

 Yukon Workers' Compensation Health and Safety Board	Part:	Health Care Assistance		
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THERAPEUTIC MASSAGE THERAPY

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. This includes authorizing payment for appropriate therapeutic massage treatment required to assist in the treatment of an injured worker's compensable injury and associated secondary disorders that may arise from the compensable injury.

PURPOSE

Therapeutic massage treatment may be appropriate for some injuries in order to help an injured worker regain function and return to work in a timely and safe fashion. This policy establishes parameters for the appropriate authorization and safe use of therapeutic massage treatment for compensable injuries. It outlines the responsibilities of the injured worker, the massage therapist, the YWCHSB and medical practitioners.

DEFINITIONS

- 1. Case Management Team:** A team that assists the injured worker with their recovery, early and safe return to work plan and, if 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 use participation on the Case Management Team to facilitate that duty. The team can also include up to two representatives of the injured worker¹ (as desired by the injured worker),

¹ 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.

disability manager and the health care community. Other members may be added depending on their specific roles and responsibilities

2. **Therapeutic Massage:** Refers to the assessment of soft tissues and joints, and the treatment and prevention of dysfunction, injury, pain and physical disorders of the soft tissues and joints by manual and physical methods to develop, maintain, rehabilitate or augment physical function to relieve pain and promote health.
3. **Non-Therapeutic Massage:** Refers to a broader range of massage therapy techniques (such as 'healing touch') or objectives (relaxation massage for general stress reduction) available in the marketplace. Non-therapeutic massage is not within the scope of this policy.
4. **Massage Therapist:** Refers to an individual who provides therapeutic massage treatment. To provide treatment to injured workers in Yukon, a massage therapist must be recognized by the YWCHSB as a legitimate service provider. In recognition that there is no formal licensing body in Yukon, massage therapists must sign an individual service agreement with the YWCSHB, and continue to meet all standards (such as having a clean and safe workplace) identified in the Service Agreement.
5. **Function:** Refers to a mode of activity or action that permits the body to do its job (for example, relaxed muscle groups permit better range of motion in a joint).
6. **Daily Living Activities:** Refers to a person's actions that contribute to self-maintenance (such as performing personal hygiene, dressing, walking and working).
7. **Injury:** As per Section 3 of the *Act*, an injury is a disablement, occupational disease or death caused by work-related events.
8. **Medical Practitioner:** This refers to health care providers, recognized by the YWCHSB, who are responsible for the ongoing care of the injured worker. This includes medical doctors, chiropractors and other health care providers recognized under legislation such as the *Chiropractors Act*, the *Medical Profession Act*, the *Registered Nurses Profession Act* or by the YWCHSB.
9. **Primary Health Care:** This refers to the entry point to the health care system, whether through a medical doctor or a medical practitioner who is able to diagnose and treat a patient without a referral from a medical doctor. Although massage therapists may treat a person without a medical referral (unless they are an injured worker, as defined by the *Act*), they are not considered primary health care practitioners.

- 10. Service Agreement:** This refers to an agreement between the YWCHSB and a massage therapist carrying on individually, in partnership or as a limited corporation to assess, treat and report on injured workers for payment.

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.

Where therapeutic massage treatment is indicated to support the injured worker, the treatment must be provided safely and appropriately to foster a timely return to work and to prevent unintended subsequent conditions.

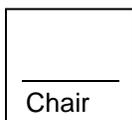
POLICY STATEMENT

The YWCHSB supports the provision of necessary and appropriate therapeutic massage treatment services to:

- promote, as a companion to primary treatment provided by a physiotherapist or chiropractor, effective recovery from a work-related injury;
- regain function in order to remain at work or enable early and safe return to work for injured workers; and
- reduce the severity of symptoms and maintain function (where the work injury continues to have a significant impact on daily living activities after the injured worker reaches maximum medical improvement).

The YWCHSB may cover the cost of therapeutic massage treatment under this policy, where treatment:

- is provided by a massage therapist who is a signatory to an individual Agreement for Provision of Therapeutic Massage Services (Service Agreement) with the YWCHSB or is an employee of a signatory to the Service Agreement; and
- is provided pursuant to a referral from a physician, chiropractor or a physiotherapist who does not include therapeutic massage treatment in their own personal scope of practice.



AUTHORIZING PAYMENT FOR THERAPEUTIC MASSAGE – KEY PROVISIONS

1. General

The YWCHSB authorizes payment for therapeutic massage treatment after a work-related injury where this treatment:

- is appropriate to address the worker's acute injury-related medical needs arising out of their work-related injury;
- is provided in concert with other care (such as physiotherapy);
- supports the goals of timely recovery and return of function;
- is expected to maintain or improve the worker's function, thus preventing further disability;
- focuses on musculoskeletal function;
- helps the worker stay at work while recovering from an injury (if possible), or fosters a timely, safe and successful return to work;
- is provided by a massage therapist who has signed a Service Agreement with the YWCHSB; and
- is obtained by a referral from a physician, chiropractor or a physiotherapist who does not include therapeutic massage treatment in their own personal scope of practice.

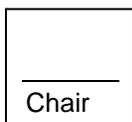
2. Mitigation

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

Mitigation of loss includes the injured worker staying at work where safe to do so and where functional abilities allow (see Section 14 of the *Act* and YWCHSB policy, "Mitigation of Loss").

Where therapeutic massage treatment is included in an injured worker's recovery, typical examples of the worker's mitigation of injury include:

- attending all scheduled appointments or immediately informing the YWCHSB when unable to attend;
- following the medical practitioner and massage therapist's recommendations, including any prescribed exercises (such as stretching) between appointments; and



- communicating progress or concerns with the YWCHSB and their medical practitioner.

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

3. Eligibility

The YWCHSB may authorize payment for therapeutic massage treatment necessary for treating a worker with a work-related injury where it is appropriate and in the following circumstances:

- as soon as reasonably practicable after the injury, and in conjunction with other primary treatment;
- as soon as medically recommended after surgery for the work-related injury or subsequent related condition (see YWCHSB policy, “Subsequent Disorders or Conditions Resulting From a Work-Related Injury”);
- as soon as medically recommended after a recurrence of a work-related injury; or
- where a worker has recovered to the point of maximum medical improvement and
 - where the compensable injury has a significant impact on daily living activities;
 - where therapeutic massage treatment is determined to be appropriate in order to reduce the severity of symptoms or maintain function and mobility; and
 - there is a medical recommendation for therapeutic massage treatment.

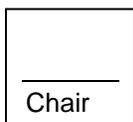
4. Duration of Treatment

The YWCHSB may provide coverage for a maximum number of treatments as set out in the Service Agreement with the massage therapist.

As required in the Service Agreement, the massage therapist must submit a written request, with rationale, to the YWCHSB for a treatment extension. The YWCHSB may authorize an extension of treatment where it is identified as necessary in the progress report or treatment plan of the referring practitioner.

5. Concluding Therapeutic Massage Therapy Treatment

The YWCHSB may conclude authorization of payment for therapeutic massage treatment in the following circumstances:



- when there is no objective evidence that the treatment supports improvement in functional abilities;
- where evidence-based guidelines (such as the Medical Disability Advisor) indicate that therapeutic massage treatment is not useful for treatment;
- when the treatment focus has moved away from regaining function as related to the compensable injury; or
- where there is no reasonable expectation of further improvement with an extension of treatment.

ROLES AND RESPONSIBILITIES

The Massage Therapist

Massage therapists providing treatment to injured workers under their individual Service Agreement will:

- have the requisite education and training (as set out in the Service Agreement);
- provide treatment that facilitates return to work;
- provide appropriate therapeutic massage treatment as described in this policy and the Service Agreement;
- work collaboratively, when requested, as part of the Case Management Team in order to foster successful return to work outcomes;
- submit timely and objective reports to the YWCHSB and the treating physician as required by the Service Agreement; and
- notify the YWCHSB in writing where an injured worker misses an appointment or is otherwise non-compliant with treatment.

It is critical that the massage therapist share information and submit reports as requested by the YWCHSB.

Other specific obligations will be addressed in the Service Agreement between the YWCHSB and the massage therapist.

The YWCHSB

The YWCHSB will:

- develop and monitor individual Service Agreements with massage therapists;
- make decisions concerning the payment for therapeutic massage services;

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- maintain sole authority for determining the worker's co-operation with treatment;
- determine the information required in therapeutic massage therapist's reporting; and
- meet its obligations to therapeutic massage therapists, as set out in their Service Agreement.

The Medical Practitioner

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

- working collaboratively as part of the Case Management team with the massage therapist and the YWCHSB;
- supporting the injured worker recovering at work whenever possible;
- supporting early and safe return to work; and
- communicating the worker's progress and functional abilities to the YWCHSB.

The Worker

In addition to mitigating the loss caused by an injury, the injured worker has a duty to co-operate fully in their recovery. If the worker is unable to participate fully in their therapeutic massage therapy, or will be late or miss a massage therapy appointment, the worker must immediately inform both the massage therapist and the case manager of the reason.

APPLICATION

This policy applies to all injured workers and to massage therapists providing treatment to injured workers under a Service Agreement with the YWCHSB.

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

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, the YWCHSB will decide the case based on its individual merits and justice in

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accordance with YWCHSB's 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

Sections 3, 14, 36, 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" (Proposed)

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

HC-01, "Complementary Treatments", effective July 1, 2008; revoked January 1, 2010

CL-55, "Complementary Treatments", effective July 12, 2005; revoked July 1, 2008

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