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|  Yukon Workers' Compensation Health and Safety Board | Part: | | | |
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| | Board Order: | | Review Date: | |

ACTIVITIES OF DAILY LIVING

GENERAL INFORMATION

Section 36 of the *Workers' Compensation Act S.Y. 2008* (the "Act") specifies that Yukon Workers' Compensation Health and Safety Board (YWCHSB) may provide an injured worker with any health care assistance including services, devices, or equipment, necessary to grant relief from a work-related injury. The *Act* also states YWCHSB may pay for special expenses related to the work-related injury, as determined by YWCHSB.

PURPOSE

This policy determines when YWCHSB will pay for special expenses designed to assist an injured worker with the activities of daily living that the worker was able to perform prior to the work-related injury. It clarifies the type of support that YWCHSB may provide to assist an injured worker, and how services will be monitored to ensure they meet the continuing needs of the worker.

DEFINITIONS

1. **Activities of Daily Living (ADL):** Activities or tasks that a person performs on a daily basis to maintain personal independence. An injured worker's ability to perform the activities of daily living is a measure of personal functionality.
2. **Activities of Daily Living (ADL) Plan:** A plan, based on the Activities of Daily Living (ADL) Assessment, which describes the services and devices the injured worker will require to be restored to pre-injury levels of daily living.
3. **Activities of Daily Living (ADL) Allowance:** A monthly sum of money paid to offset the additional costs of miscellaneous expenditures incurred for services that an injured worker performed on their own prior to the work-related injury (e.g. shovelling snow), but now requires assistance for as a result of their work-related injury. It also covers the cost of other devices up to the maximum monthly allowance, as well as qualifying social or fitness activities. An ADL Allowance must be recommended as part of an ADL Plan.

4. **Activities of Daily Living (ADL) Assessment:** An assessment conducted by a qualified professional, such as an occupational therapist, that establishes an injured worker's requirements for services and devices in order to restore the injured worker to their pre-injury level of activities of daily living.
5. **Activities of Daily Living (ADL) Service Providers:** Individuals or agencies contracted by YWCHSB to provide the ADL services described in this policy to injured workers.
6. **Case Management Team:** A team that assists the injured worker with their recovery, early and safe return to work plan and, where needed, vocational rehabilitation. The team always includes the injured worker and YWCHSB. Employers have a duty to co-operate in their injured worker's early and safe return to work and will be encouraged to participate on the Case Management Team to facilitate that duty. The team can also include up to two representatives of the injured worker* (as desired by the injured worker), disability manager and the health care community. Other members may be added depending on specific roles and responsibilities.
7. **Homemaker Services:** Services procured to carry out the performance of household tasks such as shopping, meal preparation, cleaning or other related activities of daily living that support the functions of the home.
8. **Medical Consultant:** The medical practitioner(s) appointed by YWCHSB to provide advice on health care matters or issues involving claims for compensation. Medical Consultant(s) provide ongoing education and advisory services on health care matters generally, and perform other duties related to health care issues as determined by the YWCHSB President/CEO.
9. **Personal Care Attendant:** A person who assists the injured worker with the activities of daily living to support personal care in areas such as hygiene, feeding, transfer assistance, toilet functions, bathing, supervisory or nursing care, or any other related activities associated with self care and performing activities of daily living.
10. **Respite Care:** The temporary care of the injured worker provided by someone other than the regular personal care attendant, in order to provide a rest for the regular personal care attendant.

*Note that the only type of representative who may make decisions on behalf of the worker is a lawyer retained by the worker or a worker's representative with power of attorney and/or power of personal attorney.

Chair

PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. Where an injured worker requires assistance with the activities of daily living, the focus is to prevent further injury or aggravation of the existing work-related injury, while also preventing deterioration by allowing and encouraging the worker to do as much for themselves as they are reasonably able.

When a work-related injury does occur and a worker is able to return to work, it is important for workers and employers to minimize the impacts by:

- (1) When possible, keeping the injured 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. Where a worker has returned to work, the prevention of recurrences and further injuries is of utmost importance.

POLICY STATEMENT

In some cases, as a result of the work-related injury, an injured worker requires additional support to carry out the activities of daily living they performed prior to the injury.

This policy is aimed at promoting and fostering continuation of the pre-injury activities of daily living by providing a worker with appropriate assistance. This includes support towards daily personal care needs, respite care, homemaker services, extra actual childcare costs and/or an assisted ADL Allowance for miscellaneous expenses.

Under this policy, authorization for ADL services for an injured worker will be based on the worker's specific needs that have been identified through an ADL Assessment.

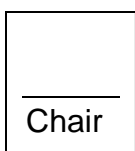
Authorizing Payment for ADL Assistance – Key Provisions

1. Eligibility for ADL Assistance

An injured worker's eligibility for ADL services or devices will be identified through an ADL Assessment.

The ADL Assessment will:

- compare the worker's pre-injury ADL functioning with the worker's functional abilities and requirements for support post-injury;
- consider factors such as the resources available in the worker's home environment and community;



- recommend the duration of ADL services and a review schedule;
- identify expected outcomes for the worker as a result of the ADL services and devices; and
- identify options for ADL services and devices, including availability and estimated costs.

Where the ADL Assessment identifies a gap between pre-injury and post-injury ADL functioning, the injured worker may qualify for an ADL Plan as part of the worker's overall treatment plan.

2. ADL Plan

The recommendations from the assessment will form an ADL Plan, which will be incorporated into the worker's treatment plan. The ADL Plan will be reviewed periodically, beginning no more than six months after the initial assessment, in cases where a worker requires support beyond six months.

Changes to a worker's injury-related medical condition, available supports or living environment may also result in a review of the ADL Plan. Where a worker requires supports beyond six months, the plan will be reviewed at least annually.

A qualified assessment provider will conduct the review, which will include a review of the ADL service providers. The assessment provider will make recommendations to the YWCHSB decision-maker who will ensure the worker's requirements for ADL services are being properly met and continue to be appropriate.

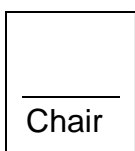
3. Type of ADL Services

The types of services available through this policy include:

- a) Personal care attendants;
- b) Respite care;
- c) Homemaker services;
- d) Additional childcare costs; and
- e) Assisted living ADL Allowance.

a) Personal Care Attendant

YWCHSB may cover expenses for a personal care attendant to assist an injured worker who is not confined to an institution, but who, as a result of the work-related injury, has limited mobility or requires additional assistance in the pre-injury activities of daily living based on the ADL Assessment.



The level of personal care, as identified through an ADL Assessment, will consider factors such as:

- the number of care hours required;
- the complexity of care that a personal care attendant will need to provide and have the requisite knowledge and skill for (e.g. a personal care attendant may require a minimum level of training in order to provide more complex medical care);
- the worker's functional level; and
- the short-term and long-term care needs of the worker.

b) Respite Care

Respite care may be arranged with a licensed facility or an individual such as a family member, friend or a community member who is designated and qualified to provide personal care attendant services to the injured worker in the absence of the usual personal care attendant.

The amount of respite care provided will be identified in the ADL Assessment and take into consideration:

- the amount of care hours being provided to the injured worker; and
- the amount of leave that a personal care attendant normally takes on an annual basis.

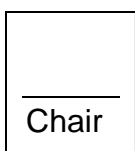
c) Homemaker Services

YWCHSB may provide homemaker services to an injured worker where it is determined through an ADL Assessment that a worker requires assistance with household activities such as shopping, laundry, cleaning or cooking meals.

d) Additional Childcare Costs

YWCHSB may cover additional actual childcare costs where, as a result of a work-related injury, an injured worker incurs childcare expenses that they would not have experienced in the regular, pre-injury day-to-day care of their children, as determined by an ADL Assessment.

When this situation arises, YWCHSB may pay for these costs, depending on the circumstances and options available. Childcare needs will be identified through the ADL Assessment. Costs covered will take into consideration the number of hours required for childcare and competitive market rates.



In order to determine the pre-injury actual childcare costs, an injured worker will be required to submit receipts from a licensed childcare provider or a sworn affidavit from a non-licensed childcare provider verifying costs. The injured worker may also be requested to provide additional evidence to confirm pre-injury childcare costs.

YWCHSB will support additional childcare costs for the worker's dependent children up to and including age 12, unless exceptional circumstances apply. YWCHSB does not reimburse for childcare normally provided by family members without compensation. Increased expenses unrelated to the work-related injury, such as increased childcare rates, loss or change of care provider, or changes in family circumstances, are not covered.

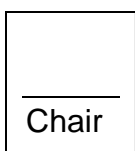
e) Assisted Living ADL Allowance

An assisted living allowance is a monthly sum of money paid to offset the additional costs of miscellaneous expenditures incurred for services that an injured worker performed on their own prior to the work-related injury (e.g. shovelling snow), but now requires assistance as a result of their work-related injury. It also covers the cost of other devices up to the maximum monthly allowance, as well as qualifying social or fitness activities. An assisted living allowance must be recommended as part of an ADL plan.

The ADL assisted living Allowance is meant to cover miscellaneous expenditures that include, but are not limited to, the following types of services and devices:

- home maintenance;
- yard maintenance;
- firewood;
- transportation costs;
- communications;
- fitness or social activities that are therapeutic for the work-related injury; or
- other devices identified in the ADL Assessment as being required to support daily living.

Additional, miscellaneous expenditures identified in the ADL Assessment will be incorporated into the injured worker's treatment plan. All recommended miscellaneous expenditures, when combined, cannot exceed the maximum allowance amount established in Appendix A of this policy. Depending on the circumstances of the worker, such expenses may be calculated on an annual basis to determine equalized monthly amounts.



The assisted living ADL Allowance is paid directly to non-institutionalized workers who are living in their own homes. The worker must keep receipts for all purchases from this allowance for inclusion in the review of the ADL Plan.

4. ADL Service Providers

ADL service providers include those persons who provide homemaker services, childcare services, and personal care services. YWCHSB will enter into contracts with individuals, agencies or businesses through a Service Agreement at the rates set out in Appendix A.

In securing ADL services for the injured worker, there are two possible sources:

- (1) Agencies or individuals who offer professional services. These services are paid through a Service Agreement established with YWCHSB; or
- (2) A family member, friend or community member who is designated to provide ADL services to the injured worker. These services are paid through a Service Agreement established with YWCHSB. To be eligible to provide ADL services, the individual will need to:
 - register with Canada Revenue Agency, YWCHSB and other government agencies as appropriate; and
 - take such training as required by YWCHSB to ensure that ADL services are provided in a safe and effective manner.

YWCHSB may refuse to continue support to an ADL service provider if the level of care being provided is determined by YWCHSB to be inadequate.

5. Indexing

The ADL Allowance established in Appendix A of this policy will be indexed annually using the consumer price index (CPI) for Whitehorse, so long as the percentage change is not more than four percent or less than zero percent.

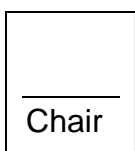
ROLES AND RESPONSIBILITIES

ADL Service Provider

An ADL service provider is responsible for providing services as contracted under an agreement with YWCHSB, including informing YWCHSB when a change in the worker's circumstances affects the worker's need for ADL services.

Assessment Provider

An assessment provider (e.g. an occupational therapist) is responsible for assessing and reviewing an injured worker's pre-injury versus post-injury functional abilities to



determine what supports an injured worker needs to perform the pre-injury activities of daily living.

Such an assessment will follow the criteria described in this policy under section 1, Eligibility for ADL Assistance. The assessment provider will also recommend, when necessary, an ADL Plan for the injured worker.

The Worker

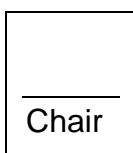
The worker is responsible for seeking and co-operating fully in health care or treatment recommended by YWCHSB and for attending any medical or other assessments required by YWCHSB.

The worker is responsible for mitigating the loss caused by a work-related injury by taking all reasonable steps to reduce or eliminate any impairment and loss of earnings resulting from a work-related injury (see section 14 of the *Act* and YWCHSB policy RE-03, "Mitigation of Loss").

Where applicable, workers also have a duty to co-operate with their early and safe return to work plans (see YWCHSB policies RE-02-2, "Duty to Co-operate, Part 2 of 4: Roles and Responsibilities" and RE-02-4, "Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation").

Workers who have an ADL Plan will be informed by YWCHSB that they must notify their YWCHSB decision-maker within three days of any change in circumstance that affects or may affect the worker's claim for compensation or need for ADL services, including, but not limited to, changes in:

- i) health condition;
- ii) fitness for return to work;
- iii) employment income;
- iv) receipt of other income or governmental benefits;
- v) address and contact information (including bank information if the worker is receiving compensation benefits via direct deposit);
- vi) living conditions; and/or
- vii) services of ADL service providers, including any issues or concerns with such services.



YWCHSB

YWCHSB is responsible for case management. This includes facilitating assessments, communicating with the Case Management Team, communicating expectations to the worker and coordinating periodic reviews that ensure an injured worker is supported in the care required to provide assistance in the activities of daily living.

YWCHSB will pay for ADL services, training, devices and accessories approved under the ADL Plan.

APPLICATION

This policy applies to the Board of Directors, President/CEO, staff of YWCHSB and the Workers' Compensation Appeal Tribunal. It applies to all workers who are covered by the *Act*, regardless of date of injury.

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, YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB policy EN02, "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 YWCHSB under this policy can be appealed in writing to the YWCHSB Hearing Officer in accordance with section 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).

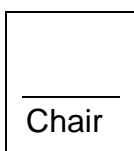
A notice of appeal must be filed within 24 months of the date of the decision by YWCHSB, in accordance with section 52 of the *Act*.

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 14, 36, 39.


Chair

POLICY REFERENCES

Policy EN-02, "Merits & Justice of the Case"
Policy HC-01, "Overview: Provision of Health Care Assistance"
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

APPENDIX A

| RATES FOR PROVIDING ASSISTANCE IN THE ACTIVITIES OF DAILY LIVING | |
|---|---|
| NAME OF SUPPORT | AMOUNT |
| ADL Allowance | \$250.00/ Maximum Monthly Amount |
| Homemaker Services | Competitive Hourly Rates |
| Childcare | Competitive Market Rates |
| Personal Care Attendants | Competitive Market Rates for Agencies Competitive Market Rates (excluding any agency fees) for individuals |

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