

Section	Policy
44	44.05.25

Section Title: Benefits Administration - Adjudication and Compensation
Subject: WCB-Directed Medical Examinations
Effective Date: January 1, 2025

A. POLICY PURPOSE

WCB decision makers frequently require medical information related to a worker's injury in order to adjudicate a claim. Such information may come from a variety of sources, including a medical examination, which the WCB may require an injured worker attend.

A medical examination conducted by a WCB Health Care Advisor, at the WCB's request, is known as a WCB-Directed Medical Examination.

This policy:

- identifies the WCB's authority under *The Workers Compensation Act* (Act) to require a worker to undergo a medical examination;
- indicates the common reasons why the WCB may require a worker to undergo a WCB-Directed Medical Examination;
- sets forth the WCB's approach to conducting WCB-Directed Medical Examinations; and,
- outlines the behaviour expected of workers, and their support person and interpreter (if applicable), while attending a WCB-Directed Medical Examination.

B. POLICY

I. Definition

"WCB Health Care Advisor" is a physician, or other registered health care provider defined in the Act (nurse, dentist, chiropractor, occupational therapist, optometrist, physiotherapist, podiatrist, psychologist), or a member of any other health care profession or occupation, under contract as a consultant to the WCB. Their role is to provide advice, opinions, and support to WCB decision makers, and health care provider colleagues in the community. WCB Health Care Advisors help WCB decision makers understand medical details in a claim.

II. Legislative Authority

Section 21 of the Act outlines the WCB's authority to direct workers to attend a medical examination, and the consequences of non-compliance.

Workers who apply for, or are receiving compensation, must attend a medical examination if requested by the WCB. The WCB arranges the medical examination; it must take place at a location reasonably convenient for the worker.

The WCB may suspend benefits of a worker who fails to attend a medical examination without a justifiable reason (such as a family emergency or bad weather), or who obstructs a medical examination, until the examination takes place.

The WCB generally exercises its legislative authority by requesting workers attend an examination that is conducted by a WCB Health Care Advisor. These non-treating medical examinations entail prior review of any relevant medical records submitted to the WCB, and a physical examination if applicable.

The WCB may also request a worker attend a similar medical examination conducted by a health care provider who is not affiliated with the WCB. This is generally done when an opinion from a particular specialty is required.

III. Common Reasons to Initiate a WCB-Directed Medical Examination

The WCB may initiate a WCB-Directed Medical examination for a variety of reasons. The medical evidence, opinions and findings obtained during WCB-Directed Medical Examinations helps WCB decision makers:

- determine the nature of the worker's injury, work-relatedness, the worker's level of disability or impairments, or appropriate workplace restrictions;
- determine appropriate return to work activities that take into account the worker's functional abilities and limitations;
- expedite the worker's access to treatment; or
- determine the necessity and nature of any medical aid provided to the worker.

WCB decision makers may also require a worker to attend a WCB-Directed Medical Examination when seeking advice or clarification from a WCB Health Care Advisor regarding medical information obtained from the worker's treating health care provider(s), as outlined in WCB Policy 44.05.20, *Conflicting Health Care Evidence and Opinions*.

IV. Approach to WCB-Directed Medical Examinations

1. The WCB will notify the worker in writing, or in an alternative format upon request, that they are required to attend a WCB-Directed Medical Examination.
2. The WCB must:
 - document the reason(s) for requiring the WCB-Directed Medical Examination;
 - contact the worker before the medical examination to discuss what will happen during the examination; and
 - contact the worker after the medical examination takes place, to discuss what will happen next on the claim.
3. The WCB strives to provide a barrier-free setting for WCB-Directed Medical Examinations, and they will be conducted in accordance with WCB Policy 20.20, *Accessible Customer Service*. The WCB will also take steps to become aware of and reasonably accommodate a worker's cultural, spiritual and gender identity during WCB-Directed Medical Examinations.
4. When a worker who is not conversant in English is required to attend a WCB-Directed Medical Examination, the WCB will arrange interpretation services, unless the worker prefers to bring their own interpreter. A worker must consent, in writing, to an interpreter being present during an examination, and the interpreter must sign a declaration of confidentiality and the waiver form referred to in Section V-3 of this policy.
5. The WCB may cover the costs associated with the worker's attendance at a WCB-Directed Medical Examination (for example, travel or time off work).
6. The WCB-Directed Medical Examination:
 - is usually conducted in-person at a WCB office or other location arranged by the WCB (in certain circumstances, it may be conducted through video call);

- must relate to the injury, disease, or condition(s) for which the worker is claiming compensation;
- must be conducted in a safe, professional and unbiased manner; and,
- does not entail provision of medical treatment to an injured worker.

WCB Health Care Advisors are members of regulated health care professions. They are obligated to conduct medical examinations according to the standards and practices of their respective regulatory bodies.

7. If, after examining the worker, the WCB Health Care Advisor determines that their assessment conflicts with an opinion on file provided by the worker's treating health care provider(s), the WCB Health Care Advisor must follow the guidance in WCB policy 44.05.20, *Conflicting Health Care Evidence and Opinions*.
8. Any worker who wishes to file a complaint about a WCB-Directed Medical Examination may submit their issue(s) in writing to the WCB. The WCB will review the complaint and respond in writing. WCB Health Care Advisors' respective regulatory bodies may also be engaged in a complaint.

V. Conduct During a WCB-Directed Medical Examination

1. The WCB is responsible for providing its employees and Health Care Advisors a safe work environment. It is also responsible for ensuring that the rights of those called in for a WCB-Directed Medical Examination, including the right to privacy and confidentiality, are respected. As such, the WCB must take appropriate steps to make sure WCB-Directed Medical Examinations are conducted in a safe and professional manner.
2. A worker attending a WCB-Directed Medical Examination may be accompanied by one support person of their choosing. The worker and support person must each sign a waiver form agreeing to the WCB's conditions for the support person's attendance. The waiver form requires both parties to agree that the support person is only an observer, and must refrain from discussing the claim, or disrupting the examination.
3. In the circumstance where the worker brings an interpreter of their own choosing (see Section IV-4 of this policy), the worker and interpreter must each sign a waiver form agreeing to the WCB's conditions for the interpreter's attendance. The waiver form requires both parties to agree that the interpreter is only providing interpretation services, and must refrain from disrupting the examination.
4. Video recording during a WCB-Directed Medical Examination is prohibited.
5. WCB Health Care Advisors:
 - must explain who they are, the purpose and nature of the WCB-Directed Medical Examination, and the area(s) to be examined;
 - may verbally inform the worker of their professional opinion and examination findings, but must not discuss with them matters involving claims adjudication or entitlement to benefits;
 - must provide their examination report to the worker's treating physician(s) as soon as possible;
 - must obtain the worker's written consent for any photography of an injury, for example, to obtain a visual record of the nature and extent of scarring; and,

- may terminate any medical examination if, in their opinion, the actions of the worker (or the support person, or their interpreter, if applicable) are obstructing the examination, displaying unreasonable behaviour, or creating an unsafe environment.
6. The WCB may arrange for a chaperone to be in attendance at a WCB-Directed Medical Examination, if this precaution is reasonably necessary to create a safe environment. Chaperones must be employees of the WCB.
- If possible, the WCB provides a chaperone of a gender preferred by the worker.
 - When this is not possible, and the worker does not object, a person of a different gender may attend as a chaperone.
 - If a worker does not agree to a chaperone, the WCB Health Care Advisor decides whether to proceed with the examination.
 - The WCB does not consider a worker's support person, or interpreter, to be a chaperone.

C. REFERENCES

The Workers Compensation Act, section 21

Related WCB Policies:

20.20, Accessible Customer Service

42.10.70, Medical Review Panels

42.10.70.20, Convening a Medical Review Panel

42.20.20.10, Independent Medical Examinations

44.05.20, Conflicting Health Care Evidence and Opinions

44.120.10, Medical Aid

History:

1. Policy created by Board Order 34/24 on October 3, 2024 effective January 1, 2025. The new policy replaces repealed policy 42.20.10, Clinical Examinations (Board Order 34/24). The repealed policy contained outdated language and did not reflect current practices.