

WORKERS COMPENSATION (ACCREDITED EXERCISE PHYSIOLOGY FEES) ORDER 2016

under the

Workers Compensation Act 1987

I, Caroline Walsh, Executive Director, Workers Compensation Regulation, State Insurance Regulatory Authority, authorised delegate, make the following Order pursuant to section 61 (2) of the *Workers Compensation Act 1987*.

Dated this 2nd day of December 2015

CAROLINE WALSH
Executive Director
Workers Compensation Regulation
State Insurance Regulatory 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 “Accredited Exercise Physiologist”. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an Accredited Exercise Physiologist of a worker’s work related injury.

This Order makes provision for Allied Health Recovery Requests/Management Plans and the approval by workers compensation insurers of certain Accredited Exercise Physiology services. No fees are payable for Accredited Exercise Physiology services provided by an Accredited Exercise Physiologist who is not approved by the State Insurance Regulatory Authority (the Authority), Workers Compensation Regulation. Workers are not liable for the cost of any medical or related treatment. Employers are liable for the cost of treatment. Employers are only liable to pay the amounts for Accredited Exercise Physiology services set out in this Order.

The incorrect use of any item referred to in this Order can result in penalties, including the Accredited Exercise Physiologist being required to repay monies to the Authority that the Accredited Exercise Physiologist has incorrectly received.

Workers Compensation (Accredited Exercise Physiology Fees) Order 2016

1. Name of Order

This Order is the *Workers Compensation (Accredited Exercise Physiology Fees) Order 2016*.

2. Commencement

This Order commences on 1 January 2016.

3. Definitions

In this Order:

the Act means the *Workers Compensation Act 1987*.

the Authority means the State Insurance Regulatory Authority as constituted under section 17 of the *State Insurance and Care Governance Act 2015*.

Accredited Exercise Physiology services refer to all services delivered by an Accredited Exercise Physiologist approved by the State Insurance Regulatory Authority, Workers Compensation Regulation. Each service is to be billed according to Schedule A. Accredited Exercise Physiology services are limited to clinical exercise prescription, instruction and supervision, health education and exercise-based lifestyle and behaviour modification services. The insurer must pre-approve all Accredited Exercise Physiology services, including the initial consultation.

Accredited Exercise Physiologist means an Accredited Exercise Physiologist approved by the State Insurance Regulatory Authority, Workers Compensation Regulation to provide Accredited Exercise Physiology services and at the time of providing the services continues to meet all of the requirements for approval as outlined in the *State Insurance Regulatory Authority Workers Compensation Regulation Guideline for approval of treating allied health practitioners*.

Allied Health Recovery Request means the form which may be used by the Accredited Exercise Physiologist to communicate with the insurer about a worker’s treatment, timeframes and anticipated outcomes. A Management Plan may also be used for the same purpose (see also definition for *Management Plan*).

Either the Allied Health Recovery Request or Management Plan must be used to request approval from the insurer for treatment/services for up to eight (8) consultations.

If treatment is ongoing a further Allied Health Recovery Request or 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 eight (8) consultations.

Case conference means a face-to-face meeting, video conference or teleconference with any or all of the following parties – workplace rehabilitation provider, employer, insurer or other treatment provider/s delivering services to the worker, including the nominated treating doctor. Discussion must seek to clarify the worker’s capacity for work, barriers to return to work and strategies to overcome these barriers via an open forum to ensure parties are aligned

with respect to expectations and direction of the worker's recovery at work or return to suitable employment. If the discussion is with the worker, it must involve a third party to be considered a Case conference.

Discussions with Independent Consultants are not classified as Case conferencing and are not to be charged. 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.

File notes of Case conferences are to be documented in the Accredited Exercise Physiologist's records indicating the person/s spoken to, details of discussions, duration of the discussion and outcomes. This information may be required for invoicing or auditing purposes.

Group/class intervention occurs where an Accredited 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 Allied Health Recovery Request/Management Plan is required for each worker participant.

GST means the Goods and Services Tax payable under the GST Law.

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

Incidental expenses means reasonable expenses for items the worker actually takes with them for independent use at home (e.g. strapping tape, theraband, exercise putty, walking stick). This does not apply to consumables used during a consultation or exercise handouts. All incidental expenses items must be pre-approved by the insurer via the inclusion of a description and cost price for the necessary item on the Allied Health Recovery Request/ Management Plan. A description of the item should appear on the invoice forwarded to the insurer.

Initial Allied Health Recovery Request means the very first Allied Health Recovery Request completed and submitted to the insurer by the Accredited Exercise Physiologist for the claim.

Initial consultation and treatment means the first session, which is of one hour duration, provided by the Accredited Exercise Physiologist approved by the State Insurance Regulatory Authority, Workers Compensation Regulation in respect of an injury, or the first consultation in a new episode of care for the same injury and may include:

- history taking
- physical assessment
- goal setting and treatment planning
- treatment/service
- clinical recording
- communication with referrer, insurer and other relevant parties, and
- preparation of an Allied Health Recovery Request/Management Plan when indicated.

The service is provided on a one-to-one basis with the worker for the entire session.

Insurer means the employer's workers compensation insurer.

Management Plan means the form that may be used by the Accredited Exercise Physiologist to communicate with the insurer about a worker's treatment, timeframes and anticipated outcomes. An Allied Health Recovery Request may also be used for the same purpose (see also definition for *Allied Health Recovery Request*).

Either the Management Plan or Allied Health Recovery Request must be used to request approval from the insurer for treatment/services for up to eight (8) consultations.

If treatment is ongoing a further Management Plan or Allied Health Recovery Request must be submitted and approved before treatment can be delivered and in each such case approval can only be given for up to eight (8) consultations.

New episode of care occurs when a worker has ceased treatment more than three months previously and returns for additional treatment for the same injury with the same or a different practitioner.

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

Reduced supervision treatment occurs where an Accredited 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 three (3), with the Accredited Exercise Physiologist to worker ratio being one-to-one for at least 30% of the session time.

Report writing occurs when the insurer requests an Accredited Exercise Physiologist to compile a written report, other than an Allied Health Recovery Request/Management Plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service. Payment will not be made in advance of receipt of the report.

Standard consultation and treatment means one-to-one treatment sessions for one hour provided subsequent to the Initial consultation and treatment and includes:

- re-assessment

- intervention/treatment
- clinical recording
- preparation of an Allied Health Recovery Request/Management Plan when indicated.

Telehealth services means video consultations. Accredited Exercise Physiologists must consider the appropriateness of this mode of service delivery for each worker on a case-by-case basis. Telehealth services require pre-approval from the insurer and must be consented to by all parties – the worker, Accredited Exercise Physiologist and insurer. Phone consultations are not payable in the NSW workers compensation system. Service providers are responsible for delivering Telehealth services in accordance with the principles of professional conduct and the relevant professional and practice guidelines to ensure that all care is taken to ensure the safety, appropriateness and effectiveness of the service.

Travel rates can be claimed when the most appropriate clinical management of the worker requires the Accredited Exercise Physiologist to travel away from their Normal practice. Travel costs do not apply where the Accredited Exercise Physiologist provides services on a regular or contracted basis to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. Where multiple workers are being treated in the same visit, the travel charge must be divided evenly between those workers. The insurer must provide pre-approval for such a service.

4. Application of Order

This Order applies to treatment provided on or after 1 January 2016, whether it relates to an injury received before, on or after that date.

5. Maximum fees for Accredited Exercise Physiologists

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of a worker by an Accredited 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 Accredited Exercise Physiologist to provide a service of a type specified in any of items EPA001 to EPA004 in Schedule A at a place other than the Normal practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of service is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item EPA008 in Column 2 of Schedule A, where this service has been pre-approved by the insurer.
- (3) Telehealth services are to be billed according to the appropriate items EPA001 to EPA004 in Schedule A and require insurer pre-approval.

6. Services provided interstate

Any Accredited Exercise Physiology treatment related services provided to a NSW worker in a State/Territory other than NSW, must be paid in accordance with the fee that would apply to the workers compensation jurisdiction of the State/Territory of service, up to the maximum fee specified in Schedule A in this Fees Order.

In such instances the service provider number is INT0000 and the payment classification code is the one that is relevant to the NSW Accredited Exercise Physiologists, as defined in Schedule A in the column headed 'Item' of this Order.

Accredited Exercise Physiologists providing treatment services to a NSW worker in a State/Territory other than NSW are not required to be approved by the State Insurance Regulatory Authority, Workers Compensation Regulation, nor are they required to undertake the NSW Allied Health Practitioner online training.

However, the State Insurance Regulatory Authority, Workers Compensation Regulation will only pay fees for Accredited Exercise Physiologist services if provided by an Accredited Exercise Physiologist who meets all requirements for approval in the *State Insurance Regulatory Authority Workers Compensation Regulation Guideline for approval of treating allied health practitioners*.

To provide services, the service provider must adhere to the NSW Workers Compensation system requirements including, but not limited to, submission of Allied Health Recovery Requests/Management Plans and approval for services.

- Further information regarding the Allied Health Recovery Request can be obtained via: <http://www.workcover.nsw.gov.au/workers-compensation-claims/medical-professionals/allied-health-practitioners/exercise-physiologists>
- Further information regarding approval for services can be obtained in the *WorkCover Guidelines for Claiming Compensation Benefits* via the State Insurance Regulatory Authority, Workers Compensation Regulation website: www.sira.nsw.gov.au
- Please also refer to the Exercise Physiologists Guide to WorkCover NSW at <http://www.workcover.nsw.gov.au/workers-compensation-claims/medical-professionals/allied-health-practitioners>
- Please also refer to section 60 (2A) of the *Workers Compensation Act 1987*. <http://www.legislation.nsw.gov.au/maintop/view/inforce/act+70+1987+cd+0+N>

7. External facility fees

In the exceptional circumstance where approval is given for treatment to be provided at an external facility such as a gymnasium or pool, the facility (and not the service provider) is to invoice the insurer directly under code OTT007. Where this is not possible, the service provider must clearly state the name, location and charge the cost price of the

facility on their invoice and attach a copy of the facilities invoice to their account. An entry fee will not be paid where the facility is owned or operated by the treatment provider or the provider contracts their services to the facility.

External facility fees only apply to the cost for the worker’s entry. Fees payable for the entry of the Accredited Exercise Physiologist are a business cost and cannot be charged to the insurer.

8. Nil fees for cancellation or non attendance

No fee is payable for cancellation or non-attendance by a worker for treatment services with an Accredited Exercise Physiologist.

9. Goods and Services Tax

- (1) Accredited Exercise Physiology services are subject to GST.
- (2) An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit an Accredited Exercise Physiologist to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

10. Requirements for invoices

All invoices must be submitted within 30 calendar days of the service provided and must be itemised in accordance with Schedule A and comply with the State Insurance Regulatory Authority, Workers Compensation Regulation’s itemised invoicing requirements <http://www.workcover.nsw.gov.au/workers-compensation-claims/medical-professionals/invoicing> for the invoice to be processed.

11. No pre-payment of fees

Pre-payment of fees for reports and services is not permitted.

Schedule A

Maximum fees for Accredited Exercise Physiologists approved by the State Insurance Regulatory Authority, Workers Compensation Regulation (including interstate practitioners)

Item	Column 1 Type of Treatment	Column 2 Maximum Amount (\$) (excl GST)
EPA001	Initial consultation and treatment	\$144.50
EPA002	Standard consultation and treatment	\$144.50
EPA003	Reduced supervision treatment	\$63.10
EPA004	Group/class intervention	\$45.90/participant
EPA005	Incidental expenses e.g. strapping tape, theraband, exercise putty, etc. Note: This code does not apply to external facility fees	Cost price (all items require insurer pre-approval)
EPA006	Case conference	\$12.00/5 minutes \$144.50/hour
EPA007	Report writing	\$12.00/5 minutes \$144.50/hour (maximum 1 hour)
EPA008	Travel	Reimbursed in accordance with the “Use of private motor vehicle” set out in Item 6 Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i> .
WCO005	Fees for providing copies of clinical notes and records.	The maximum fee for providing hard copies of clinical records is \$37 (for 33 pages or less) and an additional \$1.35 per page if more than 33 pages. If the clinical records are provided electronically, a flat fee of \$37 applies.
OAS003	Submission of an Initial Allied Health Recovery Request (AHRR) only NOTE: <i>This fee does NOT apply to any Management Plan submitted.</i>	\$25.00 + GST (Initial AHRR only) All other Allied Health Recovery Requests submitted are not subject to a fee. No fee is payable for any Management Plan submitted