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Engaging with the WSIB/ Insurance Systems Part 1

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Faculty/Presenter Disclosure

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 - None

Mitigating Potential Bias

- The information presented in this program is based on recent information that is explicitly “evidence-based”.
- This Program and its material is peer reviewed and all the recommendations involving clinical medicine are based on evidence that is accepted within the profession; and all scientific research referred to, reported, or used in this CME/CPD activity in support or justification of patient care recommendations conforms to the generally accepted standards



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Feedback from Prior Sessions

- “WSIB approach to claims (what is the process of raising a claim until closed)”
- “Spend more time outlining the "musts" and "don't's" of WSIB - when MUST you report, and when you don't have to.
- “FAF (Functional Abilities Form) explanation”

Learning Objectives

By the end of this session, participants will be able to:

1. Explain what the WSIB is and how it functions
2. Describe the role of healthcare providers in the workers' compensation system
3. Effectively complete Form 8s and other insurance forms for your patients



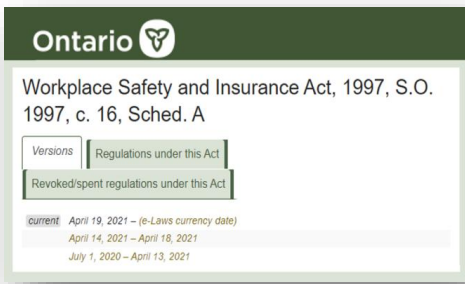
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The Workers Compensation System

Workplace Safety and Insurance Act (WSIA) Workplace Safety and Insurance Board (WSIB)



Historic Compromise – William Meredith 1914 – Workers give up right to sue employer in exchange for no-fault insurance benefits, employers pay into collective liability system in exchange for protection from lawsuits.



Workplace Safety and Insurance Act (WSIA) based on the “Meredith Principles” – 1. no-fault insurance, 2. security of benefits, 3. collective liability, 4. exclusive jurisdiction, 5. independent administration



The Workplace Safety and Insurance Board (WSIB) an agency of the Ontario Government.

WSIB mandate as per WSIA



1. Promote health and safety in workplaces to prevent and reduce the number of workplace injuries and occupational diseases



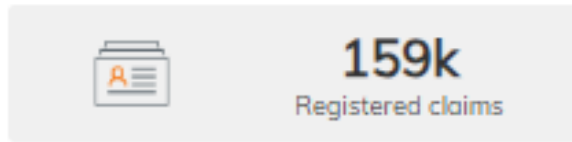
2. Facilitate return to work and recovery of patients who sustain personal injury or who suffer from an occupational disease



3. Facilitate work transition services for workers when required



4. Provide compensation and benefits to workers and to survivors of deceased workers

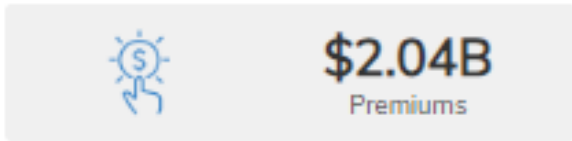


Mental stress claims **1,508**

Occupational diseases **14,482**

Traumatic fatalities **40**

COVID-19 claims **2,199**

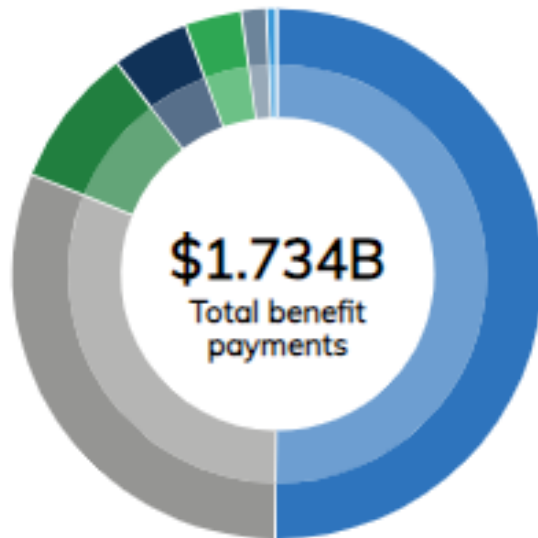


Allowed claims

Lost time
43,332

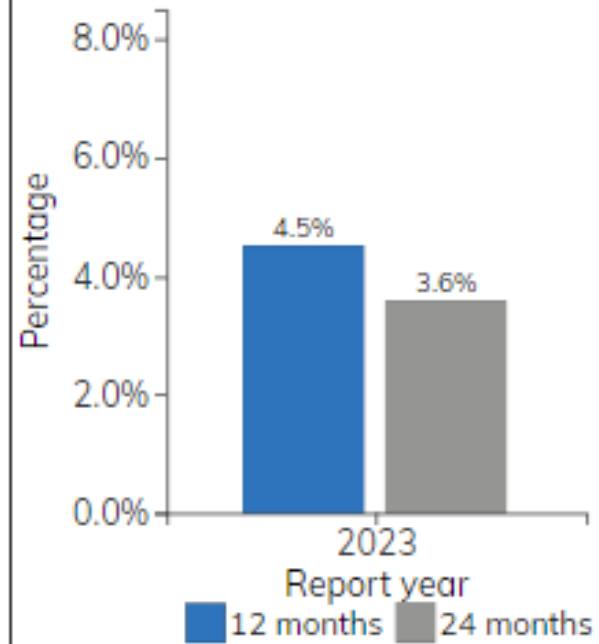
No lost time
67,948

Benefit costs (2024) ⓘ



Benefit type	
	Loss of earnings
	Health care
	Survivor benefits
	Workers' pension
	Non-economic loss
	External providers
	Future economic loss
	Others

Durations (2023) ⓘ



Review Question

What is the Workplace Safety and Insurance Board or WSIB?

- A. Private insurance company for workplace disability coverage.
- B. Part of Ontario Ministry of Health and Long-Term Care that provides services for injured or ill workers.
- C. National organization that funds care for injured or ill people.
- D. Provincial government agency that administers Ontario's collective, no-fault workplace insurance system.



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How Does the Claims Process Work?

Life of a Claim



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Initial reporting



Form 6

Worker

- Duty to report workplace injury*



Form 7

Employer

- Duty to report workplace injury*



Form 8

Health Care Provider

- Duty to provide clinical information if patient claiming WSIB



WSIB Case Manager

- Is condition work-related?
- Is return to work possible?
- Is a treatment covered?

Information

*if injury requires more than first aid OR results in lost time from work OR work disability for more than 7 days.

Initial reporting



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Physician's Guide to Uninsured Services

A Guide for Ontario Physicians

January 2024 Edition

Workplace Safety & Insurance Board (WSIB)

Injuries that arise out of and in the course of the patient's employment are insured by WSIB⁵⁸ and not OHIP. OHIP processes these claims on behalf of WSIB. When a patient claims WSIB benefits, the physician must provide the Board such information relating to the patient as the Board may require.⁵⁹ For a list of the WSIB report forms and their associated fees, contact WSIB⁶⁰.

Sometimes patients elect to not claim WSIB benefits and ask their physicians to not report the work-related injuries to the WSIB and to bill their services to OHIP. When this occurs, physicians must respect their patient's request and not report the injury to WSIB, but refuse to bill their medical services to OHIP.

If a patient does not want to report their injury to WSIB, the patient is responsible for the cost of their medical services. Physicians cannot bill these services to OHIP.

Physicians cannot report workplace injuries to the WSIB unless the patient is claiming benefits from WSIB⁶¹ or the patient consents to such a report being made. Disclosing patient information without statutory authorization or the patient's consent is professional misconduct under the *Medicine Act* and a violation of the *Personal Health Information Protection Act*. All medical services that a patient "is entitled to claim from WSIB" (regardless of whether the patient "claims" such benefits) are "not insured" by OHIP.⁶² All medical services for injuries arising out of and in the course of the patient's employment may not be billed to OHIP. Hence, these are **uninsured services which must be billed to the patient directly**.

⁵⁶ Physicians are not obligated to serve as guarantors. Patients requesting a physician to be a guarantor should be made aware that the form "Statutory Declaration in Lieu of Guarantor" is available for persons without an eligible guarantor.

⁵⁷ Some exceptions apply when a specific code is listed in the OHIP Schedule of Benefits (i.e.: Home Care Application Fees [K070, K071, K072], Northern Health Travel Grant Application Form [K036], Ontario Hep. C Assistance forms [K026, K027], Long-Term Care Application Form [K038], etc.).

⁵⁸ Section 13, Workplace Safety and Insurance Act.

⁵⁹ Section 37(1), Workplace Safety and Insurance Act.

⁶⁰ www.wsib.on.ca

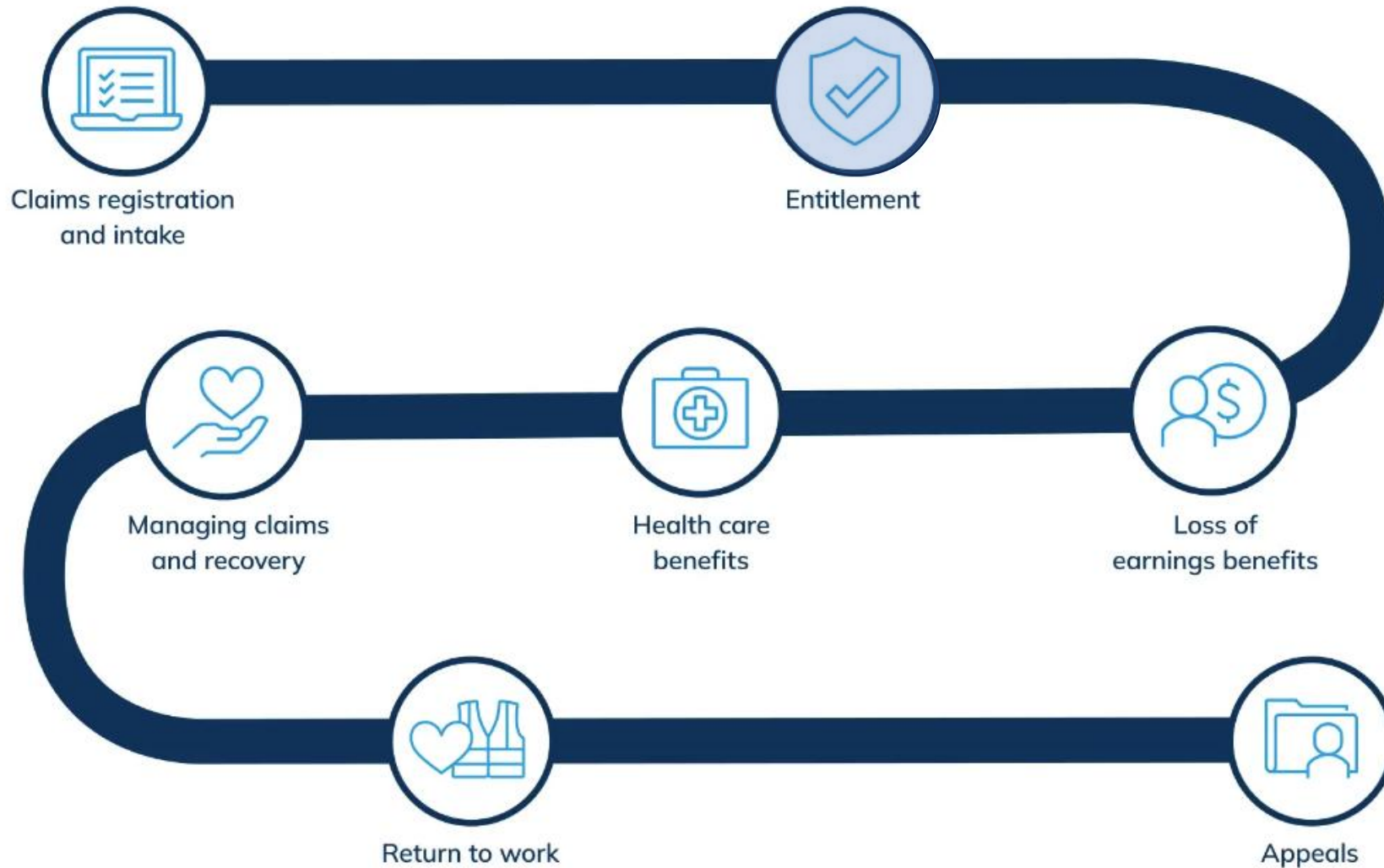
⁶¹ Authorized by s.37(1) of the Workplace Safety and Insurance Act.

⁶² Section 11.2(2) Health Insurance Act.

Life of a Claim



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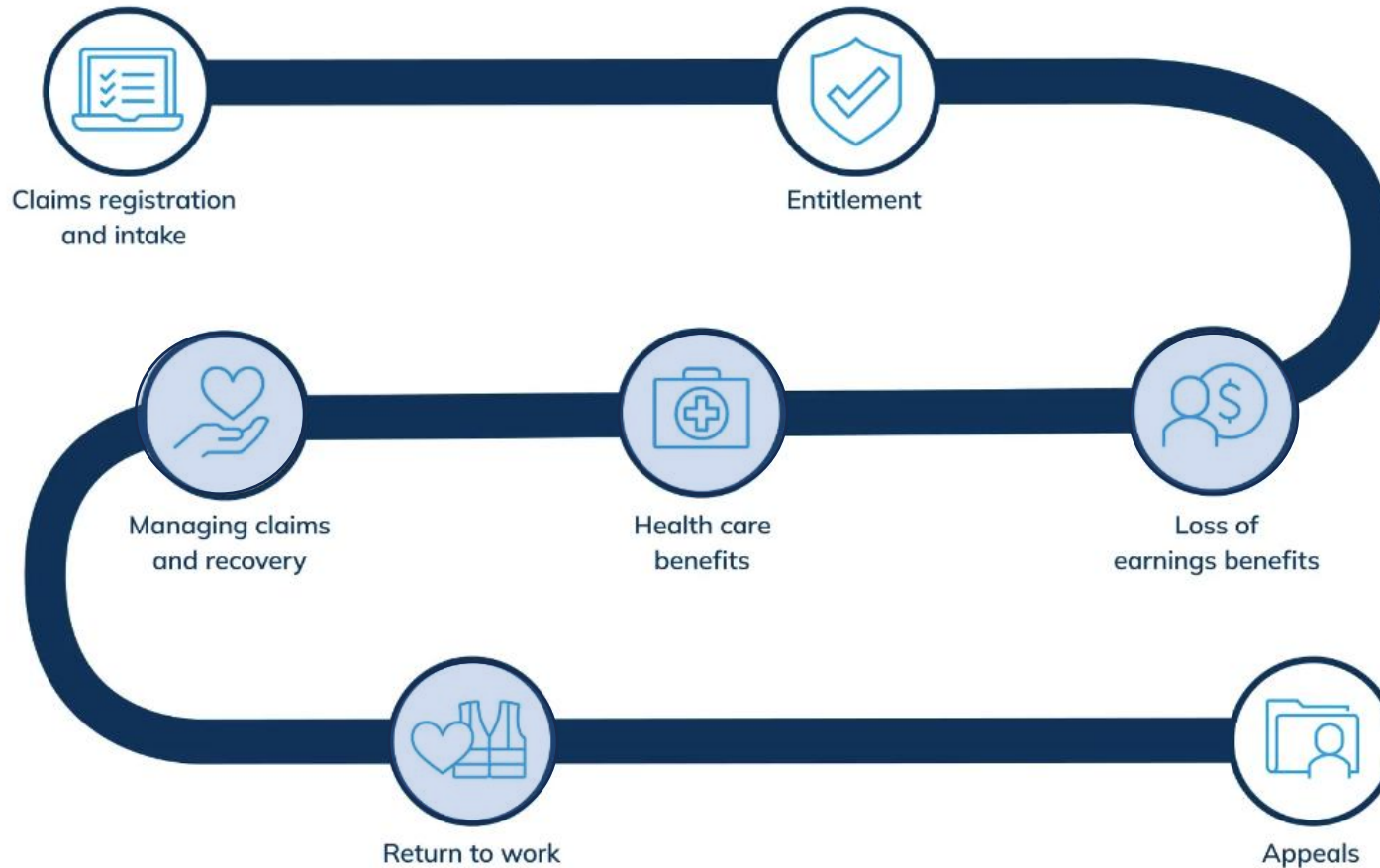


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Initial entitlement

- All decision-makers use the same criteria for ruling on initial entitlement to WSIB benefits. This system is known as the "five-point check system."
- An allowable claim must have the following five points
 1. an employer (see 12-01-01, Who is an Employer?)
 2. a worker (see 12-02-01, Workers and Independent Operators)
 3. personal work-related injury
 4. proof of accident, and
 5. compatibility of diagnosis to accident or disablement history.

Care Navigation and Managing Recovery



Navigators and Decision Makers

- Case Manager
- Nurse

Internal Supports

- Clinical Services – Physiotherapy, Occupational Therapy, Psychologists, Physician Specialists
- Return to Work – RTW Specialists and Work Transition Specialists

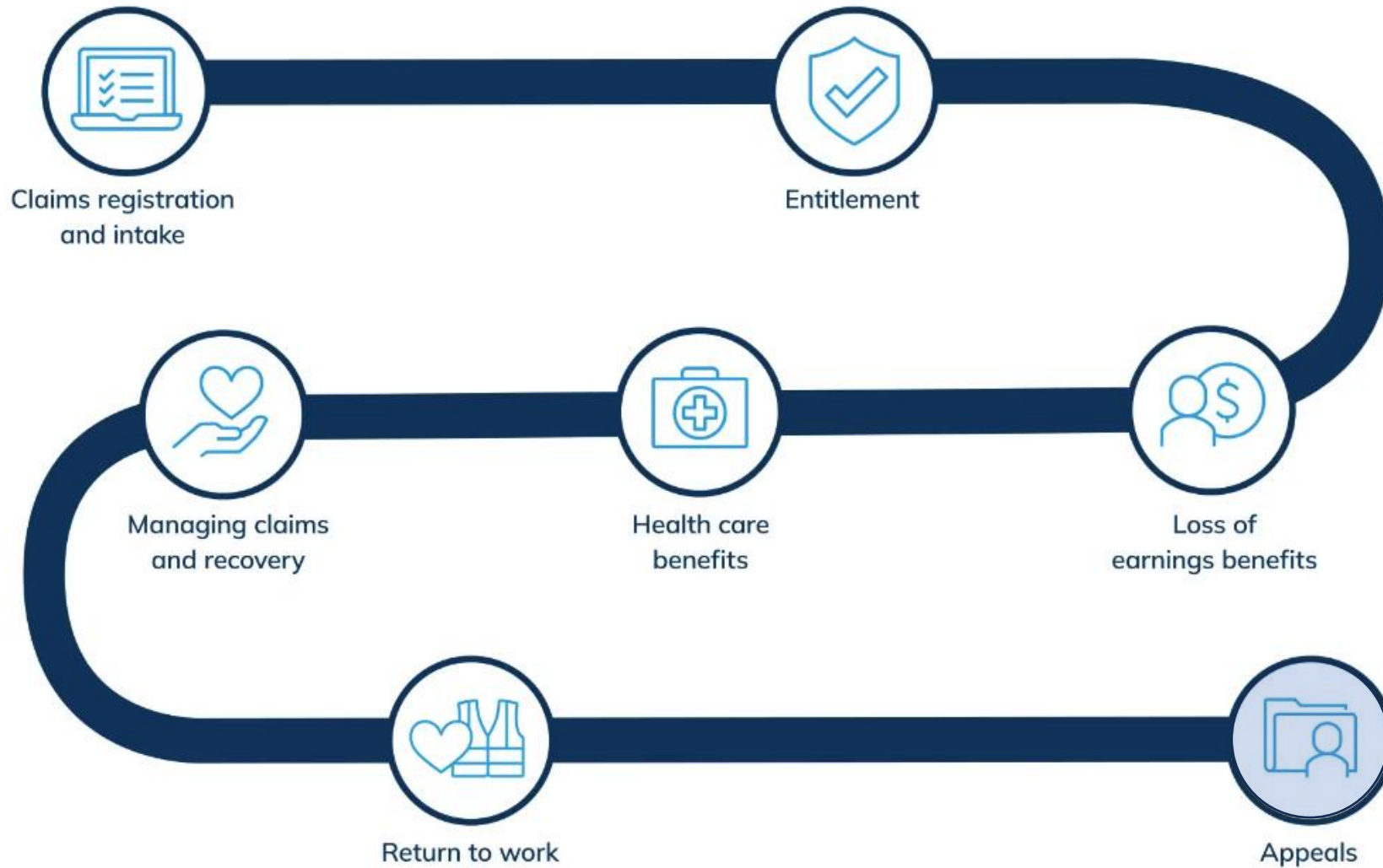
External Supports

- Health Care Programs – Programs of Care, Occupational Health Assessment Program, Specialty Clinics

Life of a Claim



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As a Health Care Provider, What are My Roles and Obligations with Respect to Workers' Compensation?

Health Care Providers Professional Standards



**Diagnose and
treat work-related
conditions**



**Advise and
support**



**Communicate
appropriate
information**



**Facilitate safe and
timely return to
work**

Health Care Professional Legal Obligations



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Under the Workplace Safety and Insurance Act (WSIA):

- **Submit patient health information when it is requested by the WSIB**
- “Every health care practitioner shall promptly give the Board such information relating to the worker as the Board may require” – Section 37(1)

- **Describe a patient’s functional abilities on WSIB forms**
- “A health professional shall give such information concerning the worker’s functional abilities. The information must be provided on the prescribed form” – Section 37(3)

Review Question

Which statement is FALSE regarding the reporting process for WSIB claims?

- A. The employer and the worker have a duty to report to the WSIB if a workplace injury requires more than first aid OR results in lost time OR work disability for more than 7 days.
- B. Health Care Providers require patient consent to complete a Form 8.
- C. Before completing a Form 8 you need to determine if the condition is work-related.
- D. Health Care Providers do not require consent to provide information to the WSIB if a claim is already established.



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Completing Insurance Forms

Insurance Forms



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WSIB

Health Professional Form 8

Progress Report– Form 26

Functional Abilities Form (FAF) For Timely Return to Work

Disability Forms and Other Insurance

Attending Physician's Statement

Physicals for pre-placement (work) certification

Back to work note / Sick note

Auto Insurance

Insurance Certificate OCF- 3 Disability Certificate

Insurance Certificate OCF-18 Treatment Plan

Insurance Certificate OCF-19 Catastrophic Impairment

Insurance Certificate OCF-23 Treatment Confirmation

Government Forms

Revenue Canada, Federal Disability Tax Credit

Canada Pension Plan (CPP) Disability Medical Report Form

Canada Pension Plan (CPP) Narrative Medical Report

Example - Form 8 – Health Professional’s Report

• Clinical information in **five general areas**

- HX – History
- PX – Physical findings
- DX – Diagnosis
- TX – Treatment plan
- FX – Functional abilities

Talking with our Patients



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Incident

F. Return To Work Information - Must be completed by a Health Professional

When work injury/illness occurs, focus on return to usual activity including return to safe and appropriate work is best practice. Most workers who experience soft tissue injury are able to remain at work.

1. Have you discussed return to work with your patient? yes no

2. This worker can resume Regular duties. Start date **If graduated hours required please specify**

This worker can begin Modified duties. Start date **If graduated hours required please specify**

This worker is not able to work because of the workplace injury/illness.

Please provide explanation

3. Please indicate the worker's status and functional abilities in relation to the workplace injury and diagnosis.

A. Full Functional Abilities

B. Worker Functional Abilities		Able to	Not Able to		Able to	Not Able to		Able to	Not Able to
Bend/Twist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Operate Heavy Equipment	<input type="checkbox"/>	<input type="checkbox"/>	Stand	<input type="checkbox"/>	<input type="checkbox"/>
Climb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Operate a Motor Vehicle	<input type="checkbox"/>	<input type="checkbox"/>	Use of Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Kneel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Push/Pull	<input type="checkbox"/>	<input type="checkbox"/>	Use of Upper Extremities	<input type="checkbox"/>	<input type="checkbox"/>
Lift	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sit	<input type="checkbox"/>	<input type="checkbox"/>	Walk	<input type="checkbox"/>	<input type="checkbox"/>

C. Other Limitations: eg. Environmental Conditions, Medication, Use of Protective Equipment.

Please describe:

Effective Return to Work Conversations with your Patients

1. Start by re-enforcing what they have said is meaningful for them about their work
E.g. “You indicated that you feel a sense of accomplishment when you are at work, and you like spending time with co-workers – this is one of the important factors that evidence indicates helps people in their recovery”
2. Then ask them why they feel they currently cannot return to work
people usually say they can't return to work for one of two reasons:
 1. *They are worried about re-injury*
 2. *They don't think they can physically or cognitively do their job*
3. Then explain it is your job to ensure they are safe (restrictions) and they are only given tasks they can actually do (limitations)
E.g. “You said you are scared you may reinjure yourself and may not be able to do the tasks assigned. It is normal to worry about this. The return to work plan will be based on your medical restrictions AND your limitations. This will ensure the accommodated work is SAFE (restrictions are followed) and you can SUCCESSFULLY do all the accommodated duties (limitations are followed).”



Functional Abilities



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Incident

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A. Full Functional Abilities

B. Worker Functional Abilities	Bend/Twist	Able to <input type="checkbox"/>	Not Able to <input type="checkbox"/>	Operate Heavy Equipment	Able to <input type="checkbox"/>	Not Able to <input type="checkbox"/>	Stand	Able to <input type="checkbox"/>	Not Able to <input type="checkbox"/>
	Climb	<input type="checkbox"/>	<input type="checkbox"/>	Operate a Motor Vehicle	<input type="checkbox"/>	<input type="checkbox"/>	Use of Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>
	Kneel	<input type="checkbox"/>	<input type="checkbox"/>	Push/Pull	<input type="checkbox"/>	<input type="checkbox"/>	Use of Upper Extremities	<input type="checkbox"/>	<input type="checkbox"/>
	Lift	<input type="checkbox"/>	<input type="checkbox"/>	Sit	<input type="checkbox"/>	<input type="checkbox"/>	Walk	<input type="checkbox"/>	<input type="checkbox"/>

C. Other Limitations: eg. Environmental Conditions, Medication, Use of Protective Equipment.

Please describe:

Review Question

True or False: A Functional Abilities Evaluation is usually required to determine restrictions and limitations.

- A. True
- B. False

In most cases functional abilities can be determined based on patient history and clinical assessment by the health care provider

- **Talk** with the person
- **Examine** the person
- Use clinical **knowledge, judgement** and **common sense**



- **What should they not do (risk)? (RESTRICTIONS)**
What activities are contraindicated or unsafe from a clinical standpoint?
- **What are they physically or cognitively not able to do (capacity)? (LIMITATIONS)**



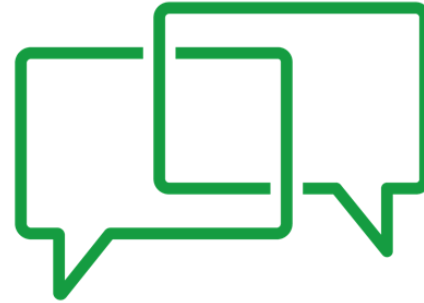
- Document the Restrictions and Limitations.
- Avoid referring to specific **job tasks**
- Okay to use **point form and sentences**



Take Home Messages

- Worker's compensation in Canada is managed provincially. Each province / territory has its own Workers' Compensation Board (WCB).
- Workers' compensation covers much more than wage replacement: also pays for health care, medications, wage loss benefits, survivor benefits and return to work services.
- Health Care Providers play an essential role in the worker's compensation and insurance – providing care, educating patients, and effectively communicating with all parties
- With respect to stay at / return to work:
 - Health Care Providers role to define medical restrictions and limitations and abilities
 - Employer's role +/- WCB assistance to appropriate safe and suitable accommodations.
 - **Health care providers help patients with early and safe return to work by having effective conversations with patients about work and defining clear restrictions and limitations that prevent iatrogenic disability that prolongs recovery.**

Discussion



More information:

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<https://www.wsib.ca>

<https://www.wsib.ca/en/health-care-providers/resources/physician-learning-modules>