

Medical and Health Expenses Compensation

The *Workers Compensation and Injury Management Act 2023 (the WCIMA23)* sets out the types of expenses which are medical and health expenses covered by a claim. The cap on medical and health expenses compensation is set at 60% of the general maximum amount. The *Workers Compensation and Injury Management Regulations 2024 (the WCIMR24)* detail which service providers can provide medical and health services for which compensation is payable.

Key Points

Act ref: Part 2 Division 4, 555, 557 Reg ref: Part 4 Division 4

- The *WCIMA23* and *WCIMR24* describe compensable health services and any provider eligibility requirements.
- Fees payable for medical and health expenses are set by Ministerial order, and published on the WorkCover WA website.
- Medical and health expenses must be reasonable. Reasonableness is based on the necessity of the worker to incur the expense and the scales of fees set by Ministerial order.
- The medical and health expenses general limit applies to a worker's entitlement, and is 60% of the general maximum amount. The limit is indexed annually in accordance with the *WCIMR24*.
- The *WCIMA23* and *WCIMR24* provide for a standard increase and special increase in the medical and health expenses general limit, and the criteria that apply to each increase.

Questions & Answers

Q. Are medical and health expenses in the *WCIMA23* payable for injuries and claims made under the 1981 Act?

A. Yes, where the medical expenses cap was not exhausted before 1 July 2024. The *WCIMA23* converts compensation paid under the 1981 Act to compensation paid under the *WCIMA23*, with amounts already paid contributing to the capped amount in the *WCIMA23*.

Questions & Answers

Q. What health services are prescribed in regulations?

A. The *WCIMR24* includes the following health services (reg. 32):

- Acupuncture
- Chiropractic
- Clinical psychology
- Counselling psychology
- Exercise program
- Mental health social work
- Occupational therapy
- Osteopathy
- Psychology
- Physiotherapy
- Speech pathology

As necessary and appropriate the regulations will be updated to recognise new compensable health services, or to modify the description or criteria that applies to existing health services, if there is a sound basis for doing so in the future.

Q. Why are maximum amounts for health services fixed by Ministerial order and with reference to provisions of other publications?

A. This is a flexible and contemporary approach to setting fees for medical and health services due to volume and technical terms. It also allows for the fees order(s) to adopt provisions of other publications as they relate to health services and fees.

For example, the Medical Fees Order adopts fees, service descriptors and billing rules in the *Australian Medical Association List of Medical Services and Fees* – in the same way as some other States.