 Yukon Workers' Compensation Health and Safety Board	Part:		
	Board Approval:	Original signed by Chair	Effective Date: July 1, 2011
	Number:	HC-07	Last Revised:
	Board Order:		Review Date:

[ALTERNATIVE TREATMENT](#)

GENERAL INFORMATION

Subsection 36(2) of the *Workers' Compensation Act S.Y. 2008* (the "Act") specifies that the Yukon Workers' Compensation Health and Safety Board (YWCHSB) has the authority and discretion to determine the necessity, character and sufficiency of health care assistance.

Subsection 37(2) of the *Act* states that YWCHSB may permit the use of alternative treatment options desired by workers in the treatment of work-related injuries.

PURPOSE

This policy establishes when YWCHSB may waive YWCHSB policy RE-03, "Mitigation of Loss", in order to permit an injured worker to use alternative treatment; the objective is to ensure that the worker's recovery is promoted and not delayed by such treatments.

Treatments that meet the criteria established under YWCHSB policy HC-01, "Overview: Provision of Health Care Assistance" fall outside the scope of this policy, such as treatments that are verified through current evidence-based guidelines, are supervised by a medical practitioner, and meet other requirements as set out policy HC-01.

DEFINITIONS

1. **Alternative Treatment:** A variety of therapeutic or preventive health care practices that do not fall within the scope of conventional medical care and fall outside the scope of YWCHSB policy HC-01, "Overview: Provision of Health Care Services".
2. **Alternative Treatment Practitioner:** An alternative treatment practitioner is a regulated health care provider recognized by YWCHSB and who provides care and treatment to an individual using alternative treatment methods (e.g. a licensed physiotherapist may provide alternative treatment).
3. **Injury:** As set out in section 3 of the *Act*, an injury is a disablement, occupational disease or death caused by work-related events, and includes secondary or tertiary

disorders or conditions that may arise out of a primary, work-related injury (see YWCHSB policy EN-10, "Subsequent Disorders or Conditions Resulting from a Work-Related Injury").

- 4. Medical Practitioner:** Generally refers to the treating health care provider, recognized by 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* and the *Registered Nurses Profession Act*.

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:

- (1) When possible, keeping the worker at work in safe and productive work;
or
- (2) Returning the worker to safe and productive work as soon as it is functionally appropriate for the worker to do so. Once workers return to work, the prevention of recurrences and further injuries is of utmost importance.

When a work-related injury does occur, YWCHSB believes that appropriate and timely health care assistance is critical to mitigating the impact of the work-related injury (including the development of unintended subsequent conditions), and in promoting a safe and timely return to work.

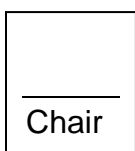
YWCHSB supports a wholistic approach where the injured worker, their family, the employer, the health care community and YWCHSB work together to achieve this goal.

POLICY STATEMENT

Alternative treatment aimed at promoting an injured worker's overall recovery may be permitted by YWCHSB under specific circumstances.

Given the broad range of available treatments that have varying and uncertain levels of efficacy and safety, this policy aims to avoid potential unintended, negative effects from alternative treatments on the worker's recovery from their work-related injury.

When injured workers inform their medical practitioners and YWCHSB becomes aware the workers are taking alternative treatment, YWCHSB will examine the proposed alternative treatment using these policy guidelines to determine if it may waive YWCHSB policy RE-03, "Mitigation of Loss". This in turn protects an injured worker's benefits so that the worker is not subject to having their benefits reduced, suspended or terminated solely due to availing of an alternative treatment for their work-related injury.



1. Authorizing Alternative Treatment – Key Provisions

Where an injured worker is pursuing alternative treatment to promote recovery and return to work from their work-related injury, YWCHSB may permit the use of such treatment and waive the immediate potential penalties under YWCHSB policy RE-03, “Mitigation of Loss” for receiving treatment that does not meet the requirements of YWCHSB policy HC-01. “Overview: Provision of Health Care Assistance”. Such permission will be granted only when all of the following criteria have been met:

- the injured worker has received the alternative treatment in the past and it proved effective in treating their injury or related symptoms;
- when asked by their medical practitioner, the injured worker has informed the medical practitioner that they are receiving or intend to receive that specific alternative treatment;
- once YWCHSB has informed the injured worker of the requirement to notify YWCHSB if they intend to or are receiving alternative treatment, the worker informs the YWCHSB, in writing, whenever they are intending to or are receiving alternative treatment, and
- the alternative treatment is being provided by an Alternative Treatment Practitioner.

2. Payment for Alternative Treatment

YWCHSB will not be responsible for paying for any costs or fees associated with alternative treatment.

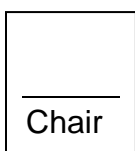
3. Mitigation of Loss when Receiving Alternative Treatment

When an injured worker is “permitted” by the YWCHSB to receive an alternative treatment, penalties under policy RE-03, “Mitigation of Loss” will not be immediately considered even though the alternative treatment is not verified through current evidence-based guidelines or supervised by a medical practitioner. However, when an injured worker is permitted to receive alternative treatment and it appears to the injured worker or YWCHSB that the alternative treatment is causing increased impairment or prolonged and/or increased loss of earning capacity, the injured worker is obligated under policy RE-03 to mitigate loss by ceasing the alternative treatment and reporting same to YWCHSB and their medical practitioner.

Failure to mitigate loss may result in reduction, suspension or termination of benefits.

4. Medical Information

Medical information required for decision-making purposes under the *Act*, must be received from medical practitioners or other health care providers who are providing



treatment and services within their professional scope of practice and who are recognized under YWCHSB policy HC-01, "Overview: Provision of Health Care Assistance".

5. Functional Abilities Information

Functional abilities information for use in return to work and vocational rehabilitation planning is defined in YWCHSB policy RE-02-3, "Duty to Cooperate: Part 3 of 4: Functional Abilities". Such information is provided by health care providers under their scope of practice and will not be accepted from Alternative Treatment Providers as a result of the provision of alternative treatment.

6. Withdrawing Permission for Alternative Treatment

YWCHSB will withdraw permission for an injured worker to receive alternative treatment where YWCHSB believes the treatment is negatively affecting the injured worker's recovery, impeding return to work or increasing impairment.

ROLES AND RESPONSIBILITIES

The Worker

Injured workers must take personal responsibility for their recovery, and cooperate with treatment plans, health care providers and YWCHSB (see YWCHSB policy RE-02-4, "Duty to Co-operate, Part 4 of 4: Penalties for Non Cooperation"). This includes fully participating in treatment plans and co-operating in their recovery. The worker has an ongoing obligation to inform YWCHSB of any changes in their circumstances that relate to their workers' compensation coverage. This includes informing YWCHSB (once they've been informed by YWCHSB of this responsibility) of the fact they are receiving or intend to receive alternative treatment.

Workers who access alternative treatment must work with YWCHSB to ensure that the mitigation of loss under section 14 of the *Act* (see YWCHSB policy RE03, "Mitigation of Loss") is being waived for the injured worker with respect to receiving alternative treatment. They are also responsible for ceasing alternative treatment when it is causing increased impairment or prolonged and/or increased loss of earning capacity.

When asked by their medical practitioners, workers are responsible for informing their medical practitioner of any alternative treatments they may be contemplating or undergoing, since they may impact their health when taken alone or combined with other treatments.

YWCHSB

YWCHSB will maintain sole authority for determining the worker's co-operation with treatment. YWCHSB will determine whether or not the provisions of YWCHSB policy RE-03, "Mitigation of Loss" may be waived for an injured worker seeking alternative

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treatment and whether these provisions are applied when ongoing treatment results in increased impairment or prolonged and/or increased loss of earning capacity.

APPLICATION

This policy applies to all injured workers, the Board of Directors, President/CEO, staff of YWCHSB, the Workers' Compensation Appeal Tribunal and workers covered by the *Act*, regardless of date of injury. Effective July 1, 2011.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB policy EN-02, "Merits and 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 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 YWCHSB, in accordance with section 52 of the *Act*.

EFFECTIVE DATE

This policy comes into effect on July 1, 2011 for injuries that occur on or after that date. Claims already existing on that date will be transitioned to this policy on or before December 31, 2011.

ACT REFERENCES

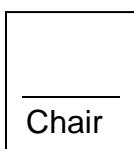
Sections 3, 14, 36, 37, 40, 52, 53.

POLICY REFERENCES

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

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

HC-01, "Overview: Provision of Health Care Services"


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RE-02-2, "Duty to Co-operate, Part 2 of 4: Roles and Responsibilities"
RE-02-4, "Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation"
RE-03, "Mitigation of Loss"

HISTORY

New

