

Client Services Procedure Manual

Procedure: 66.00

Subject: Vehicle Modifications for Workers with Injuries with Significant Functional Impacts

66.00 General

This procedure provides details of coverage for vehicle modifications for workers whose compensable injury has had a significant functional impact on their ability to drive or be transported in an unmodified vehicle.

Significant functional impact is defined as a major impact or impediment to the worker's ability to perform regular daily functions of independent living as a result of a serious work related injury (e.g., head injury or spinal cord injury). The regular daily functions impacted must involve the worker's ability to safely and independently access the home community through the use their vehicle as per prior to their injury.

66.01 Vehicle Modification

The cost of vehicle modifications are covered by WorkplaceNL where a worker, owing to the effects of a permanent and significant work injury, experiences permanent access barriers to transportation in an unmodified vehicle, and are typically contemplated where required to allow the worker safe and independent access to the home community and beyond.

Vehicle modifications will be considered:

1. To allow for independent access for a worker who is able to drive as a result of the installation of adaptive equipment (e.g., hand controls); or,
2. To allow for chauffeured access for a worker unable to drive and otherwise unable to access an unmodified vehicle (e.g., wheelchair lift).

Wherever vehicle modifications are necessary the worker and other operators will be required to take training to ensure safe operation of the vehicle. The cost of such training will be covered by WorkplaceNL.

66.1.2 Modifications to Worker's Vehicle – Associated Costs

Modifications to an existing vehicle will always be explored and will be encouraged if it represents the most appropriate and cost effective means to meet the worker's needs.

Insurance costs will not be the responsibility of WorkplaceNL. Where, however, there is an increased cost to the worker due to the nature of the injury or proposed modifications, WorkplaceNL will cover the additional cost only, upon receiving satisfactory insurance documentation.

The appropriateness and timing to transfer vehicle modifications will be at the discretion of

WorkplaceNL. WorkplaceNL will cover the costs of transferring modifications to another suitable vehicle a maximum of once every five years. The worker will make every reasonable effort to ensure that the original modifications can be transferred to the new vehicle. Transfer of modifications must be pre-approved by WorkplaceNL.

Where a worker does not own a vehicle at the time of the injury WorkplaceNL may cover the reasonable costs associated with modifications to a vehicle purchased by the worker. An Occupational Therapy assessment of the worker's abilities and the proposed vehicle may be required to make the decision regarding entitlement to the modifications.

Any required modifications and costs to maintain the modifications will be covered on an as-needed basis, in accordance with section 58.9, procedure 58.00 Health Care Devices and Supplies. Maintenance, repair or replacement of vehicles covered by WorkplaceNL will be in accordance with section 66.1.6.

66.1.3 Assessing Vehicle Modification Requests

In order to properly review a request, the following requirements must be met:

1. An assessment of the worker's driving abilities, needs and vehicle suitability will be performed by an Occupational Therapist or other qualified person (e.g. CPA representative) to determine what work is required to ensure safe operation of the vehicle and/or safe transport of the worker;
2. The decision maker will consider all reasonable options as outlined in section 66.2.2;
3. The worker must provide proof of vehicle ownership (e.g., vehicle registration) and insurance coverage (copy of automotive insurance policy document);
4. The worker must provide proof of valid driver's license where modifications to allow for independent operation of the modified vehicle are being contemplated;
5. Where the worker does not possess a valid driver's license, but chooses to acquire one, WorkplaceNL will not be responsible for the costs;
6. WorkplaceNL will obtain three (3) appropriate bids on the work required wherever possible; and
7. The decision maker presents the recommendation to the appropriate approval level in accordance with policy AD-05 Approval Levels for Payment of Invoices.

66.1.4 Contracting for Vehicle Modification Services

In order to be selected to perform the work, an appropriate service provider must:

1. provide a WorkplaceNL Certificate of Clearance;
2. adhere to accepted WorkplaceNL principles and practices with respect to tendering;
3. be properly qualified and licensed;
4. adhere to all appropriate industry standards and requirements; and
5. adhere to applicable vehicle codes and regulations.

Where, owing to the remoteness of the location, a professional service provider cannot be located, an individual identified by the worker may carry out necessary work. The individual chosen by the worker to conduct the modifications must provide a WorkplaceNL Certificate of Clearance.

In all cases, WorkplaceNL will pay the professional service provider or the individual acting as the service provider directly.

When assessing available bids and determining the suitability of service providers, factors including but not limited to experience with similar modifications, recommendations from past customers, recommendations from organizations such as CPA, length of time in business and cost will all be considered. The most appropriate bid, based on balance of cost and quality, will be selected. WorkplaceNL has the discretion to deny authorization where suitability is questionable.

66.1.5 Vehicle Modification Agreements

The worker and service provider will be required to sign agreements that WorkplaceNL deems necessary which will outline the details of the plan and the responsibilities of each party.

66.1.6 Maintenance, Repair and Provision of Suitable Vehicle

There are exceptional circumstances under which WorkplaceNL may cover the cost of purchasing a suitable vehicle. These include:

1. it is not cost effective to modify the worker's existing vehicle due to the age, make or condition of the vehicle; or
2. the worker is not able to access the community and beyond due to the lack of accessible transportation in the community and the worker is unable to finance the purchase of a suitable vehicle.

Where the purchase of a vehicle is being considered based on #1 above, the worker will be required to sell the existing vehicle and return any equity supported by documentation (i.e., money received in excess of the cost to pay out any remaining loan on the vehicle) to the cost of purchasing the new vehicle.

If circumstances require the worker to sell the vehicle below the expected fair market value (e.g. to a relative or friend) WorkplaceNL will reference appropriate industry sources to confirm the fair market value. WorkplaceNL will consider the worker's equity in the vehicle (i.e. contribution towards the purchase) to be based on the greater of the fair market value or the selling price.

Ongoing maintenance and repair of the vehicle is the worker's responsibility. WorkplaceNL will cover the cost of preventative service, maintenance and repair of equipment in accordance with procedure 58.00 Health Care Devices and Supplies - Section 58.9, Replacement schedule guidelines will be considered by WorkplaceNL when making decisions regarding the repair and replacement of equipment related to a vehicle modification.

66.2 Exceptional Circumstances

In cases where the individual circumstances of a case are such that the provisions of this procedure cannot be applied or to do so would result in an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice. Such a decision will be considered for that specific case only and will not be precedent setting.

Reference: *Workplace Health, Safety and Compensation Act, 2022, Sections 2(1), 95-99*
Policies: HC-13 Health Care Entitlement
AD-05 Approval Levels for Payment of Invoices
Procedure: 250.00 Purchasing

Amendment History

<i>Original Effective Date</i>	2004 01 01
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