

Mental disorder claims: Important changes in legislation

A amendments have been made to the Workers Compensation Act, changing coverage for mental disorders caused by work. The following changes apply to all decisions made on or after 1 July 2012.

Mental disorders covered by WorkSafeBC

Workers with mental disorders are entitled to compensation if the mental disorder is:

- A reaction to one or more traumatic events arising out of and in the course of the worker's employment or
- Predominantly caused by a significant work-related stressor, including bullying or harassment, or a cumulative series of work-related stressors, arising out of and in the course of the worker's employment

In either case, to be compensable, the worker's mental disorder must be diagnosed as a mental or physical condition by a psychologist or psychiatrist, as described in the most recent American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders (DSM)*.

Mental disorders not covered by WorkSafeBC

Mental disorders caused by a decision made by the worker's employer, relating to the worker's employment, such as changing the work to be performed or the working conditions, assessing the worker's performance, disciplining the worker, or terminating the worker's employment, are *not* covered by WorkSafeBC.

This article is the opinion of WorkSafeBC and has not been peer reviewed by the BCMJ Editorial Board.

What physicians should do

If a patient/worker presents with a mental disorder, provide treatment and the appropriate referrals, as you would normally. Where medically appropriate, encourage early return to work.

If the worker attributes his or her mental disorder to one or more traumatic events that occurred at work, or to a significant stressor such as bullying or harassment in the workplace, send a Physician's Report (Form 8/11) with an appropriate diagnosis to WorkSafeBC.

It will help if you provide as detailed a report as possible, including a thoughtful diagnosis. Although the legislation now requires that a psychiatrist or psychologist provide a *DSM* diagnosis in order for the worker's claim to be accepted, detailed information from a physician helps WorkSafeBC adjudicate and manage the worker's claim. Once your report is received, WorkSafeBC will adjudicate the claim and refer the worker for any necessary assessments, including a psychiatric or psychological assessment, where appropriate.

If the mental disorder appears to be work related, please encourage your

patient to report the injury by contacting WorkSafeBC's Teleclaim Contact Centre at 1 888 WORKERS (1 888 967-5377).

New reporting requirements for psychiatrists and psychologists

Psychiatrists and psychologists who see a patient for a work-related mental disorder are required to file a report with WorkSafeBC within 3 days of the worker's initial visit. Fees associated with the report and initial visit are paid through WorkSafeBC, but coverage for further treatment is dependent on whether the claim is accepted.

Additional information on this reporting requirement is available at WorkSafeBC.com. Click on Customer Centre for Health Care Providers, and then Mental Health Services.

—Nancy McLachlan
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Compensation Quality
— Peter Rothfels, MD
Chief Medical Officer and
Director of Clinical Services,
WorkSafeBC

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For more information, visit www.worksafebcphysicians.com