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Did you know? As of July 15th 2019 there are some changes to WCB's "PRE-EXISTING CONDITIONS" policy (POL-61). Specifically, the policy has been revised to clarify:

- **what is meant by a "pre-existing condition"**
- **how medical information is evaluated**
- **how evidence is weighed**
- **conditions for ongoing entitlement**
- **duration of compensation**

The new policy was developed after consultation with stakeholders, and addresses potential issues and concerns that arose over the years. Below are some of the highlights of this important policy.

What is a "pre-existing condition"?

- A pre-existing condition is any condition inherent in the worker at the time of a work-related accident.
 - To be confirmed as pre-existing condition, there must be medical evidence that the condition pre-dates, or occurred prior to, a workplace injury.
 - The worker may not even have been aware of any pre-existing condition, yet it may still be present.

A couple of the key provisions of the revised policy include the following conditions, all of which must be met before a worker is entitled to compensation for a workplace injury that has been aggravated by a pre-existing condition:

- There must be evidence of an accident
- Objective medical evidence must support a finding of a separate and distinct new injury as a result of that accident
- There must be evidence the new injury was aggravated by a pre-existing condition
- The new injury must be work-related

However it is important to keep in mind that:

- The existence of a pre-existing condition does *not necessarily* mean that there is an aggravation to the workplace injury.
- Where the pre-existing condition has no impact on the workplace injury, there is no effect on entitlement to compensation.

With respect to duration of compensation where pre-existing injury is found, the revised policy maintains that a worker is entitled to compensation for the "full injurious result". This means compensation is payable to the worker for the full result of the injury.

Specifically, the "full result" of injury is defined under the new policy to include:

- the direct effects of the workplace injury; and
- the aggravation of the workplace injury by the pre-existing condition(s).

For employers, it is important to remember that WCB may provide treatment for a worker's pre-existing condition where it is necessary for the recovery of a compensable injury. But a worker is not entitled to benefits *solely* as a result of treatment for the pre-existing condition. This is a careful distinction to be borne in mind when dealing with such scenarios.

Finally, for employers there is a significant cost relief aspect to POL-61. Specifically, if a worker's loss of earning capacity or impairment is found to be due partly to a workplace accident, and due partly to other factors, then WCB must:

- determine what portion of the injury is a result of a cause other than the accident; and,
- charge that portion against the employer's rate group.

These are a few of the more important aspects of the revised "Pre-existing conditions" policy. Should you have any questions about the interpretation or application of this or other aspects of the revised policy, please do not hesitate to contact the Office of the Employer Advisor at 902-368-6132.