

## Workers Compensation and Injury Management Act 2023

### Implementation proposals for regulations and administrative instruments

## Implementation Consultation Paper 26: Fees Order for Workplace Rehabilitation Services

### November 2023

Public comment on the implementation proposals  
should be submitted to:

[consultation@workcover.wa.gov.au](mailto:consultation@workcover.wa.gov.au) by **12 January 2024**

All submissions will be publicly accessible unless confidentiality is requested.

For further details on making a submission see:

<https://www.workcover.wa.gov.au/resources/modernising-was-workers-compensation-laws/>

**\*\*\*Draft proposals only\*\*\***

The proposals in this consultation paper are in draft form to facilitate public comment and do not represent the final position of WorkCover WA, the Minister or Government.

# Implementation Consultation – Fees Order for Workplace Rehabilitation Services

## Scope

This document outlines proposed fees and charges for prescribed workplace rehabilitation services undertaken by approved workplace rehabilitation providers that WorkCover WA intends to recommend to the Minister for inclusion in a fee order on commencement of the *Workers Compensation and Injury Management Act 2023 (WCIMA23)*.

## Background and intent

Under the *WCIMA23* the Minister, on the recommendation of WorkCover WA, may make an order fixing scales of fees and charges for workplace rehabilitation services provided by approved workplace rehabilitation providers.

If an order is made, the charge for a workplace rehabilitation service must be in accordance with the scale of fees and charges fixed by the order.

If workplace rehabilitation by an approved workplace rehabilitation provider is reasonably necessary (see *Implementation Consultation – Workplace Rehabilitation Services*) workplace rehabilitation providers cannot enter into alternative service or fee arrangements with insurers or self-insurers if the expense is payable as ‘workplace rehabilitation expenses compensation’ from the worker’s entitlement.

A fee order has the same status as a regulation under the 1981 Act, but is made by the Minister as an order, rather than a regulation made by the Governor.

Prior to the making of a fee order the Minister must seek recommendations from WorkCover WA.

WorkCover WA intends making recommendations consistent with the 1981 Act of prescribing an hourly rate for workplace rehabilitation services and indexing the rates each year. It is proposed the order will require records of point-to-point travel to be kept and produced. There is no intention at this time to move towards outcome-based fee models.

## *WCIMA23* key provisions

s. 93 – Workplace Rehabilitation Fees and Charges Order

## Proposed workplace rehabilitation service fees and charges

The proposed fee schedule WorkCover WA intends to recommend to the Minister is set out at [Schedule 1 – Proposed Workplace Rehabilitation Service Fees & Charges](#).

It is intended the services listed in Schedule 1 will be prescribed in regulations as the workplace rehabilitation services that can be provided for the purposes of workplace rehabilitation under the *WCIMA23* (see *Implementation Consultation Paper 12: Workplace Rehabilitation Services*). The services and fees are the same as those in place currently.

If adopted, it is also intended the Ministerial fee order will specify provisions and requirements including:

- approved workplace rehabilitation providers comply with WorkCover WA's *Workplace Rehabilitation Providers Principles and Standards of Practice* in the provision and charging of services covered by the fee order
- automatic indexation of the fees each year (see below)
- billing for travel (see below)
- charging the hourly rate on a pro-rata basis for time spent and producing invoices with the correct item numbers relevant to the service provided
- all fees are GST exclusive

### Base rates for workplace rehabilitation services & indexation

It is intended the ministerial fee Order will adopt the workplace rehabilitation fees and charges in Schedule 1 for the period 1 July 2024 to 31 October 2024. That is, the hourly rate that applied immediately before the commencement of the *WCIMA23* (currently \$209.35 per hour).

From 1 November 2024, and for each subsequent year from 1 November to the following 31 October, it is intended the Fees listed in Schedule 1 will be adjusted by the percentage variation in WorkCover WA's Composite Index, currently utilised to index medical, health and workplace rehabilitation fees.

It is therefore intended the order will provide for automatic indexation of the fees each year without the need for an amendment to the order or a new order each year. It is intended any further order will only be made if there is ministerial approval for changes to existing service descriptors, increases in fee levels above the indexed rate, new services added or changes to requirements specified in the fee order. WorkCover WA will publish the indexed fees and charges on its website prior to 1 November each year.

The composite index was developed by the scheme actuary in 2002 and accounts for medical and health practice costs. It is comprised of the following formula:

$$60\% \text{ of WPI} + 30\% \text{ of AMA MFI} + 10\% \text{ of CPI}$$

Where:

- WPI = Australian Bureau of Statistics (ABS) Wage Price Index for WA ordinary time earnings all sectors (a measure of WA wage growth)
- AMA MFI = the Australian Medical Association's Medical Fees Index for general practice non-procedural
- CPI = Australian Bureau of Statistics Consumer Price Index for all groups excluding housing (a measure of inflation).

## Travel

It is intended the fee order will clarify how travel time is to be charged and for records of point-to-point travel to be maintained to improve transparency and minimise travel fees.

It is intended the fee order will require a logbook of all point-to-point travel be kept with the date, distance and time travelled for each service recorded. Where multiple cases are serviced at one location, travel must be apportioned. No travel is to be charged if returning from a service location to the workplace rehabilitation provider's office location.

All travel (date, distance and time) must be reported to the insurer or self-insurer when billing for the travel service. Travel records must also be made available to WorkCover WA if the approved workplace rehabilitation provider is requested to produce them as part of an audit or investigation.

## Transitional

A savings and transitional provision in the *WCIMA23* provides a workplace rehabilitation service in operation before commencement of the *WCIMA23*, continues in operation as if it were the corresponding service under the *WCIMA23*.

This means any workplace rehabilitation service in operation on commencement date of the *WCIMA23* will be recognised and there is nothing that needs to be done to continue providing the service(s). This applies regardless of whether the service is a specific service, part of a workplace rehabilitation program or return to work program.

However, a service provided after commencement will be subject to the new fee order.

## WorkCover WA expectations

WorkCover WA expects workplace rehabilitation providers to:

- charge for services in accordance with the ministerial fee order after the commencement date of the *WCIMA23*
- deliver workplace rehabilitation services in accordance with the regulations, and the *WorkCover WA Workplace Rehabilitation Providers Principles and Standards of Practice*.

## Evaluation and monitoring

The *WCIMA23* provides for WorkCover WA to conduct performance monitoring and review of approved workplace rehabilitation providers in the provision of services to determine compliance with legislation, regulations, approval criteria, operational conditions and fee orders.

## Attachments

1. Schedule 1 - Proposed Workplace Rehabilitation Service Fees and charges

## Schedule 1: Proposed Workplace Rehabilitation Service Fees and Charges

Service	Description	Item Code	Maximum Fee*
1. Support counselling	Activities to assist a worker to adjust to an injury and to the worker's return to work; family counselling related to vocational rehabilitation; progress counselling related to the progress of, and problems with, the worker's return to work	010	\$209.35/hr
2. Vocational counselling	Activities focussed on problems a worker has in selecting and preparing for vocational change	020	\$209.35/hr
3. Purchase of aids and appliances	Advising and assisting a worker with the purchase of aids and appliances	030	\$209.35/hr
4. Case management	Activities associated with the management of a worker's return to work, which may include liaising and negotiating with the parties, developing, coordinating and otherwise managing, and reviewing, the service delivery plan, and arranging for interpreter services	040	\$209.35/hr
5. Training and education	Assisting to develop a worker's skills and knowledge, which may include providing training courses or other aspects of injury management	050	\$209.35/hr
6. Workplace activities	Activities involving analysis of work behaviour and analysis and design of job duties	060	\$209.35/hr
7. Placement activities	Activities focussed on obtaining a new job for a worker, which may include assistance with the preparation of a resume and preparation for an interview and research and other assistance in finding jobs	070	\$209.35/hr

Service	Description	Item Code	Maximum Fee*
8. Assessments			
8(a) Functional capacity	Activities associated with assessing a worker's functional capacity, which may include preparing a report	081	\$209.35/hr
8(b) Vocational	Activities associated with assessing a worker's vocational and retraining options, which may include preparing a report	082	\$209.35/hr
8(c) Ergonomic	Activities associated with assessing how a particular work environment would affect a worker, which may include preparing a report	083	\$209.35/hr
8(d) Job demands	Activities associated with identifying and assessing the physical and cognitive demands of a job, which includes preparing a report	084	\$209.35/hr
8(e) Workplace	Activities associated with assessing the suitability of various workplace alternatives and other job options, which may include preparing a report	085	\$209.35/hr
8(f) Aids and appliances	Activities associated with developing recommendations for aids and appliances to assist a worker, which may include preparing a report	086	\$209.35/hr
9. Travel	Travel that is directly associated with providing workplace rehabilitation services.	090	\$209.35/hr
10. Medical	Discussion with specialists and other medical practitioners about workplace rehabilitation, which may include preparing a report	100	\$209.35/hr
11. Reports	Status reports relating to workplace rehabilitation	110	\$209.35/hr

\* To be indexed each 1 November