

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2014-2015**

Agency - Comcare

Department of Employment Question No. EM1602_15

Senator Ruston asked on 23 October 2014 on proof Hansard page 53

Question

Comcare - qualifications required to deliver services

Senator RUSTON: I was more thinking about the discretion around what kinds of activities are acceptable and what the people who are providing those activities need to do to satisfy you that they have the necessary qualifications to deliver what they say they are going to deliver.

Mr Watson: I would probably have to provide on notice the full detail of the qualifications of the people

Answer

Comcare is able to pay compensation for appropriate costs associated with medical treatment that was reasonable for an employee to obtain in relation to their compensable condition, in line with the *Safety Rehabilitation and Compensation Act 1988* (the SRC Act).

Whether the medical treatment was reasonable to obtain, and whether it was obtained in relation to the compensable condition are matters that are determined by Claims Services Officers based on the individual circumstances of each claim.

The SRC Act defines medical treatment as:

- a. medical or surgical treatment by, or under the supervision of, a legally qualified medical practitioner (LQMP)
- b. therapeutic treatments obtained at the direction of a LQMP
- c. dental treatment by, or under the supervision of, a legally qualified dentist
- d. therapeutic treatment by, or under the supervision of, a physiotherapist, osteopath, masseur or chiropractor registered under the law of a State or Territory providing for the registration of physiotherapists, osteopaths, masseurs or chiropractors, as the case may be
- e. an examination, test or analysis carried out on, or in relation to, an employee at the request or direction of a LQMP or dentist and the provision of a report in respect of such an examination, test or analysis
- f. the supply, replacement or repair of an artificial limb or other artificial substitute or of a medical, surgical or other similar aid or appliance.
- g. treatment and maintenance as a patient at a hospital
- h. nursing care, and the provision of medicines, medical and surgical supplies and curative apparatus, whether in a hospital or otherwise, or

- i. any other form of treatment that is prescribed for the purposes of this definition*.

** Treatments prescribed currently includes occupational therapy, optometry, podiatry, psychology and speech therapy.*

The SRC Act defines ‘therapeutic treatment’ as including “an examination, test or analysis done for the purpose of diagnosing, or treatment given for the purpose of alleviating, an injury”.

Treatment obtained at the direction of a LQMP will be compensable if it ‘alleviates’ the injury. The courts have ruled that alleviating the pain caused by injury is sufficient to meet this definition.

There are 14 providers who are required to be registered under the Health Practitioner Regulation National Law in order to legally practice:

- chiropractors
- dental practitioners (including dentists, dental hygienists, dental prosthetists & dental therapists)
- medical practitioners
- nurses and midwives
- optometrists
- osteopaths
- pharmacists
- physiotherapists
- podiatrists, and
- psychologists
- Aboriginal and Torres Strait Islander health practitioners
- Chinese medicine practitioners (including acupuncturists, Chinese herbal medicine practitioners and Chinese herbal dispensers)
- medical radiation practitioners (including diagnostic radiographers, radiation therapists and nuclear medicine technologists), and
- occupational therapists

In those areas of practice, Comcare data matches providers registered on its payment system with Medicare on a monthly basis to ensure it is only making payments to providers legally qualified.

Not all treatment providers Comcare pays to provide therapeutic treatment to injured workers are required to be registered under state or territory legislation. Therapeutic treatment provided by non-registered providers is only approved where it is at the direction or request of legally qualified medical practitioners. While Comcare expects LQMPs to monitor the effectiveness treatment they recommend has on treating a compensable condition, Comcare also reviews the effectiveness when considering whether it is reasonable for the injured worker to obtain the treatment.

The Clinical Framework outlines a set of guiding principles for the delivery of health services. These principles are intended to support healthcare professionals in their treatment of an injury through:

- Measurement and demonstration of the effectiveness of treatment
- Adoption of a biopsychosocial approach
- Empowering the injured person to manage their injury

- Implementing goals focused on optimising function, participation and return to work, and
- Base treatment on best available research evidence.

All allied healthcare providers dealing with injured workers are expected to adopt these principles within the standards of their professions. The Clinical Framework was initially developed by WorkSafe Victoria in 2004 and revised at a national level in 2012. The Clinical Framework has been endorsed by nearly all compensation schemes within Australia and multiple allied health peak bodies.

Comcare assesses the reasonableness of medical treatment provided to injured workers using this framework. Accordingly, where an LQMP recommends an injured worker receive therapeutic treatment from providers practising in a non-regulated field, Comcare will only pay for an injured worker to receive this treatment if it is satisfied the treatment is reasonable in line with the principles outlined in the Clinical Framework.