



Practice Direction #13

Medical Information Requested by the WSIAT

1.0 This Practice Direction explains

- how to get medical information requested by the WSIAT before the hearing (pre-hearing)
- how to get medical information requested by the WSIAT after the hearing (post-hearing)

2.0 Pre-Hearing Medical Information – Parties to Obtain

2.1 Before the hearing, the WSIAT may determine that relevant medical information is missing from a worker's case materials. Examples of existing medical information include

- copies of the worker's hospital records
- a doctor's clinical notes
- a physiotherapist's summary of treatment

The WSIAT will pay for the information it asks the worker to get. This is as long as the worker follows the proper steps when getting the information.

2.2 WSIAT staff will write to the worker or their representative and request that they get the missing medical information. The letter will describe the information they need to get and how to get it. For more information about ordering the information, review the WSIAT Guidelines for Obtaining Medical Records. With the letter, the worker or their representative will get

- the guidelines
- consent forms
- medical releases
- invoice forms setting out the amount the WSIAT will pay for the information

- 2.3 When they get the medical information, the worker or their representative must follow the instructions in the guidelines. If the worker or their representative does not follow the instructions in the guidelines, the worker may have to pay for the information.
- 2.4 If a worker or representative has difficulty getting the medical evidence, they can ask the WSIAT for help.
- 2.5 The missing information must be submitted to the WSIAT promptly. Otherwise, the appeal might be delayed. If there is a long delay before the WSIAT gets the information, the appeal may be made inactive. If a party objects to the WSIAT's request for additional medical information, they must notify the WSIAT in writing with their reason for the objection. The WSIAT will consider the objection. If necessary, the written objection will be sent to a Vice-Chair for a preliminary ruling.

3.0 Post-Hearing Medical Information – WSIAT May Obtain

- 3.1 After a hearing, the Vice-Chair or Panel may decide that more medical information is needed before a decision can be made. If more information is required, WSIAT staff will write to the worker or their representative to ask the worker to complete and sign consent forms. After the WSIAT gets the consent forms, WSIAT staff will write to the doctor, hospital or other institution to get the medical information. The WSIAT will pay for the information using its established fee schedules.

4.0 WSIAT-Initiated Assistance for Medical Issues

- 4.1 A Vice-Chair or Panel may determine that it is necessary to get WSIAT-initiated assistance. This would be in relation to one or more medical issues arising in an appeal.
- 4.2 There are different types of WSIAT-initiated assistance that may be requested by a Vice-Chair or Panel. For more information, review the WSIAT Guide to Medical Information and Medical Assessors. The guide also describes the Medical Liaison Office and explains the roles of the WSIAT Medical Counsellors and Medical Assessors.

5.0 References and Resources

5.1 Legislative Authority

Workplace Safety and Insurance Act, 1997 sections 131 (the WSIAT can determine its own practice and procedure), 132 (the WSIAT's powers regarding proceedings) and 134 (assistance by health professionals to the WSIAT)

5.2 Related Practice Directions

#24 – Inactive Appeals

#25 – Post-Hearing Procedure

#33 – Role of the Vice-Chair Registrar at the WSIAT

#36 – Delivery and Filing Documents

5.3 Guides

WSIAT Guide to Medical Information and Medical Assessors