

**WORKERS COMPENSATION (PHYSIOTHERAPY, CHIROPRACTIC AND
OSTEOPATHY FEES) ORDER 2020 No.3**

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 14 April 2020

Carmel Donnelly
Chief Executive
State Insurance Regulatory Authority

Explanatory Note

Treatment by a Physiotherapist, Chiropractor or Osteopath is medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for any Physiotherapy, Chiropractic and Osteopathy treatment related services provided to an NSW worker. It 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 Physiotherapist, Chiropractor or Osteopath from recovering from the injured worker or employer any extra charge for Physiotherapy, Chiropractic and Osteopathy treatment covered by the Order.

This Order provides that pre- approval by workers compensation insurers must be sought for certain Physiotherapy, Chiropractic and Osteopathy treatment.

The incorrect use of any item referred to in this Order can result in the Physiotherapist, Chiropractor or Osteopath being required to repay monies that the Physiotherapist, Chiropractor or Osteopath has incorrectly received.

The Authority has not set a maximum amount for any medical or related treatment provided in respect of a worker's work related "Severe injury" as defined in this Order. Fees for this treatment are to be negotiated with the insurer prior to the delivery of services. Use of the Allied Health Recovery Request is optional for the request of treatment for workers with Severe injury.

Workers Compensation (Physiotherapy, Chiropractic and Osteopathy Fees) Order 2020 No.3

1. Name of Order

This Order is the *Workers Compensation (Physiotherapy, Chiropractic and Osteopathy Fees) Order 2020 No.3*

2. Commencement

This Order commences on 17 April 2020.

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 means the form used to request prior approval for treatment and services and to communicate with the insurer about a worker's treatment, timeframes and anticipated outcomes.

Case conference means a face-to-face meeting, video conference or teleconference with any or all the following parties – worker (including a support person, if requested by the worker), employer, workplace rehabilitation provider, insurer or other treatment practitioner/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 you have is with the worker and their chosen support person, it must involve another 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 and are not to be charged.

File notes of Case conferences are to be documented in the Physiotherapist's, Chiropractor's or Osteopath'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.

Chiropractor means a Chiropractor registered with Australian Health Practitioner Regulation Agency. As outlined in the SIRA Workers Compensation Regulation Guideline for approval of treating allied health practitioners, a Chiropractor must be approved by the authority to deliver services in the NSW workers compensation system. The requirement to be approved does not apply to treatment provided interstate or to exempt workers.

Chiropractic services refer to all treatment related services delivered by a Chiropractor. Each service is to be billed in accordance with Schedule A.

Complex treatment means treatment related to complex pathology and clinical presentation including extensive burns, complicated hand injuries involving multiple joints or tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires pre-approval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

Exempt worker refers to specific classes of workers set out in Part 19H of Schedule 6 of the 1987 Act for which most of the amendments made to the Workers Compensation Acts in 2012 and 2015 do not apply. These classes of workers include police officers, paramedics, fire fighters, coal miners and volunteers prescribed by the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

External facility means an external facility such as a gymnasium or pool, where the facility is not owned or operated by the treatment provider or where the provider does not contract their services to the facility.

First subsequent Certificate of Capacity means the first of any subsequent Certificate of Capacity issued by the worker's treating physiotherapist approved by the Authority in accordance with any requirement under the *Workers Compensation Regulation 2016* (the Regulation) and submitted to the insurer for the claim.

Group/class intervention occurs where a Physiotherapist, Chiropractor or Osteopath delivers a common service to more than one person at the same time. Examples are education, exercise groups, aquatic classes/hydrotherapy. Maximum class size is six (6) participants.

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.

Home visit applies in cases where, due to the effects of the injury sustained, the worker is unable to travel. The home visit must be the best and most cost-effective option allowing the practitioner to travel to the worker's home to deliver treatment. Provision of home visit treatment requires pre-approval from the insurer.

Incidental expenses means items the worker actually takes with them for independent use at home (e.g. strapping tape, theraband, exercise putty, disposable electrodes, walking stick). This does not apply to consumables used during a consultation or exercise handouts.

Independent consultant review means a review where barriers to recovery, progress, return to work or active participation are evident, and an independent opinion of allied health treatment will benefit the management of the worker's injury. The review must be completed by an Independent consultant approved by the Authority.

Initial Allied Health Recovery Request means the first Allied Health Recovery Request completed and submitted to the insurer for the claim.

Initial consultation and treatment means the first session provided by the Physiotherapist, Chiropractor or Osteopath 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
- diagnostic formulation
- 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.

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.

New episode of care means when a worker has ceased treatment more than three (3) 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 a practitioner regularly operates a Physiotherapy, Chiropractic or Osteopathy practice and treats patients. It also includes facilities where services may be delivered on a regular or contracted basis such as a private hospital, hydrotherapy pool or gymnasium.

Osteopath means an Osteopath registered with Australian Health Practitioner Regulation Agency. As outlined in the SIRA Workers Compensation Regulation Guideline for approval of treating allied health practitioners, an Osteopath must be approved by the authority to deliver services in the NSW workers compensation system. The requirement to be approved does not apply to treatment provided interstate or to exempt workers.

Osteopathy services refer to all treatment related services delivered by an Osteopath. Each service is to be billed in accordance with Schedule A.

Physiotherapist means a Physiotherapist registered with Australian Health Practitioner Regulation Agency. As outlined in the SIRA Workers Compensation Regulation Guideline for approval of treating allied health practitioners, a Physiotherapist must be approved by the authority to deliver services in the NSW workers compensation system. The requirement to be approved does not apply to treatment provided interstate or to exempt workers.

Physiotherapy services refer to all treatment related services delivered by a Physiotherapist. Each service is to be billed in accordance with Schedule A.

Report writing occurs only when the insurer requests a Physiotherapist, Chiropractor or Osteopath compile a written report, other than the Allied Health Recovery Request, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Severe injury means one or more of the following diagnoses:

- spinal cord injury — acute traumatic lesion of the neural elements in the spinal canal (spinal cord and cauda equina) resulting in permanent sensory deficit, motor deficit or bladder/bowel dysfunction as a result of the workplace injury

- traumatic brain injury — based on evidence of a significant brain injury which results in permanent impairments of cognitive, physical and/or psychosocial functions. A defined period of post traumatic amnesia plus a Functional Independence Measure (FIM) at five or less, or two points less than the age appropriate norm (or equivalent where other assessment tools are used) is required
- multiple amputations (or equivalent loss of function) of the upper and/or lower extremities or single amputations (or equivalent loss of function) involving forequarter amputation or shoulder disarticulation, hindquarter amputation, hip disarticulation or "short" trans femoral amputation involving the loss of 65% or more of the length of the femur
- burns — full thickness burns greater than 40 per cent of the total body surface area or full thickness burns to the hands, face or genital area, or inhalation burns causing long term respiratory impairment, plus a FIM score at five or less, or two points less than the age norm (or equivalent where other assessment tools are used)
- permanent traumatic blindness, based on the legal definition of blindness.

Standard consultation and treatment means treatment sessions provided subsequent to the Initial consultation and treatment and includes:

- re-assessment
- intervention/treatment
- clinical recording, and
- preparation of an Allied Health Recovery Request when indicated.

The standard consultation rate is to be billed by the Physiotherapist, Chiropractor or Osteopath irrespective of the modality of treatment delivered during the consultation, provided it is on a one-to-one basis with the worker. Treatment may include but is not limited to manual therapy, education regarding self-management strategies, exercise prescription, acupuncture and aquatic therapy/hydrotherapy.

Subsequent Certificate of Capacity means the form approved by the Authority, issued by the worker's treating physiotherapist approved by the Authority as prescribed in the Regulation.

Telehealth consultations means delivery of consultations via video or telephone by a Physiotherapist, Chiropractor or Osteopath approved by the Authority. Consultations would be inclusive of any electronic communication to support the delivery of the treatment service. Practitioners must consider the appropriateness of this mode of service delivery for each worker on a case-by-case basis and be satisfied client outcomes are not compromised. Telehealth consultations must be consented to by the worker. Practitioners are responsible for delivering telehealth consultations in accordance with the principles of professional conduct and the relevant professional and practice guidelines to ensure the safety, appropriateness and effectiveness of the service. As with the provision of all treatment, telehealth consultations require pre-approval from the insurer unless exempt from pre-approval by the Act or the Authority's Workers Compensation Guidelines. No additional fee (e.g facility fee) can be charged in relation to the consultation.

Travel rates can be claimed when the most appropriate clinical management of the worker requires the Physiotherapist, Chiropractor or Osteopath to travel away from their Normal practice.

Travel costs do not apply where the Physiotherapist, Chiropractor or Osteopath provides services on a regular or contracted basis to facilities such as a private hospital, hydrotherapy pool or gymnasium. Where multiple workers are being treated in the same visit, the travel charge must be divided evenly between those workers.

Two (2) distinct areas means where two (2) entirely separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

Work related activity assessment consultation and treatment means a session provided on a one-to-one basis for work related activity, for a maximum of one hour duration, or where less than one hour should be pro-rated into 5 minute blocks to reflect the time taken. This includes:

- assessment/reassessment
 - assessment of current condition including functional status

- review of previous treatment
- goal setting and treatment/work related activity planning
- delivery of intervention/treatment
 - clinical recording
 - communication with key parties
 - preparation of an Allied Health Recovery Request when indicated.

Note: aquatic therapy/hydrotherapy is not considered work related activity and cannot be billed using this code.

4. Application of Order

This Order applies to treatment provided on or after 17 April 2020 whether it relates to an injury received before, on or after that date.

5. Maximum fees for Physiotherapy, Chiropractic or Osteopathy treatment

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of a worker by a Physiotherapist, Chiropractor or Osteopath, 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 a practitioner to provide treatment of a type specified in any of items PTA007 to PTA011 (for Physiotherapy), CHA005, CHA006, CHA071, CHA072 or CHA073 (for Chiropractic) or OSA007 to OSA011 (for Osteopathy) in Schedule A at a place other than the Normal practice (including the worker's home), the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by:
 - a) an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item PTA014 (Physiotherapy), CHA009 (Chiropractic), or OSA014 (Osteopathy) in Column 2 of Schedule A, where this service has been pre-approved by the insurer.
- (3) The maximum amount payable for an Initial Allied Health Recovery Request is \$38.00 (+ GST). This fee is payable only once (1) per claim for completion of the Initial Allied Health Recovery Request.
- (4) The maximum amount payable for the First subsequent Certificate of Capacity is \$38.00 (+GST). This fee is payable only once (1) per claim for completion of the First subsequent Certificate of Capacity.
- (5) Telehealth consultations are to be billed according to the appropriate items PTA301 to PTA304 (for Physiotherapy); CHA301 to CHA304, (for Chiropractic) and OSA301 to OSA304 (for Osteopathy) in Schedule A and require insurer pre-approval. No additional payment in relation to facility fees can be charged by the practitioner undertaking the consultation.

6. Treatment provided interstate or to exempt workers

Physiotherapists, Chiropractors and Osteopaths approved by the authority must submit their SIRA approval number when invoicing for treatment delivered under the NSW workers compensation system in a State/Territory other than NSW, or to exempt workers.

When a Physiotherapist, Chiropractor or Osteopath is delivering treatment under the NSW workers compensation system in a State/Territory other than NSW, and the provider is not approved by the Authority, the service provider number for that treatment provided interstate is INT0000.

When a Physiotherapist, Chiropractor or Osteopath is delivering treatment under the NSW workers compensation system to an exempt worker and the provider is not approved by the authority, the service provider number for that treatment provided to an exempt worker is EXT0000.

For the above, the payment classification code is the one that is relevant to the Physiotherapist, Chiropractor or Osteopath as defined in Schedule A item column of this Order.

7. External facility fees

In the exceptional circumstance where approval is given for treatment to be provided at an external facility, 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 cost price of the facility on their invoice and attach a copy of the facilities invoice to their account.

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

An entry fee will not be paid where the facility is owned or operated by the treatment practitioner or the treatment practitioner contracts their services to the facility.

8. Nil fee for cancellation or non-attendance

No fee is payable for cancellation or non-attendance by a worker for treatment services with a Physiotherapist, Chiropractor or Osteopath.

9. Goods and Services Tax

- (1) Physiotherapy, Chiropractic or Osteopathy treatment services provided by a practitioner directly to a worker are GST free.
- (2) Case conferences, Report writing, Travel services and the Initial Allied Health Recovery Request (AHRR) provided by a Physiotherapist, Chiropractor or Osteopath in relation to treatment of a worker are subject to GST.
- (3) 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 allied health practitioner 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 should be submitted within 30 calendar days of the service provided and must be itemised in accordance with Schedule A of this Order and comply with the Authority's invoicing requirements for the invoice to be processed. Refer to the relevant provider page on the SIRA website - <https://www.sira.nsw.gov.au/for-service-providers/A-Z-of-service-providers>

11. No pre-payment of fees

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

Schedule A

Maximum fees for Physiotherapy, Chiropractic and Osteopathy services

<i>Physiotherapists Item</i>	<i>Chiropractors Item</i>	<i>Osteopaths Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
Normal Practice	Normal Practice	Normal Practice		
PTA001	CHA001	OSA001	Initial consultation and treatment	\$98.30
PTA002	CHA002	OSA002	Standard consultation and treatment	\$83.30
PTA301	CHA301	OSA301	Initial consultation and treatment via telehealth (requires pre-approval by the insurer).	\$98.30
PTA302	CHA302	OSA302	Standard consultation and treatment via telehealth (requires pre-approval by the insurer).	\$83.30
PTA003	CHA031	OSA003	Initial consultation and treatment of two (2) distinct areas	\$148.30
PTA004	CHA032	OSA004	Standard consultation and treatment of two (2) distinct areas	\$125.50
PTA303	CHA303	OSA303	Initial consultation and treatment of two (2) distinct areas via telehealth (requires pre-approval by insurer).	\$148.30
PTA304	CHA304	OSA304	Standard consultation and treatment of two (2) distinct areas via telehealth (requires pre-approval by insurer).	\$125.50
PTA005	CHA033	OSA005	Complex treatment	\$166.30
PTA006	CHA010	OSA006	Group/class intervention	\$59.00/participant
N/A	CHA004	N/A	Spine X-rays performed by a Chiropractor	\$150.10
Home Visit	Home Visit	Home Visit		
PTA007	CHA005	OSA007	Initial consultation and treatment	\$121.00
PTA008	CHA006	OSA008	Standard consultation and treatment	\$96.80
PTA009	CHA071	OSA009	Initial consultation and treatment of two (2) distinct areas	\$178.60
PTA010	CHA072	OSA010	Standard consultation and treatment of two (2) distinct areas	\$152.90
PTA011	CHA073	OSA011	Complex treatment	\$196.80
Other	Other	Other		
PTA012	CHA081	OSA012	Case conference Report writing (only when requested by the insurer)	\$16.40/ 5 minutes \$196.80/ hour (maximum 1 hour)
PTA013	CHA082	OSA013	Work Related Activity assessment, consultation and treatment (cannot be used for aquatic therapy/hydrotherapy)	\$16.40/ 5 minutes \$196.80/ hour (maximum 1 hour)

PTA014	CHA009	OSA014	Travel (requires pre-approval by the insurer).	Reimbursed in accordance with the "Use of private motor vehicle" set out in Item 6 of Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, at the rate effective 1 July 2019.</i> <i>Use of private motor vehicle:</i> - 68 cents per kilometre
OAD001	OAD001	OAD001	Incidental expenses e.g. strapping, tape, theraband, exercise putty, etc. Note: This code does not apply to external facility fees	Cost price
WCO005	WCO005	WCO005	Fees for providing copies of clinical notes and records.	Where clinical records are maintained electronically by an allied health practitioner /practice, a flat fee of \$60 is payable (for provision of all requested clinical records held by the practice) inclusive of postage and handling. An allied health practitioner/practice should not provide or bill for hard copy clinical records if they are maintained electronically. 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".
OAS003	OAS003	OAS003	Submission of an Initial Allied Health Recovery Request (AHRR) only.	\$38.00 (Initial AHRR per claim only) All other Allied Health Recovery Requests submissions are not subject to a fee.
OAS004	Nil	Nil	Submission of a first subsequent Certificate of Capacity only. Note: Must be a SIRA approved physiotherapist to issue a Certificate of Capacity	\$38.00 (First subsequent Certificate of Capacity only) All other Certificate of Capacity submissions are not subject to a fee

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