

“Return to Work” & medical treatment

10 things to know series



South Australian Workers compensation claims and medical expenses

The “10 things to know series” looks at 10 of the key components of a particular section of the South Australian Return to Work Scheme.

This document looks at your rights and entitlements with regard to medical expenses.

You may also want to look at our other “10 things to know series” including:

- ◆ Completing the workers compensation claim form
- ◆ What you should know during the life of your workers compensation claim
- ◆ Workers compensation and hearing loss



ANDERSONS
S O L I C I T O R S

andersons.com.au
Freecall 1800 653 655
100% South Australian

You do not need to accept treatment from a company doctor

Companies often try and convince injured workers to be assessed and treated by a doctor chosen by the company. The company cannot force a worker to see the company doctor for treatment. They can, however, require you to attend a doctor of their choice for assessment (not ongoing treatment) but must give you notice in writing of this.

You should always be treated by your doctor of choice

A worker has every right to see his or her own GP or other doctor for treatment. Workers often feel more comfortable dealing with their own family GP, or a doctor they are familiar with. It generally assists with your workers compensation claim if you have a solid relationship with your treating doctor. You often won't achieve this relationship with the company doctor.

You can change doctors if you are unhappy with the treatment you are receiving

If you have consulted with the company doctor, or even your own doctor, and you are unhappy with the treatment you have been receiving, do not hesitate to change your treating doctor. You are not bound to continue to see the same doctor during the course of your workers compensation claim.

You have the right to seek a second opinion

If you disagree with a medical report or recommendations of a company doctor or other medical examiner, you do not need to accept this opinion. You should seek advice from your Union or a lawyer and get a second opinion from another medical expert.

Reimbursement for medical and other expenses

You should not be personally out of pocket for medical and like expenses (including medication) relating to your workers compensation injury, as long as the expenses are reasonable. Sometimes you do need to pay for expenses and then seek reimbursement from your case manager. But reimbursement should be provided quickly, and if several weeks go by without receiving reimbursement, you should seek legal advice. Additionally if you are receiving weekly payments, your medical expenses will be covered for one year after these income support payments stop. If you were never in receipt of weekly payments, your medical expenses will be paid for a period of 12 months. Some exceptions apply if you have future surgery or therapeutic devices approved before the 12 month period expires. Note that this time limitation does not apply if you have been deemed seriously injured.

Never perform duties that your doctor has restricted you from performing

Even if your employer or case manager is pressuring you to perform duties beyond your functional abilities, you should not do anything beyond what your doctor has advised you to perform. For example, if the doctor has said that you should not lift more than 5kg, but your employer wants you to perform heavy lifting, you should refuse the employer's unreasonable request.

Always have an up-to-date Work Capacity Certificate

It is sometimes helpful to carry around a copy of your up-to-date Work Capacity Certificate in case you are asked to perform tasks beyond your functional abilities. It helps to be able to easily show the Certificate in the workplace to ensure you are only performing duties that a doctor has cleared you to perform.

If you are concerned about the way your workers compensation matter is being handled, speak with your Union or a lawyer immediately

Unfortunately, many employers and case managers are looking out for the best interests of the company or the Return to Work SA Corporation. The less compensation or rights they provide to the worker, the more money they save. If you think that decisions are being made that are not in your best interest, seek legal advice immediately, particularly if your concerns relate to medical treatment.

Never sign a document without first seeking legal advice

Employers often ask injured workers to sign documents giving the company the right to obtain all of your medical records, speak directly with your doctor and even be present when you consult with doctors. Do not sign any document without seeking advice. Even if you have signed a document consenting to your employer accessing all your records, etc, you can always subsequently withdraw your consent.

Most decisions of your case manager or employer can be reviewed

Do not simply accept a decision of your case manager or your boss in relation to your workers compensation claim if you disagree with the decision. Most decisions can be reviewed in the South Australian Employment Tribunal. You need to fight for your rights and do not allow your case manager or employer to walk all over you.