

Medical Information Requested By the Tribunal

1.0 This Practice Direction:

- Outlines the process for obtaining medical information requested by the Workplace Safety and Insurance Appeals Tribunal (“Tribunal”) before the hearing (pre-hearing).
- Outlines the process for obtaining medical information requested by the Tribunal after the hearing (post-hearing).

2.0 Pre-Hearing Medical Information: Parties to Obtain

- 2.1 Before the hearing, Tribunal staff 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, or a physiotherapist’s summary of treatment. As long as the worker follows the proper steps and instructions when obtaining the information, the Tribunal will pay for the information it asks the worker to get.
- 2.2 Tribunal staff will write to the worker and request that the worker get the missing medical information. The Tribunal’s letter will describe the information the worker needs to get, and how to get it. Details about ordering the information are contained in the *Guideline for Obtaining Medical Records*. The Guidelines, along with consent forms, medical releases, and invoice forms setting out the amount the Tribunal will pay for the information, will be enclosed with the Tribunal’s letter to the worker.
- 2.3 The worker and/or their representative must follow the instructions in the *Guidelines* when they get the medical information requested by the Tribunal. If the worker and/or their representative do not follow the instructions in the *Guidelines*, the worker may be responsible to pay the cost of the medical information obtained.
- 2.4 A worker and/or representative may request assistance from the Tribunal if they have difficulty in getting relevant medical evidence.
- 2.5 The appeal may be delayed if the missing information is not promptly received by the Tribunal. If there is a long delay without the Tribunal receiving the information, the appeal may be made inactive (see **Practice Direction: Inactive Appeals**). If a party objects to the Tribunal’s request to provide additional medical information they must notify the Tribunal in writing of the reason for their objection. The Tribunal will consider the objection and if necessary the written objection will be placed before a Vice-Chair for a preliminary ruling.

3.0 Post-Hearing Medical Information: Tribunal May Obtain

3.1 After a hearing the Tribunal Vice-Chair or Panel may decide that more medical information is needed before a decision can be made (see **Practice Direction: Post-Hearing Procedure**). If more information is required, the Tribunal will write to the worker to ask him or her to complete and sign consent forms. After the worker returns the signed consent forms to the Tribunal, the Tribunal will write to the doctor, hospital or other institution to get the medical information. The Tribunal pays for the information it requests in accordance with established fee schedules.

4.0 Tribunal-Initiated Assistance for Medical Issues

4.1 In certain cases, a Tribunal Vice-Chair or Panel may determine it necessary to seek Tribunal-initiated assistance in relation to one or more medical issues arising in an appeal.

4.2 For more information about the different types of Tribunal-initiated assistance that may be requested by a Tribunal Vice-Chair or Panel, please consult the **WSIAT Guide: WSIAT-Initiated Assistance for Medical Issues**. The Guide also describes the Medical Liaison Office and explains the roles of the Tribunal's Medical Counsellors and Medical Assessors.

Effective date: January 1, 2020
Workplace Safety and Insurance Appeals Tribunal