

WORKERS COMPENSATION (MESSAGE THERAPY FEES) ORDER 2018

under the

Workers Compensation Act 1987

I, Carmel Donnelly, Acting Chief Executive, State Insurance Regulatory Authority, make the following Order pursuant to section 61(2) of the *Workers Compensation Act 1987*.

Dated this 21st day of November 2017

Carmel Donnelly
Acting Chief Executive
State Insurance Regulatory Authority

Explanatory Note

Treatment by a “masseur” is medical or related treatment covered under the *Workers Compensation Act 1987*. For the purposes of this Order, the term “masseur” is interchangeable with “Massage Therapist”. This Order sets the maximum fees for which an employer is liable under the Act for reasonably necessary treatment by a Massage Therapist of a worker’s work related injury. The effect of this Order is to prevent a Massage Therapist from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

This Order provides that approval by workers compensation insurers must be sought for certain Massage Therapy services. 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 as a maximum the amounts for Massage Therapy services set out in this Order.

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

Workers Compensation (Massage Therapy Fees) Order 2018

1. Name of Order

This Order is the *Workers Compensation (Massage Therapy Fees) Order 2018*

2. Commencement

This Order commences on 1 January 2018.

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*.

Allied Health Recovery Request (AHRR) means the form to be used by the practitioner to request prior approval for treatment and services and to communicate to the insurer about a worker’s treatment, timeframes and anticipated outcomes.

Pre-approval by the insurer is required prior to any treatment being provided except for services provided within the first 48 hours of the injury occurring.

Approval can only be given for up to eight 8 consultations per AHRR.

If treatment is ongoing after the submission and approval of the initial AHRR, the practitioner is required to submit additional AHRR's and they must be approved by the insurer before treatment can be delivered in each such case.

Consultation and treatment includes:

- history taking
- assessment/re-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 when indicated.

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.

Independent consultant review means a review by an Independent Consultant approved by the Authority. Massage Therapists should participate in Independent Consultant reviews.

Insurer means the employer's workers compensation insurer

Massage Therapist means any person providing Massage Therapy services.

Massage Therapy services refers to treatment services delivered by a Massage Therapist and is limited to soft tissue massage targeting specific musculoskeletal injuries. Each service is to be billed according to Schedule A.

4. Application of Order

This Order applies to treatment provided on or after 1 January 2018, whether it relates to an injury received before, on or after that date.

5. Maximum fees for Massage Therapy

The maximum fee amount for which an employer is liable under the Act for treatment of a worker by a Massage Therapist, 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.

6. Treatment provided interstate

Any Massage Therapy treatment related services provided to a NSW worker in a State/Territory other than NSW must not exceed the maximum fee for the treatment or service as specified in this Order.

In such instances the service provider number is INT0000 and the payment classification code is the one that is relevant to NSW Massage Therapists, as defined in Schedule A in the column headed "**Item**" of this Order.

To provide services, the service provider should adhere to the NSW Workers Compensation system requirements including, but not limited to submission of Allied Health Recovery Requests and pre-approval by the insurer for services. Pre-approval by the insurer is required prior to any treatment being provided except for services provided within the first 48 hours of the injury occurring.

Further information is available in [A workers compensation guide for allied health practitioners](#).

7. Nil fees for cancellation or non-attendance

No fee is payable for cancellation or non-attendance by a worker for treatment services with a Massage Therapist.

8. Goods and Services Tax (GST)

- (1) Massage Therapy 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 a Massage Therapist to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

9. 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 Authority’s itemised requirements (see <http://www.sira.nsw.gov.au/workers-compensation/health-practitioners-workers-compensation/invoicing>) for the invoice to be processed.

10. No pre-payment of fees

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

Schedule A

Maximum fees for Massage Therapists (including interstate practitioners)

Item	Column 1 Type of Treatment	Column 2 Maximum Amount (excl GST)
RMA001	Consultation and treatment (60 minutes duration)	\$82.10
RMA002	Consultation and treatment (45 minutes duration)	\$61.50
RMA003	Consultation and treatment (30 minutes duration)	\$41.0
WCO005	Fees for providing copies of clinical notes and records.	<p>The maximum fee for providing hard copies of clinical records is \$38 (for 33 pages or less) and an additional \$1.40 per page if more than 33 pages.</p> <p>If the clinical records are provided electronically, a flat fee of \$38 applies.</p>