

Information for medical practitioners completing the WorkCover NSW certificate of capacity

The WorkCover certificate of capacity replaces the WorkCover medical certificate as the primary tool for the nominated treating doctor to communicate with all parties involved in the return to work process.

Remain at work or return to work to recover

The certificate of capacity is focused on what your patient can do rather than what they can't do.

Evidence shows staying at work or returning to work promotes recovery and leads to better health outcomes.

Effective communication and consultation

A key element in successful return to suitable employment is effective communication.

Employers are to consult with injured workers and their treating practitioners to provide support to assist the injured worker to stay at work. The employer is able to provide information about the injured worker's work duties, possible modifications to existing work duties to accommodate the worker's injury, and the availability of alternative work. Effective communication between you and the employer will help to better facilitate a timely, safe and durable return to employment.

Notes for completing the WorkCover certificate of capacity

A thoroughly completed certificate of capacity minimises the likelihood that an insurer will need to make contact with you to obtain additional information/clarification.

The nominated treating doctor or treating specialist medical practitioner is responsible for completing the certificate of capacity. A specialist medical practitioner is a medical practitioner recognised as a specialist by the Australian Medical Council and remunerated as such by Medicare.

The certificate of capacity is used to facilitate a tailored approach to injury management and return to work planning.

The worker is responsible for providing a completed certificate of capacity to the employer or the insurer to be eligible for weekly payments.

A certificate of capacity is one source of information taken into account by insurers as part of a work capacity assessment and decisions about a worker's work capacity.

The shaded areas need only be completed for the initial certificate.

Patient details

This section may be completed by your patient.

Patient consent

Your patient must sign this section of the form to enable all relevant parties to communicate about the worker's injury and workers compensation claim. This section has been developed to meet the requirements of the *Privacy and Personal Information (Protection) Act 1998* (PIPI Act) and related legislation. This section should only be completed for the initial certificate or the first certificate completed by a new nominated treating doctor/treating specialist. After signing the certificate of capacity, you should encourage the worker to give it to the employer without delay.

Medical certification

A clear medical diagnosis using acceptable medical terminology assists an insurer to make better decisions about a workers compensation claim.

If your diagnosis is unclear please indicate your provisional diagnosis pending further investigation on the certificate of capacity.

For psychological conditions, terms such as 'stress' are not helpful or acceptable under workers compensation legislation and may lead to delays in your patient's claim being accepted as the insurer will need to seek additional information (*Workers Compensation Act 1987* (WC Act), section 11(A)(7) and (8)).

Management plan

This may include diagnostic investigations, specialist referral or treatment service referrals recommended for the current period. The information you provide enables the insurer to know what services are required and what invoices to expect. Services that are not included in your management plan may not be paid for by the insurer. It is also important that you monitor and review the effectiveness of any treatment you arrange.

Consider the principles of reasonably necessary treatment when making recommendations for treatment. In determining whether treatment is 'reasonably necessary', the following five underlying principles must be considered:

- usage of treatment in similar cases (approach generally accepted by clinical peers)
- appropriateness of treatment
- availability of alternative treatments
- cost of treatment
- effectiveness (actual or potential) of treatment.

Capacity for employment

When certifying capacity for employment, please consider the health benefits of work. It is expected that you will commence discussing return to work with your patient from the first consultation.

The valuable information provided by you about the worker's capacity for employment will assist employers and insurers to identify suitable employment for your patient, aiming to help them to return to work to recover with appropriate support.

You will be certifying whether your patient has capacity for:

- all pre-injury duties
- selected pre-injury duties
- some other work that is not necessarily their pre-injury work, or
- no employment.

When certifying that your patient has capacity for some type of employment, you must complete the hours and days and also the 'capacity' section.

If certifying that your patient has no current capacity for employment, you must estimate the timeframe you expect they will have some work capacity.

You may tick the box for 'Do you recommend referral to a workplace rehabilitation provider'. The insurer may then arrange the referral to a workplace rehabilitation provider in consultation with the worker.

The WorkCover certificate of capacity should not exceed 28 days. You will need to provide clinical reasoning for exceeding the 28 day time period of certification. This may be entered into the 'comments' section below the review date on the certificate of capacity.

When completing the 'capacity' section, you should focus on what your patient can do as that will better help the employer, worker and insurer in their efforts to help return the worker to employment.

Treating medical practitioner details

This section must be completed and signed by the medical practitioner completing the certificate of capacity.

If the medical practitioner completing the certificate agrees to be the nominated treating doctor, they must tick the box agreeing to the role. Your agreement to be the nominated treating doctor means that you agree to communicate with all relevant parties to manage the injured worker's return to work.

Worker declaration

This section has been developed to meet the requirements of the WC Act. The injured worker is required to complete this declaration and send it to their employer or the insurer with the WorkCover certificate of capacity.

This section does not involve you as the medical practitioner and does not need to be completed during your consultation. The worker declaration does not need to be completed by exempt workers – police officers, paramedics, firefighters, coal miners and workers who make dust diseases claims.

Other considerations when completing the WorkCover certificate of capacity

In accordance with the Medical Council of New South Wales, medical certificates policy, a WorkCover certificate of capacity may be issued subsequent to a patient being away from work. However, the certificate should:

- state the date the certificate was issued
- cover the period during which the doctor believes the patient would have been unfit for work – eg the worker was treated in accident and emergency and is now visiting their nominated treating doctor at their earliest convenience.

Signing a false certificate may result in the doctor facing a charge of fraud. Furthermore, the issuing of a deliberately false, inaccurate or misleading certificate may lead to a complaint of unsatisfactory professional conduct under the *Medical Practice Act* (MP Act).

The Medical Council of New South Wales, medical certificate policy is available at: mcnsw.org.au/page/68/resources/policies/medical-certificates-policy/.

Further information

Please refer to WorkCover's *Medical practitioner's guide to injury management in NSW workers compensation* (catalogue no. WC01301).

Disclaimer

This publication may contain work health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website (www.legislation.nsw.gov.au).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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