



Exceptional Circumstances Medical Payments

Medical Payments (from 14 November 2005)

If you are injured at work, you have access to a fixed amount of funds for medical and related expenses for the duration of your compensation claim. Any reasonable medical costs incurred, or likely to be incurred, throughout your claim are drawn from these funds.

Extensions to Medical Payments

You can apply to WorkCover WA for an extension of your medical entitlement. WorkCover WA will take into account your social and financial circumstances and your reasonable financial needs, when considering eligibility for an extension. An additional amount of up to \$50,000 may be granted.

Please note

An arbitrator of WorkCover WA may grant an interim payment of up to \$2,000 while your application for further funding is being assessed, if you have exhausted or are likely to exhaust your prescribed medical funds.

Exceptional circumstances Medical Payments (extra \$250,000)

If you have suffered a serious injury you may apply for 'exceptional circumstances medical payments', which represent an additional sum of up to \$250,000.

Who is eligible?

Strict criteria and impairment levels must be met to be eligible for these payments. You may be eligible if:

- you have spent \$30,000 of the additional \$50,000 available for reasonable medical expenses;
- you have a certified permanent whole of person impairment of not less than 15 per cent;
- your treating medical specialist provides a treatment plan that, based on strong medical evidence, indicates that operative intervention is required to alleviate the consequences of serious impairment and that substantial medical improvement is anticipated;
- you apply within the specified timeframes (generally five years after your claim was made, or otherwise as determined by an arbitrator);
- you satisfy the assessment criteria (as outlined below).

What are the assessment criteria?

Your application is assessed against the following criteria:

- 1) your social and financial circumstances and your reasonable financial needs;
- 2) your circumstances in relation to the medical and associated conditions, treatment and management are exceptional circumstances;
- 3) whether the additional sum is required for reasonable expenses likely to be incurred in respect of operative intervention and reasonable post operative treatment.

Please note

It is important to note that there are consequences to applying for, and receiving, Exceptional Circumstances Medical Payments.

If you pursue this option you cannot receive common law damages for the injury.

For further information about common law claims contact WorkCover WA Advisory Services on 1300 794 744.

You may also choose to seek independent legal advice to discuss your own circumstances.

Assessment of permanent whole of person impairment (WPI)

The percentage of permanent WPI is determined using a standard methodology and the assessment can only be conducted by an approved medical specialist.

You are entitled to choose your own approved medical specialist for an evaluation. A register of approved medical specialists is available from WorkCover WA, and is available on the website.

Disagreements about the assessed level of permanent WPI

If you and your employer cannot agree on your level of permanent WPI, the dispute may be brought to WorkCover WA.

An approved medical specialist panel may require you to attend at a specified place, to submit to an examination and to answer any question(s) about your injury. The panel may also require you, your employer or their insurer to produce or consent to the production of any relevant document or information.

Time limits may apply for meeting these requirements and penalties exist for non-compliance.

You are not entitled to be represented during approved medical specialist panel proceedings. If you wish to be accompanied by a friend or relative, a request should be made to the panel.

The assessment of the panel is final and binding on all parties and is not subject to judicial review.

Want more information?

Contact WorkCover WA's Advisory Services on 1300 794 744 or visit the website.

About WorkCover WA

WorkCover WA is the government agency responsible for overseeing the workers' compensation and injury management system in Western Australia.

This includes monitoring compliance with the *Workers' Compensation and Injury Management Act 1981*, informing and educating workers, employers and others about workers' compensation and injury management and providing an independent dispute resolution system.

Disclaimer

This fact sheet is intended to provide general information only. You should not act or omit to act on the basis of anything contained herein. You should seek appropriate legal/professional advice about your particular circumstances.



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