

WORKERS COMPENSATION (MESSAGE THERAPY FEES) ORDER 2019

under the

Workers Compensation Act 1987

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

Dated this day of 2018

10 December 2018

Carmel Donnelly
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.

Any Massage Therapy treatment related services provided to a NSW worker must not exceed the maximum fee for the treatment or service as specified in this Order. Workers are not liable for the cost of any medical or related treatment covered by this Order

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 pre-approval by workers compensation insurers must be sought for certain Massage Therapy services.

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

Workers Compensation (Massage Therapy Fees) Order 2019

1. Name of Order

This Order is the *Workers Compensation (Massage Therapy Fees) Order 2019*

2. Commencement

This Order commences on 1 January 2019.

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.

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.

Insurer means the employer's workers compensation insurer

Massage Therapist means any person providing Massage Therapy services.

For the purposes of this Order, the term "masseur" is interchangeable with "Massage Therapist".

Massage Therapy services refers to treatment services 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 2019, 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 provider number

Massage Therapists who were previously approved by the authority should submit their SIRA approval number when delivering treatment.

Where the provider does not have an existing approval number 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.

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 should 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 requirements (refer to SIRA website <https://www.sira.nsw.gov.au/>) 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)	\$83.80
RMA002	Consultation and treatment (45 minutes duration)	\$62.80
RMA003	Consultation and treatment (30 minutes duration)	\$42.00
WCO005	Fees for providing copies of clinical notes and records.	<p>Where clinical records are maintained electronically by an allied health practitioner /practice, a flat fee of \$60 applies for provision of all requested clinical records held by the practice.</p> <p>Where clinical records are not maintained electronically, 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. This fee includes postage and handling.</p>