused by work-related events.
- 2. Medical Practitioner:** Generally refers to the treating health care provider, recognized by the YWCHSB, who is responsible for the ongoing care of the worker. This includes physicians, specialists and other health care providers recognized under legislation such as the *Medical Profession Act*, the *Health Professions Act*, the *Registered Nurses Profession Act* or by the YWCHSB.
- 3. Permanent Impairment:** In respect of a worker, and under section 3 of the *Act*, "means a work-related injury, not including death, that is not temporary, including a disfigurement."

## PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. When injuries do occur it is important for workers and employers to minimize the impacts by focusing on keeping the worker, when possible, or returning the injured worker to safe and productive work as soon as it is functionally appropriate for the worker to do so. Prevention of recurrences and further injuries once injured workers have returned to work is of utmost importance.

When a work-related injury does occur, the YWCHSB believes that appropriate and timely health care assistance is critical to mitigating the impact of the workplace injury (including the development of unintended subsequent conditions), and in promoting a safe and timely return to work. The YWCHSB supports a wholistic approach where the injured worker, their family, the employer, the health care community and the YWCHSB work together to achieve this goal.

## POLICY STATEMENT

The YWCHSB authorizes the provision of timely and appropriate health care assistance to an injured worker to:

- restore function, thereby enabling a worker to stay at work or safely return to work;
- address the worker's medical needs arising out of their work-related injury;
- promote safe and timely healing; and
- mitigate any unintended or subsequent health-related conditions.

The YWCHSB will cover the cost of health care assistance to an injured worker where, in its opinion, the health care assistance is appropriate with respect to the worker's compensable injury, and is consistent with accepted practice within the health care community. Unless exceptional circumstances warrant, the YWCHSB will only cover health care assistance rendered by medical practitioners who are members in good standing of a Canadian association or regulatory body.

## APPROVING HEALTH CARE ASSISTANCE – KEY CONSIDERATIONS

### 1. Mitigation

Injured workers must take personal responsibility for their recovery, and co-operate with treatment plans, health care providers and the YWCHSB (see YWCHSB policy RE-02-2, "Duty to Co-operate, Part 2 of 4: Roles and Responsibilities"). They must also mitigate any loss caused by their injury.

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Chair

Mitigation of loss includes the injured worker staying at work where safe to do so and where functional abilities allow, actively participating in appropriate and safe treatment protocols, and co-operating in a worker's early and safe return to suitable and available employment with the pre-injury employer (see Section 14 of the *Act* and YWCHSB policy RE-03, "Mitigation of Loss").

Failure to mitigate loss may result in reduction, suspension or termination of benefits (see YWCHSB policy RE-02-4, "Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation").

## 2. Appropriateness of the Assistance

Approved health care assistance must be appropriate to the compensable injury and to the injured worker.

In determining what constitutes appropriate health care assistance, the YWCHSB will consider the recommendation of the treating health care provider and the intended benefit of the treatment, service or device in relation to the compensable injury. If this determination cannot easily be made, the YWCHSB may, in consultation with the injured worker's physician, specialist or the YWCHSB Medical Consultant, consider current evidence-based guidelines, current scientific evidence about effective health care, and the functional disabilities and abilities pertaining to the work-related injury.

## 3. Prescribed Treatments, Devices and Accessories

The YWCHSB will pay for treatments, devices and accessories prescribed by licensed health care providers where, in the YWCHSB's opinion, the treatment, device or accessory will:

- address the worker's immediate medical needs;
- improve or maintain the worker's functional abilities;
- improve the likelihood of early and safe return to work;
- minimize the risk of further injury or aggravation of the original injury; or
- reduce the severity of symptoms, where the work injury has a significant impact on daily living activities.

The YWCHSB will not pay for health care that is not considered appropriate, as set out in this and other YWCHSB health care-related policies.

Health care providers, such as licensed physicians, are pre-approved under YWCHSB policy for many services; however, there are specific tests and treatments that require prior approval of the YWCHSB (for example, non-emergency referrals requiring travel outside Yukon or extensions for approved treatment plans).

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Health care assistance must be both timely and cost-effective, with demonstrated progress towards outcomes.

#### 4. Medical Practitioners

If a worker is receiving concurrent health care assistance from more than one provider, including any alternative or traditional healing approaches, that approved health care assistance must be under the supervision of and co-ordination by a medical doctor, dentist or nurse practitioner, as appropriate to the situation.

If a worker is only receiving treatment from one licensed health care provider, whose service is within their scope of practice and is appropriate to the work-related injury, there is no requirement to be under the co-ordination and supervision of a medical doctor, dentist, or nurse practitioner.

Medical practitioners assessing, diagnosing and treating injured workers must be members in good standing of a Canadian association or regulatory body. However, the YWCHSB may consider other medical practitioners (such as First Nation traditional healers) on a case-by-case basis.

#### 5. Long Term Health Care Assistance Plans

Once the YWCHSB determines that the worker has achieved maximum medical recovery, a long term health care assistance plan may be developed that sets out the health care assistance that will be authorized in respect of the work-related injury.

### ROLES & RESPONSIBILITIES

#### The Medical Practitioner

In addition to diagnosing and treating the injured worker, medical practitioners are responsible for:

- ensuring return to work is discussed and encouraged throughout recovery;
- providing the workplace parties and the YWCHSB with functional abilities information enabling employers to provide suitable accommodations;
- recommending that an injured worker should be off work for a limited period of time only if it is functionally necessary;
- providing the worker and the YWCHSB with relevant medical information about their condition and expected course of recovery;
- identifying the most appropriate method of treatment;



- developing treatment plans which outline expectations regarding treatment and contain well-defined and measurable treatment outcomes; and
- providing treatment in accordance with normal expected recovery timelines for the type of injury, and when these timelines are exceeded, providing the YWCHSB with the rationale and a plan for addressing delayed recovery.

## The YWCHSB

The YWCHSB will:

- establish and monitor clear, consistent standards for service delivery;
- authorize treatment plans suited to the injured worker's needs, with defined and measurable outcomes that assist early and safe return to work;
- support injured workers in their choice of initial primary medical practitioner, and may support a change of primary medical practitioner (say, in the case of a break-down in rapport) or obtaining a second medical opinion;
- determine entitlement to loss of earnings benefits based on the availability of suitable work (note that time loss from work is rarely a medical necessity and is determined based on the worker's functional abilities and the availability of suitable employment).

The YWCHSB may on a case-by-case basis:

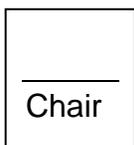
- support financial costs associated with activities (for example, swimming) that enable the injured worker to direct and engage in self-care that would promote recovery and timely return to work; and
- permit the use of alternative and traditional treatment options.

## The Worker

Every worker has a duty to mitigate the effects of their injury, from actively and fully participating in their recovery and treatment plans to using prescribed medication safely. Further participation includes, but is not limited to, scheduling and attending appointments with the medical practitioner and any other treatment recommended and approved by the YWCHSB, and engaging in appropriate self-care (such as self-directed home-based exercise programs) to facilitate recovery and early return to work.

## The Employer

Co-operation and commitment by the employer in the return to work process is essential. Subsection 40(1) of the *Act* outlines the minimal requirements for employers of injured workers regarding co-operation in the early and safe return to work process.



## **APPLICATION**

This policy applies to the Board of Directors, President/CEO and staff of the YWCHSB and to the Workers' Compensation Appeal Tribunal; and all workers and employers covered by the *Act*.

## **EXCEPTIONAL CIRCUMSTANCES**

In situations where the individual circumstances of a case are such that the provisions of this or any health care services policy cannot be applied or to do so would result in an unfair or an unintended result, the YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB policy, "Merits & Justice of the Case". Such a decision will be considered for that specific case only and will not be precedent-setting.

## **APPEALS**

Decisions made by the YWCHSB under this policy, can be appealed in writing to the YWCHSB Hearing Officer in accordance with subsection 53(1) of the *Act*, or any decision made under subsection 14(2) or subsection 40(6) of the *Act* may be appealed directly to the Workers' Compensation Appeal Tribunal (WCAT).

A notice of appeal must be filed within 24 months of the date of the decision by the YWCHSB, in accordance with section 52 of the *Act*.

## **ACT REFERENCES**

Preamble and sections 14, 36, 37, 40, 52, 53, 54.

## **POLICY REFERENCES**

EN-02, "Merits and Justice of the Case"

EN-10, "Subsequent Disorders or Conditions Resulting From a Work-Related Injury"

RE-01, "Return to Work – Overview"

RE-02-2, "Duty to Co-operate, Part 2 of 4: Roles and Responsibilities"

RE-02-3, "Duty to Co-operate, Part 3 of 4: Functional Abilities"

RE-02-4, "Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation"

RE-03, "Mitigation of Loss"

## **HISTORY**

New

