



YUKON WORKERS'  
COMPENSATION  
HEALTH AND  
SAFETY BOARD

SUBJECT: CLAIMS & BENEFITS POLICY NO.: CL - 30  
BOARD APPROVAL: UNDER REVIEW  
APPROVAL DATE: \_\_\_\_\_  
BOARD ORDER NO.: \_\_\_\_\_  
EFFECTIVE DATE: January 01, 1993

## POLICY STATEMENT

SECTION  
REFERENCE:

Revised April 1, 1994  
replaced by CL-47  
Pre-Existing Conditions  
effective April 1, 1994

POLICY:

### PRE-EXISTING CONDITIONS - AGGRAVATION

#### **Pre-existing Conditions**

The Board will allow entitlement on the basis of an aggravation factor subject to limitations where an accident causes a factor subject to limitations where an accident causes a deterioration (temporary or permanent) of a pre-existing noncompensable disabling condition to the point where a worker is no longer able to perform all aspects of the job.

#### **Temporary Impairment of Function**

Time loss payments will be made for the duration of the impairment attributable to the aggravation factor, but shall cease where it is established that the sole cause of the continuing impairment is a pre-existing condition, or unrelated to the accident.

#### **Permanent Impairment**

Where a permanent impairment results from a claim allowed under this Policy, the Board will establish what portion of the permanent impairment is directly attributable to the aggravation by determining

- (1) value of the total post aggravation clinical impairment, less
- (2) the value of the total pre-aggravation clinical impairment determined in accordance with the American Medical Association Guide to the Evaluation of Permanent Impairment or by the Medical Assessment.

#### **Medical Aid**

Where a claim is allowed under this Policy, the Board may authorize any medical aid which in its opinion might cure or alleviate the aggravation. However, medical aid or surgery required solely as a consequence of the pre-existing noncompensable condition will not be considered a Board responsibility.

For this Policy the Claims Adjudicator must monitor the claim for involvement of a pre-existing condition and in consultation with the Medical Advisor determine.

- (1) if the accident caused the condition to become symptomatic or contributed to the deterioration of a pre-existing disability, or
- (2) if the need for treatment or layoff work was due to the pre-existing noncompensable condition, or
- (3) if the clinical diagnosis of a pre-existing condition was incidental to the nature of the disability.

A claim will be accepted only in the first instance.

In situations (2) and (3), the Claims Adjudicator shall advise the worker in writing of the limitations of compensation responsibility. This should outline that the Board is not responsible for the underlying condition. Care must be exercised when informing the worker of the details of a serious pre-existing illness or condition (e.g. cancer), and a consultation may be required between the Board's Medical Advisor and the treating physician prior to communication with the worker.

Where conflicting medical information exists, compensation benefits may be granted to the worker pending the results of a medical investigation. If treatment, particularly surgery, is authorized for investigational purposes, a reasonable period of postoperative recovery time loss benefits may be authorized even if the surgical procedure reveals a noncompensable cause for the worker's impairment.

If an aggravation of a pre-existing condition was temporary and the worker recovers to the pre-accident state, there will be no permanent impairment of function resulting from the work injury even though the worker may have impairment as a result of the pre-existing condition.

Where a pre-existing condition is permanently exacerbated by work injury the Board will establish what proportion of the impairment is attributable to the aggravation.

- (1) Where it is evident that the precipitating event and its immediate consequences were so severe that a permanent impairment would have resulted regardless of a pre-existing condition, the Board will not prorate the permanent impairment rating.
- (2) Where the precipitating event was of moderate significance and medical evidence demonstrates only a minor pre-existing condition with no indication of previous impairment, it will be presumed that any residual impairment was a direct result of a compensable aggravation.
- (3) Where the precipitating event was of moderate or minor significance and medical evidence demonstrates a moderate to advanced pre-existing condition proration of the award will apply.

The enhancement portion shall be charged to the Reserve for Enhanced Disabilities in accordance with Board Policy No. FN - 02.