

Engaging with the WSIB/ Insurance Systems Part 1

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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
- Effectively complete Form 8s and other insurance forms for your patients



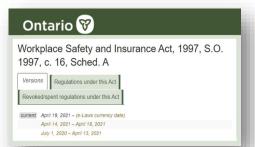
The Workers Compensation System

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





Historic Compromise – William Meridith 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

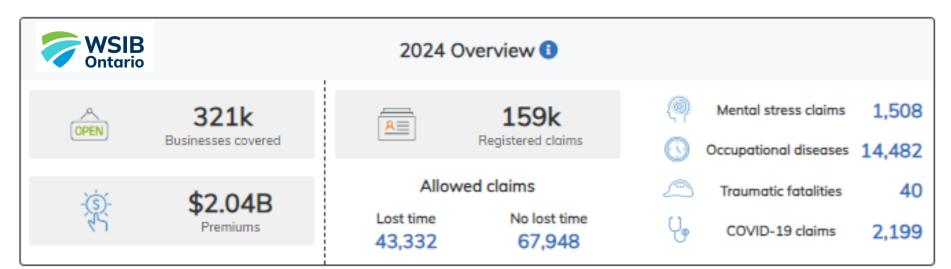


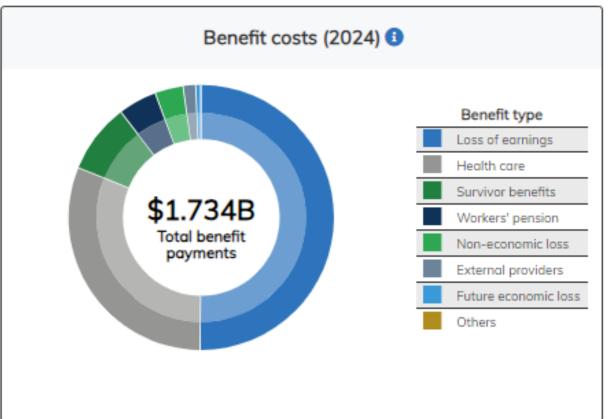
3. Facilitate work transition services for workers when required

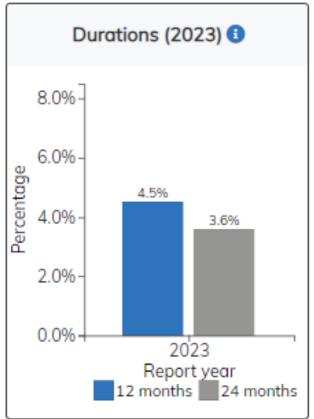


4. Provide compensation and benefits to workers and to survivors of deceased workers









Occupational and Environmental

Medicine





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.



How Does the Claims Process Work?

Life of a Claim



Medicine



Initial reporting





Worker

<u>Duty to report</u>
 workplace injury*

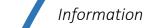
Form 6



Employer

<u>Duty to report</u>
 workplace injury*

Form 7



WSIB Case Manager

- Is condition work-related?
- Is <u>return to work</u> possible?
- Is a treatment covered?



Health Care Provider

 <u>Duty to provide clinical</u> <u>information</u> if patient claiming WSIB

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

Initial reporting



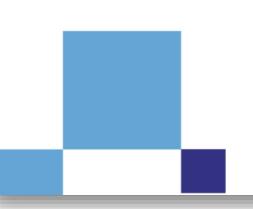
Occupational and Environmental Medicine



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

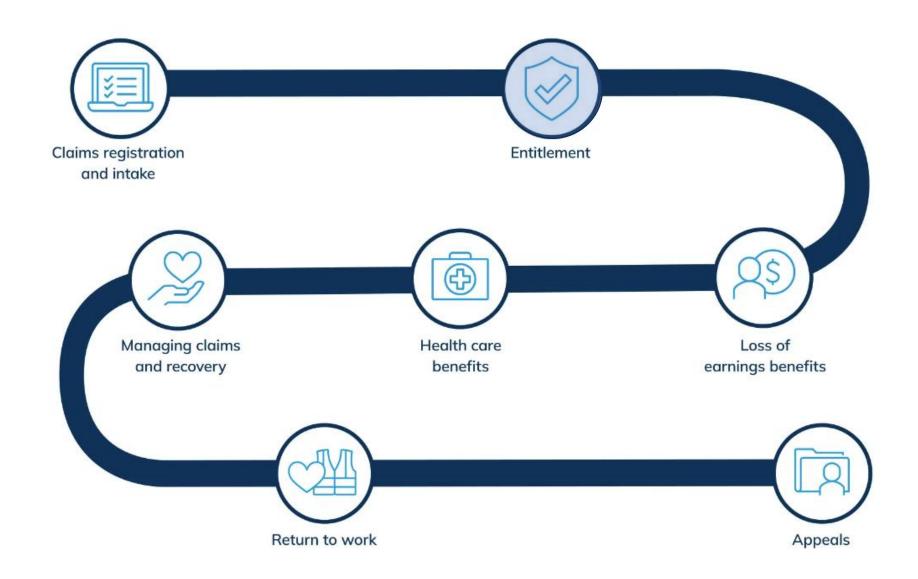
⁶¹ Authorized by s.37(1) of the Workplace Safety and Insurance Act.

⁶² Section 11.2(2) Health Insurance Act.

Life of a Claim



Medicine



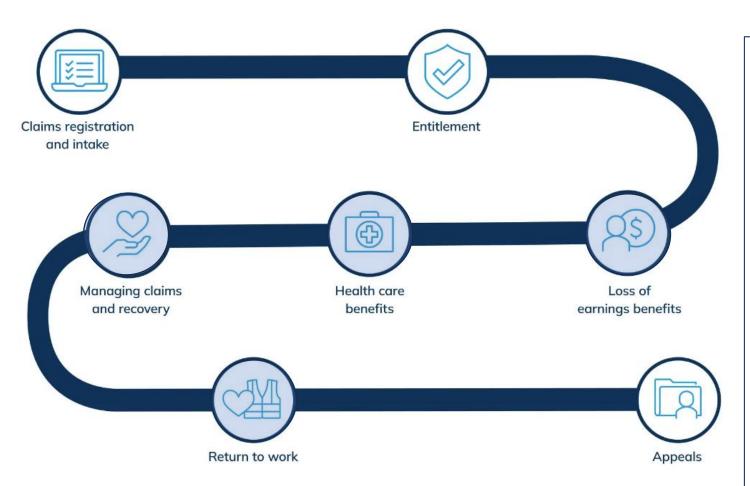
Initial entitlement



- 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

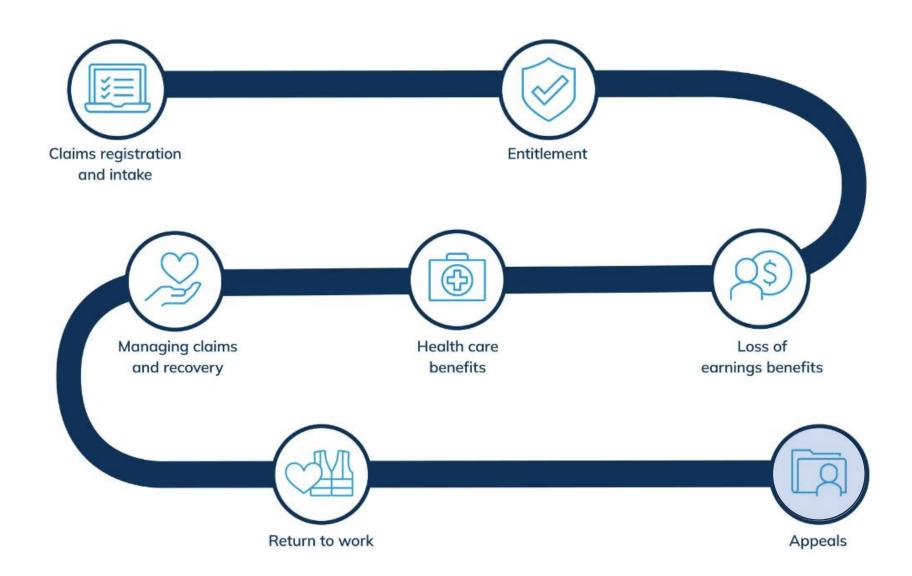
External Supports

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

Life of a Claim



Medicine





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

Occupational and Environmental Medicine

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



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.



Completing Insurance Forms

Insurance Forms



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



vsib ************************************	Claim Number (If known) Start >	B Health Professional's Report (Form 8)	
. Patient and Employer Informatio			
sit Name	First Name	Init. Sex. M F	
ddress (no., street, apt.)	City/Town	Prov. Postal Code	Health Professional's Report
elephone	Social Insurance No. Date of	dd mm 2007 Languago Fr. Other	(Form 8)
nployer Name	Birth	Eng Pr. Other	Return To Work Information
e Workplace Sefety and Insurance Board (WSIE) collects your in	formation to administer and enforce the Workplace Safety and	I hausence Act. The Social Insurance Number may be used to identify workers on maker responsible for your file or toil free at 1-600-367-6540.	
d to issue income tax information statements as authorized by	he income Tisc Act. Questions should be directed to the decision	on maker responsible for your file or toil free at 1-800-367-8840.	opy of this page only is provided to the worker.
Incident Dates and Details Section Move and the Injury/religions or Illness occur	on and a	Occupation	Init. Birth dd mm yyyy Date
now and the injury/renigary or inness occur	or motes.		
		Date of incident/or when did mm 3999 did the symptoms start?	
. Clinical Information Section · (Ple	ase check all that apply)		Date of dd mm yyyy
Area of Injury/Illness Brain Ears Upper back	Left Right Left Wrist	Right Left Right Left Right	ealth Professional
Head Toeth Lewer back	Arm Hand	Hip Thigh Foot Toos	tivity including return to safe and appropriate work is best
Eyes Chest Pelvis	Forearm	able to remain at work.	
Description of Injury/Illness Physical Exam	at reat/Night Pain 0 1 2 3 4 5	Exposure/ Innoss	yes no
Abraeion Disc Hernia	ion Inflammation Rep	6 7 8 9 10 Asthma Cancer Cancer	
Abrasion Disc Hernist Amputation Disconnection Bits Pall from H Burn Foreign Bod	elight Joint Effusion Spr	nal Cord Injury Fumes - Inhelation nain/Strain Hand-arm Vibration	3997
Contusion/Hemstoms/Swelling Fracture	V Laceration Sur Neurological Dysfunction Tor	rgical in tervention Hearing Loss Infectious Disease	If graduated hours required please specify
Crush Injury Hernia Infection	Psychological Puncture (non-needlestick)	Range of Motion Needle Stick Poisoning/Toxic Effects Skin Condition	If graduated hours required please specify
Other		Skin Condition	
Are you aware of any pre-existing or other impact recovery?	conditions/factors that may 4. Diagno	osts	ury/III noss.
l'yes, describe			
			Non to the workplace injury and diagnosis.
. Treatment Plan	nt, duration) including prescribed medicati	ons?	all on to the workplace injury and diagnosis.
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- Clinical information in <u>five general</u> <u>areas</u>
 - **HX** History
 - **PX** Physical findings
 - **DX** Diagnosis
 - TX Treatment plan
 - **FX** Functional abilities

Talking with our Patients



Medicine

				- III. D 6		7	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 i	return to work with y	our patient?		yes n	0								
2. This worker can	resume Regular dut	ies. Start date	dd mm	уууу	If graduat	ed hours req	uired please specify						
This worker can	begin Modified duti	es. Start date	dd mm	уууу	If graduat	ed hours req	uired 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 Abii	lities												
B. Worker Functional Abilities	Able to Bend/Twist Climb Kneel Lift	Not Able to	Operate Hea Operate a M Push/Pull Sit	vy Equipment otor Vehicle	Able to	Not Able to	Stand Use of Public Transpo Use of Upper Extremit Walk		Not Able to				
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



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

Y N

- What should they <u>not</u> 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







- 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:

aaron_thompson@wsib.on.ca

https://www.wsib.ca

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