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SPECIAL SUPPLEMENT

WORKERS COMPENSATION (EXERCISE PHYSIOLOGY FEES) ORDER 2011 UNDER THE WORKERS COMPENSATION ACT 1987

I, LISA HUNT, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the Workers Compensation Act 1987, make the following Order.

Dated this 14th day of December 2010.

LISA HUNT,
Chief Executive Officer,
WorkCover Authority

Explanatory Note

Treatment by a remedial gymnast is one of the categories of medical and related treatment covered under the Workers Compensation Act 1987. For the purposes of this Order, the term remedial gymnast is interchangeable with exercise physiologist. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an exercise physiologist of an injured worker's work related injury.

This Order makes provision for exercise physiology management plans and the approval by workers compensation insurers of certain exercise physiology services. No fees are payable for exercise physiology services provided by a person who is not a WorkCover approved exercise physiologist.

WORKERS COMPENSATION (EXERCISE PHYSIOLOGY FEES) ORDER 2011

1. Name of Order

This order is the Workers Compensation (Exercise Physiology Fees) Order 2011.

2. Commencement

This Order commences on 1 January 2011.

3. Definitions

In this Order:

Case conference means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the exercise physiologist's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

Exercise physiologist means a WorkCover approved exercise physiologist.

Exercise physiology management plan means the document used by the exercise physiologist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. An exercise physiology management plan provides the mechanism to request approval from the relevant workers compensation insurer for up to 8 consultations. If treatment is ongoing a further exercise physiology management plan must be submitted and approved before treatment can be delivered and in each such case approval can only be given for up to 8 consultations.

Exercise physiology services refers to all services delivered by a WorkCover approved exercise physiologist and each service is to be billed according to Schedule A. Exercise physiology services are limited to clinical exercise prescription, instruction and supervision, health education and exercise-based lifestyle and behaviour modification services.

Group/class intervention occurs where an exercise physiologist delivers the same service that is, the same exercise and instruction, to more than one person at the same time. Maximum class size is six (6) participants. An Exercise Physiology Management Plan is required for each worker.

GST has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

Initial consultation and treatment means the first session provided by the exercise physiologist in respect of an injury which is of one hour duration, provided on a 1:1 basis and includes:

- history taking
- physical assessment
- goal setting and planning treatment
- treatment/service
- clinical recording
- communication with referrer
- preparation of a management plan when indicated.

The service is 1:1 for the entire session.

Normal practice means premises in or from which an exercise physiologist regularly operates an exercise physiology practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a hydrotherapy pool, gymnasium, private hospital or workplace.

Reduced supervision treatment occurs where an exercise physiologist delivers a service, which may or may not be the exact same exercise and instruction, to more than one person at the same time. Maximum number of persons per session is 3, with the exercise physiologist-to-patient ratio being one-to-one for at least 30% of the session time.

Report writing occurs when an exercise physiologist is requested to compile a written report, other than the exercise physiology management plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Standard consultation and treatment means treatment sessions for one hour provided subsequent to the initial session and includes:

- re-assessment,
- treatment,
- recording of notes and
- preparation of a exercise physiology management plan when indicated.

The service is 1:1 for the entire session.

The Act means the Workers Compensation Act 1987.

Travel occurs when the most appropriate clinical management of the patient requires the exercise physiologist to travel away from their normal practice. Travel costs do not apply where the exercise physiologist provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide preapproval for such a service.

WorkCover means the WorkCover Authority of New South Wales.

WorkCover approved means an exercise physiologist who has, either before or after the commencement of this Order, by a date notified by WorkCover, been approved by WorkCover to provide exercise physiology services for the purpose of this Order.

4. Application of Order

This Order applies to treatment provided on or after 1 January 2011, whether it relates to an injury received before, on or after that date.

5. Maximum fees for exercise physiology treatment

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a exercise physiologist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for an exercise physiologist to provide treatment of a type specified in any of items 7 to 11 in Schedule A at a place other than their usual practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item 14 in Column 2 of Schedule A.

- (3) No fees are payable by or on behalf of an employer for treatment provided by a person who is not a WorkCover approved exercise physiologist.

6. Goods and Services Tax

Exercise physiology services are subject to GST.

Schedule A Maximum fees for exercise physiologists

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
EPA001	Initial consultation and treatment	124.60
EPA002	Standard consultation and treatment	124.60
EPA003	Reduced supervision treatment	54.40
EPA004	Group/class intervention	39.70/participant
EPA005	Additional expenses	As agreed with insurer
EPA006	Case conference	124.60/hour
EPA007	Report writing	124.60 (maximum)
EPA008	Travel	1.45/kilometre

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

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