

Client Services Policy Manual

Policy Number: **HC-13**
Subject: **Health Care Entitlement**
Chapter: **Health Care Services**

Policy Statement

Section 96(1) of the Workplace Health and Safety Compensation Act, 2022 (the Act) states "The supervision and control of health care and questions as to the necessity, character and sufficiency of health care which is provided shall be determined the commission."

This policy provides an explanation of fundamental health care principles and the types of factors that WorkplaceNL considers when determining coverage for health care provisions. In addition, WorkplaceNL provides specific policy direction on numerous other health care provisions which are contained in the Health Care Services group of policies.

WorkplaceNL recognizes that the timely provision of necessary health care services is an integral part of the injured worker's recovery and early and safe return to work.

WorkplaceNL will cover health care services to an injured worker where, in its opinion, the health care service is appropriate with respect to the worker's compensable injury, and is consistent with accepted practice within the health care community.

WorkplaceNL covers only those health care services that are regulated in the province of Newfoundland and Labrador. WorkplaceNL covers health care services rendered by health care providers who are actively licensed and registered with their respective regulatory authority in their province of practice.

As soon as reasonably possible after an injury, employers are required, at their own cost, to either obtain the necessary health care for the worker, or to convey the worker to a place where necessary health care may be obtained. Any subsequent cost to obtain health care will be the responsibility of WorkplaceNL.

General

First Medical Treatment

Employers must ensure that the worker receives initial medical treatment from an adequate health care facility that is equipped to respond to, treat, and stabilize the compensable injury: it does not include an employer-based first aid station or medic.

Determining Appropriate Health Care

WorkplaceNL will consider the following when determining what constitutes necessary health care:

- The recommendation of the treating health care provider; and
- The intended benefit of the treatment, service or device in relation to the compensable injury.

Where the intended benefit of the treatment, service or device is unclear, WorkplaceNL may then consider, in consultation with the treating health care provider:

- Current scientific evidence with respect to the demonstrated effectiveness of the treatment, service or device;
- The opinion of appropriate WorkplaceNL Health Care Consultant(s); and
- The professional accreditation of the licensed health care provider.

Prescribed Treatments, Devices and Accessories

WorkplaceNL will pay for treatments, devices and accessories prescribed by licensed health care providers, as long as the treatment, device or accessory, in the opinion of WorkplaceNL will:

- Improve or maintain the worker's functional abilities;
- Improve the likelihood of early and safe return to work;
- Minimize the risk of further injury or aggravation of the original injury; or
- Reduce the severity of symptoms where the work injury has a significant impact on the activities of daily living.

Maintenance of Health Care Devices

WorkplaceNL will cover the cost of repair or replacement, as appropriate, for a health care device where:

- The device is still necessary for the compensable condition; and
- The need for repair or replacement is not the result of intentional mistreatment of the device.

WorkplaceNL will cover the cost for repair or replacement that is not covered by the existing warranty for the device.

Home Modifications

Coverage for home modifications may be considered in the case of permanent and significant functional impact resulting from the compensable injury or condition. WorkplaceNL may cover the cost of necessary and reasonable modifications to the interior or exterior of the home to allow safe and independent access for the worker.

WorkplaceNL will determine the extent of necessary and reasonable modifications.

WorkplaceNL shall obtain an assessment from a qualified health care provider, or other specialized service provider to provide the worker's functional limitations and abilities, as well as any safety issues associated with home access.

Vehicle Modifications

Vehicle modifications may be considered in the case of permanent and significant functional impact resulting from the compensable injury or condition. WorkplaceNL may cover the cost of vehicle modification where independent operation of, or safe transportation in, the worker's vehicle or another available vehicle (i.e., public transportation) is no longer possible. The extent of the vehicle modification will be to allow the worker to have:

- Safe and independent operation of the vehicle, or where this is not possible;
- Safe transportation by another vehicle operator.

WorkplaceNL shall obtain an assessment from a qualified health care provider to determine the extent of modifications required. WorkplaceNL may require that the vehicle modification service provider submit verification of proper licensing or credentials prior to authorizing the service.

Security Interest of WorkplaceNL

Where it is appropriate to do so, WorkplaceNL may retain a security interest in a device, accessory, property or vehicle that has been provided by WorkplaceNL.

Merits and Justice

Where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would cause an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22 Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent-setting.

References

Workplace Health, Safety and Compensation Act, 2022, Sections 2(1)(r), 20 and 95-99
All policies under "Health Care Services"
Policy EN-22 Merits and Justice

Amendment History

Original Effective Date	2003 08 05
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