

Participate in WorkSafe Return to Work initiatives on your terms

Doctors play an important role in the return to work process. For some time calls have been made for doctors to be appropriately reimbursed for this involvement.¹ The law has now changed and requires employers to consult with doctors about their employee's return to work². However despite this requirement WorkSafe refuses to reimburse the cost of the doctor's time.

Instead, WorkSafe requires the completion of questionnaires, and template letters³, a curious move as employers and insurers have always had the ability to ask questions of doctors in writing. If so asked, the doctor has always had the obligation to supply a report, which is properly costed, properly paid and must be properly reimbursed by WorkSafe. Now WorkSafe expects the same response, but with little or no charge. The response to these requests (whatever form they are made in) is clearly a medical report. This is an attempt to shift costs and red tape to "healthcare providers". Such an attitude will inevitably lead to half-hearted attempts by employers and workers to meet their obligations and doctors who refuse to get caught up in the game will be blamed.

Doctors faced with these requests should ensure they are active participants in the return to work process but not agree to bear costs that are properly reimbursable by WorkSafe.

For many years employer associations such as VECCI and Australian Industry Group have complained about the lack of communication between an employer, an injured employee and their doctor. On the other side are doctors who say that they are busy, have an obligation to their patient and receive no reimbursement for any time spent talking to employers, insurers or rehabilitation providers.

With good management, communication, proper processes and payment this can work effectively. The following actions are recommended for practices faced with these requests.

If your practice receives a WorkSafe questionnaire/template form or letter with questions to complete

Treat it as you would a medical report. Our August edition of *vicdoc* contained an article by Dr Gary Speck explaining how he treats requests for medical reports.

If your practice receives a telephone call from an insurer, employer or rehabilitation provider regarding an injured patient

Your practice manager should.

- ask for the query to be put in writing
- ask that a contemporary authority from the patient be attached
- provide a quote for completion of a report in answer to the question(s) and provide a timeline for completion
- ask the employer, insurer or rehabilitation provider to confirm that they will pay for the report.

If you receive a signed agreement, complete the report and forward with an invoice.

Alternatively your manager may offer a time when you are available to talk over the phone but will require:

- contact details on company letterhead
- an authority from the patient/claimant
- a list of questions to be answered
- a signed agreement that the caller will pay for the cost of the telephone consult (e.g. time based per six minutes or a set fee).

You should indicate clearly to the caller that the cost of the telephone consult will not be reimbursed by WorkSafe.

It is not in your patient's interest that requests for telephone contact go without a response. The process detailed above can be set in place so that all requests are treated in the same manner. This way you will be able to deal with your patients in a way that benefits and protects them whilst facilitating their prompt return to work. The process also allows you to provide these services in a sustainable manner for your practice.

The NSW accident compensation scheme currently has reimbursement rates for phone calls to medical practitioners. It is odd that WorkSafe continues to resist recommendations supporting reimbursement. In time WorkSafe may come to appreciate the value of supporting dialogue between employers, workers and their doctors rather than creating additional red tape. AMA Victoria continues to lobby for proper reimbursement.

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1. Peter Hanks, *Accident Compensation Act Review*, August 2008
 2. An employer must if reasonable and with the workers approval consult with the treating health practitioner. See s196 of the *Accident Compensation Act 1985 (Vic)*
 3. See <http://www.worksafe.vic.gov.au/rtw>