

| Section | Policy |
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| 40 | 42.20.10 |

Section Title: Benefits Administration – *Healthcare Services*
Subject: Clinical Examinations
Effective Date: September 1, 2005, for all examinations after this date

A. POLICY PURPOSE

One of the responsibilities of the WCB is to monitor, supervise and control the standard of care provided to workers by treating healthcare professionals. In order to accomplish this, it is sometimes necessary to have workers attend the WCB offices or the offices of a private healthcare professional for a clinical examination.

The WCB recognizes that the clinical examination may cause anxiety in some individuals and that the presence of a family member or other person may help to alleviate this anxiety. For that reason, the WCB will allow whomever the worker feels will provide the greatest support to attend the clinical examinations under the conditions stipulated in this policy.

All clinical examinations are conducted in a professional, unbiased manner. The clinical examination is not an appropriate forum for advocacy or adversarial discussion of the claim. Any person attending an exam must participate in a manner that is helpful to the examination and refrain from comments and actions that may contribute to an adversarial environment.

B. POLICY

1. The WCB may require a worker to undergo a clinical examination by a healthcare professional. The healthcare professional may provide the worker with his or her professional opinion and examination findings verbally following the examination.

Copies of examination notes will be sent to the worker's attending physician and consulting specialist for information as soon as possible.

2. A WCB staff member of the same sex as the worker being examined will be present during all examinations being performed at the WCB by a healthcare professional of the opposite sex. Private healthcare professionals conducting clinical examinations for the WCB may use their own discretion in handling this issue.
3. When a worker makes it known that he or she is not conversant in English, the WCB will arrange to have an interpreter present at the examination, or the worker may make his/her own arrangements. The interpreter will be asked to sign a declaration of confidentiality and the worker will sign a consent for the presence of the interpreter.
4. The worker may bring a support person to the examination unless the healthcare professional has reason to believe that the support person will have a disruptive or otherwise inappropriate effect on the examination. This person may be a family member, supportive friend or a personal representative. Only one support person will be permitted. If access is denied, a written report explaining the reason for denying access will be forwarded to the Director responsible.
5. The worker and support person will be asked to sign the "Attendance At Clinical Examinations" waiver form. The support person, whether a family member, friend or a personal representative is present during the examination as an observer and to provide information only if requested by the healthcare professional. The healthcare professional may ask for assistance from the support person if he or she believes that their assistance may help achieve a fair and more complete examination of the worker.

6. If, in the opinion of the healthcare professional, the actions of the support person are obstructing the examination, the support person may be asked to leave. Failure to comply will result in termination of the examination, and the worker's right to compensation may be suspended until a proper examination has been completed. That support person will not be allowed to attend any subsequent WCB medical examination of that worker.

If the examination is terminated, the case manager/adjudicator will be informed immediately. A written report will be forwarded to the case manager/adjudicator and to the Director responsible. The report will explain the reason for the termination of the examination.

7. The WCB recognizes that the clinical examination may cause anxiety for the worker because of the possibility that the examination could have a negative impact on the claim. For this reason, it is reasonable that certain precautions be observed, including:
 - a) If a support person attends the examination, the examiner may arrange for a WCB staff member to attend the examination.
 - b) If the examiner believes that the examination is not typical in some way, such as if the examination is to be of a type that may cause some physical discomfort to the worker, the examiner may arrange for a WCB staff member to attend the examination.
 - c) If there is any indication from the claim file, direct observation or previous encounters with the worker that he or she may be hostile towards the healthcare professional or may exhibit inappropriate behaviour during the examination, the examiner may have another person attend the clinical examination for security purposes. A person attending solely for security purposes may be asked to remain nearby but outside the examination room, if it is deemed to be appropriate under the circumstances (e.g. if the examination is of a sensitive or potentially embarrassing nature).

C. REFERENCES

The Workers Compensation Act, sections 21(1) & 21(2)

History:

1. Board Order 159/88, *Medical Officer Examination Results*, approved October 3, 1988.
2. Board Order 159/88 re-written and approved for inclusion in the Policy Manual as Policy 42.20.10 by Board Order 9/91 on June 19, 1991.
3. Policy 42.20.10 replaced by Board Order 20/92, *Clinical Examinations*, on April 30, 1992. Board Order 159/88 rescinded.
4. Policy 42.20.10 amended by Board Order 44/92 on September 28, 1992, such that the Healthcare Advisor *may* inform the claimant of the results of the examination immediately and to ensure that results are provided to the attending physician as soon as possible.
5. Policy updated for current position and division titles, May 2, 1994.
6. Effective application confirmed by the Board, September 18, 1995.
7. Policy amended by Board Order 16/02 on May 30, 2002, to revise definition of family member to include a person of the worker's choice, update current position titles and to delete appendices (waiver/consent forms).
8. Policy amended by Board Order 24/05 on August 25, 2005, effective September 1, 2005, to broaden the criteria on who a worker may bring with them to a clinical examination.
9. Minor formatting and wording changes were made to the policy, June 27, 2012.
10. October 2019 - Policy updated to reflect current position titles and addition of "common-law partner" to definition of family member.
11. Minor formatting changes were made to the policy February 2021.

12. New policy 44.05.25, WCB-Directed Medical Examinations was 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. This repealed policy was removed from the policy manual and archived.

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D. DEFINITIONS

For the purposes of this policy, the following definition applies:

SUPPORT PERSON:

Whomever the worker feels will provide the greatest support during the clinical exam.

FAMILY MEMBER:

A spouse or common-law partner (as defined by the Act), parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister, aunt, uncle, cousin, or a person who stands in the place of the parent to the worker or to whom the worker stands in place of the parent to the third party.

PERSONAL REPRESENTATIVE:

An authorized representative of the injured worker such as a union representative, physician, chiropractor, or lawyer.

E. ADMINISTRATIVE GUIDELINES

1. The case manager or adjudicator is expected to contact the worker before the clinical examination to discuss the upcoming examination and after the clinical examination to discuss what will happen next on the claim.
2. The healthcare professional conducting the examination will explain to the worker that the purpose of the examination is to assess the worker's current status in relationship to his or her compensable injury. The healthcare professional will also explain the manner in which the examination will be conducted.
3. Where the purpose of the examination is to rate a cosmetic permanent impairment (for scarring), the WCB will ask the worker to sign a "Consent to Patient Photography". The WCB requires a visual record of the nature and extent of scarring to establish the permanent impairment rating.
4. At his or her discretion, the examining healthcare professional may discuss in general terms, the examination findings and medical aspects of the worker's injury or condition. The healthcare professional will advise the worker that a complete report will be sent to the worker's personal physician for more detailed discussion. The healthcare professional should not discuss matters related to entitlement or adjudication of the claim. The worker should discuss these issues with his/her case manager or adjudicator.