

 Yukon Workers' Compensation Health and Safety Board	Part:	Health Care Assistance		
	Board Approval:	Original signed by Chair	Effective Date:	Jan. 1, 2010
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	Board Order:		Review Date:	

PHYSIOTHERAPY

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 physiotherapy required to treat an injured worker's compensable injury and associated secondary disorders that may arise from the compensable injury.

PURPOSE

Physiotherapy treatment may be appropriately used for some injuries in order to help an injured worker regain function and return to work in a timely and safe fashion. The policy establishes parameters for the appropriate authorization and safe use of physiotherapy in the treatment of compensable injuries. It outlines the responsibilities of the injured worker, the physiotherapist, 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), disability manager and the

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.

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

2. **Injury:** As in Section 3 of the *Act*, an injury is a disablement, occupational disease or death caused by work-related events.
3. **Daily Living Activities:** Refers to a person's actions that contribute to self-maintenance (such as performing personal hygiene, dressing, walking and working).
4. **Function:** Refers to a mode of activity or action that permits the body to do its job (for example, a fully functioning hand allows the person to grasp, hold, lift, manipulate and set down objects).
5. **Medical Practitioner:** Refers to health care providers, recognized by the YWCHSB, who are responsible for the ongoing care of the worker. This includes medical doctors, physiotherapists and other health care providers recognized under legislation such as the *Health Professions Act*, (with the *Physiotherapists Regulation*), the *Medical Profession Act*, the *Registered Nurses Profession Act* or by the YWCHSB.
6. **Physiotherapy:** Refers to a primary care and client-focused health profession dedicated to:
 - improving and maintaining physical mobility and independence and physical performance;
 - preventing, managing and reducing pain, physical limitations or disabilities that may limit a client's activities; and
 - improving overall fitness, health and well-being.
7. **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 (for example, a physiotherapist or chiropractor).
8. **Service Agreement:** This refers to an agreement between the YWCHSB and a physiotherapist 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.

When a work-related injury does occur and physiotherapy is indicated, 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 physiotherapy services to:

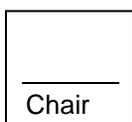
- promote effective physical recovery from a work-related injury;
- regain function in order to maintain or enable early and safe return to work for injured workers; and
- reduce the severity of symptoms and maintain function where the work injury, after the injured worker reaches maximum medical improvement, continues to have a significant impact on daily living activities.

The YWCHSB may cover the cost of physiotherapy under this policy, where treatment is provided by a physiotherapist, who has full or interim registration and is in good standing under the *Yukon Health Professions Act* (or a Canadian Physiotherapy regulatory body) and is a signatory to the Physiotherapy Services Agreement (Service Agreement) with the YWCHSB or is an employee/contractor of a signatory to the Service Agreement.

AUTHORIZING PAYMENT FOR PHYSIOTHERAPY – KEY PROVISIONS

1. General

The YWCHSB authorizes payment for physiotherapy after a work-related injury where physiotherapy treatment:



- is appropriate to address the worker’s physical recovery following their work-related injury;
- supports the goals of timely recovery and return of function;
- is expected to maintain or improve the worker’s function, thus preventing further disability;
- is medically required to stabilize the injury and facilitate healing (as in traumatic or surgical amputation);
- helps the injured worker stay at work while recovering from the injury (if possible), or allows for a timely, safe and successful return to work;
- is provided by a licensed physiotherapist who has signed the Service Agreement with the YWCHSB; and
- is obtained either by:
 - an injured worker’s self-referral; or
 - referral by the treating medical practitioner, or a YWCHSB representative.

The YWCHSB recognizes physiotherapists as primary care providers; injured workers may seek physiotherapy without referral from another medical practitioner (see YWCHSB policy, “Overview: Provision of Health Care Assistance”).

In order to support timely provision of treatment, the YWCHSB will authorize payment for an initial physiotherapy assessment (which may or may not include the first treatment) prior to adjudication. Subsequent physiotherapy treatments may be authorized prior to claim adjudication, based on the treatment plan and in accordance with the Service Agreement.

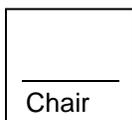
2. Mitigation

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”).

When physiotherapy is included in an injured worker’s recovery, typical examples of the worker’s mitigation of injury include:

- a prompt initial visit to a physiotherapist to assess the effects of the injury on mobility and function;



- attending all scheduled appointments or immediately informing the YWCHSB when unable to attend;
- following the physiotherapist's recommendations during and between appointments;
- putting forth best effort in prescribed active exercises; and
- appropriately communicating progress or concerns with the YWCHSB and the medical practitioner overseeing their recovery.

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

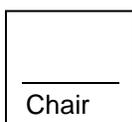
The YWCHSB may authorize payment for physiotherapy services necessary for treating a worker with a work-related injury where it is appropriate and in the following circumstances:

- as soon as reasonably practicable after the injury;
- 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 work injury has a significant impact on daily living activities;
 - where physiotherapy treatment is determined to be appropriate in order to reduce the severity of symptoms or maintain function and mobility; and
 - there is a physician recommendation for physiotherapy treatment.

4. Appropriateness of Physiotherapy

Approved physiotherapy services must be appropriate to the work-related injury and to the injured worker. The YWCHSB considers physiotherapy appropriate when it focuses on:

- early active intervention;



- controlled, progressive, treatment and rehabilitation of the injured worker through restoring function and mobility;
- educating the worker about their responsibilities in the rehabilitation and return to work process;
- allowing a independent exercise plan as a part of the treatment plan;
- enables the injured worker to safely stay at work while recovering or to return to work as early and safely as possible;
- effective communication between the injured worker's physician, other health care providers, the worker and the YWCHSB (as determined in the Service Agreement); and
- maintaining function and mobility in certain situations where there is significant long-term impairment to engaging in activities of normal daily living.

In determining what constitutes appropriate physiotherapy, the YWCHSB will consider the recommendation and treatment plan of the physiotherapist and the intended benefit of the treatment 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 relating to physiotherapy and the functional disabilities and abilities pertaining to the work-related injury for direction.

Where the injured worker lives in a rural area of Yukon not serviced by physiotherapists, all efforts will be made to develop an independent exercise program and utilize the tele-health system (where available) for consultations in order to support recovery in their home community and facilitate early and safe return to work.

5. Duration of Treatment

In order to support the timely provision of treatment, the YWCHSB will authorize payment for an initial physiotherapy assessment (which may or may not include the first treatment) prior to adjudication. Subsequent physiotherapy treatments may be authorized prior to claim adjudication, based on the treatment plan and in accordance with the Service Agreement.

Once the claim has been adjudicated, the YWCHSB may approve physiotherapy treatments as set out in the Service Agreement. Billing will be as described in the Service Agreement.

As required in the Service Agreement, physiotherapists must submit a written request, with rationale, to the YWCHSB for a treatment extension beyond the initial treatments. The YWCHSB may consult with, or refer the worker to, the injured

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worker's physician, specialist or the YWCHSB Medical Consultant to determine whether further treatments would be appropriate and to co-ordinate a new treatment plan. Where there is documented improvement in function and there is a defined end date to an extension request (within one month of the extension request), a referral to a physician will not be necessary.

Duration guidelines and Section 4 of this policy will be considered in order to monitor treatment plan durations and approve requested extensions.

6. Concluding Physiotherapy Treatment

The YWCHSB will discontinue authorization for payment for physiotherapy in the following circumstances:

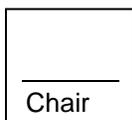
- when there is no objective evidence of improvement in functional abilities;
- where evidence-based guidelines (such as Medical Disability Advisor or post-surgical guidelines) indicate that physiotherapy is not useful for treatment; and
- when the treatment focus has moved away from regaining function related to the compensable injury or;
 - where an independent exercise program would be sufficient and the worker is able, safe and competent to perform exercises on their own;
 - where there is no reasonable expectation of further improvement in functional abilities or physical impairment with an extension of treatment; or
 - the YWCHSB determines that physiotherapy is not appropriate for the compensable injury.

The YWCHSB may also stop authorizing payment for physiotherapy treatment when the YWCHSB determines that the injured worker has no legitimate reason for failing to mitigate loss, as referenced in this policy and YWCHSB policy "Mitigation of Loss".

7. Provision of Devices

In accordance with Section 36(1) of the *Act*, the YWCHSB has an obligation to *provide a worker with...devices or equipment necessary to grant relief from a work-related injury*. The YWCHSB has sole authority for authorizing payment for items that may assist recovery.

Pre-sized or off the shelf devices (such as braces or orthotics) may be reimbursed by the YWCHSB when:



- the device is recommended by the treating physiotherapist or medical practitioner;
- the device provides sufficient relief for a worker; and
- the item(s) are within a cost amount set by the YWCHSB.

All custom-made devices require written authorization by the YWCHSB prior to purchase.

Exercise equipment (such as thera-bands, hand weights, exercise mat) may be reimbursed or provided by the YWCHSB when:

- the exercise equipment is required for a self-directed, home-based exercise program;
- the injured worker is capable and competent to engage in safe, self-directed exercise; and
- the cost is within a cost amount set by the YWCHSB.

The YWCHSB may tender the provision of exercise equipment and ready-made devices.

ROLES & RESPONSIBILITIES

The Physiotherapist

Physiotherapists providing treatment to injured workers under the Service Agreement:

- have full or interim registration and are in good standing under the *Yukon Health Professions Act* (or a Canadian Physiotherapy regulatory body) and are a signatory to the Physiotherapy Services Agreement (Service Agreement) with the YWCHSB or be an employee/contractor of a signatory to the Service Agreement;
- provide functional abilities information to the injured worker, employer and the YWCHSB to facilitate return to work;
- are accountable to both the injured worker and the YWCHSB for treatment outcomes;
- provide appropriate physiotherapy, as described in this policy and the Service Agreement;
- work collaboratively as part of the injured worker's 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 within one business day where, in the judgement of the physiotherapist, an injured worker is non-compliant.

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It is critical that the injured worker's physiotherapist shares information and submits required assessment, treatment plan and progress reports to the worker, the worker's personal physician, specialist, the YWCHSB and other members of the Case Management Team with the written consent of the injured worker. Functional abilities information will also be provided to the worker's employer. The goal of information sharing is so that all parties can work collaboratively to help the injured worker recover and return to work as soon as it is safe and functionally possible.

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

The YWCHSB

The YWCHSB will:

- develop and monitor a Service Agreement with physiotherapists;
- work collaboratively as part of the Case Management Team, make decisions concerning the payment for physiotherapy services and supplies for injured workers;
- maintain sole authority for determining the worker's co-operation with treatment;
- meet its obligations to physiotherapists, as set out in the Service Agreement; and
- pay for physiotherapy treatment, as set out in the 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 physiotherapist and the YWCHSB;
- reviewing the physiotherapist's treatment plan;
- supporting the goal of allowing the injured worker to recover at work (if possible);
- supporting early and safe return to work;
- communicating the worker's progress and functional abilities with the YWCHSB; and
- working within their scope of practice and according to standards of practice provided by the regulatory body.

The Worker

The injured worker has a duty to co-operate fully in their recovery. If the worker is unable to participate fully in their physiotherapy or will be late or miss a physiotherapy appointment, the worker must immediately inform both the physiotherapist and the case manager of the reason.

APPLICATION

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

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*.

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ACT REFERENCES

Sections 11, 36, 39, 42.

POLICY REFERENCES

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

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

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

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.