

Exercise, weight loss and gym

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Introduction

Exercise as medical treatment includes activities such as gymnasium or swimming pool memberships, personal training, exercise equipment and exercise classes such as hydrotherapy, yoga or pilates. Requests may also include clothing and footwear used to perform exercise.

Liability for exercise as medical treatment and related expenses is provided under section 16 of the SRC Act. For further guidance on making a decision on medical treatment liability refer to [Determining liability for medical treatment](#).

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How can an employee claim for exercise as medical treatment?

Exercise as medical treatment can usually be provided by a legally qualified medical practitioner (LQMP), physiotherapist, chiropractor, exercise physiologist or osteopath prescribing exercises for the employee to perform independently at home or outdoors without supervision. This can occur during a standard consultation without Comcare being notified.

If an employee's clinical needs require additional assistance to complete their exercise, they can claim compensation for expenses related to the exercise. Additional support may include access to gymnasiums/pools, attendance at classes, assistance from personal trainers or equipment to allow them to complete the prescribed exercise.

Expenses for exercise as medical treatment are claimed by submitting a [Claim for Exercise as Medical Treatment](#) form. Part 1 of this form should be completed by the LQMP recommending exercise as medical treatment. Part 2 should be completed by the treating practitioner or exercise professional who will prescribe specific exercises to meet the employee's clinical needs.

Comcare can pay for consultations if a 'Claim for Exercise as Medical Treatment' form is completed before determining liability for the exercises prescribed and related expenses.

If a claim for exercise and related expenses is received without a completed [Claim for Exercise as Medical Treatment](#) form, you should request that the employee:

- have a LQMP, physiotherapist, osteopath or chiropractor prescribe appropriate exercises that can be performed independently, or if further support is required
- submit a completed *Claim for Exercise as Medical Treatment* form to provide adequate information for Comcare to determine liability for the required exercise and related expenses.

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Assessing whether exercise and related expenses are reasonable medical treatment

Comcare can accept liability for exercise and related expenses that are:

- therapeutic medical treatment undertaken for the purpose of alleviating an injury
- obtained in relation to a compensable condition
- obtained at the direction of a legally qualified medical practitioner (LQMP) or under the supervision of a registered physiotherapist, osteopath or chiropractor
- reasonable for the employee to obtain in the circumstances, and
- appropriate in cost.

Support for exercise for the benefit of an employee's general health and fitness is not medical treatment under the SRC Act and is not compensable.

When considering requests for exercise as medical treatment, Comcare's preference is to facilitate the employee's return to work, their normal level of social function and community integration. Support of this goal should be considered when assessing requests for exercise as medical treatment.

Example: Supporting an employee to complete a prescribed exercise program at a gymnasium, or as a member of a class, may better meet this need compared with funding the provision of exercise equipment that allows the employee to complete the same exercises at home.

As with all claims for treatment, you will need to determine if the exercise and related expenses claimed are reasonable. Such expenses may be considered reasonable medical treatment if:

- the exercise is medical treatment based on the best available evidence in accordance with the definition of medical treatment in the SRC Act
- it is focused on meeting specific clinical needs and activity/functional related goals such as improved work capacity or ability to undertake activities of daily living
- support for the employee to exercise will end once the goals are achieved or the employee will be empowered to manage their injury independently, and
- the effectiveness of the exercise will be demonstrated using objective functional outcome measures.

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Equipment for exercise

Comcare can pay for the cost of basic exercise equipment to empower employees to manage their injuries independently. Equipment for exercise needs to be recommended by a legally qualified medical practitioner (LQMP), the managing treatment practitioner or the exercise professional. Examples of such equipment are an exercise mat or foam roller. This is provided under section 16 of the SRC Act.

If more expensive exercise equipment like an exercise bike is requested, consideration should be given to whether the equipment is necessary and a reasonable way of meeting the employee's clinical needs in the circumstances. Hiring equipment can also be considered.

If an employee prefers exercise equipment with additional features to those required to perform the recommended exercise, they can pay the difference between the cost of adequate equipment and the equipment they would prefer at their own expense.

For exercise equipment that costs over \$2000, employees should be asked to provide three quotes. For less expensive exercise equipment, if you are not satisfied that the quoted price is appropriate, ask the employee to provide three quotes or research the appropriate cost independently.

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Supervised exercise sessions

Exercise sessions supervised by an exercise physiologist, personal trainer or other exercise professional, either at home or at a facility, may be reasonable if they are to teach an employee how to exercise safely, to review an employee's progress or to transition an employee to independent exercise.

Supervised exercise sessions are generally not reasonable if the supervision is solely for the purpose of motivating an employee to exercise. You should discuss all requests for supervised exercise sessions with your Injury Manager.

For a non-complex injury, no more than six supervised exercise sessions would usually be needed to achieve treatment goals or transition an employee to independent exercise.

If more than six supervised sessions have been recommended, you should consider whether the number of sessions recommended is reasonable based on whether the sessions are necessary for the employee to perform the prescribed exercises and achieve the treatment goals.

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Gymnasium and swimming pool memberships

Comcare can pay joining fees for gymnasiums and swimming pools under section 16 of the SRC Act, where an employee needs to attend a gymnasium or swimming pool to complete exercise as medical treatment.

Requests for such memberships may be reasonable if an employee's treatment goals cannot be achieved safely through independent exercise or without expensive equipment. You should also consider the benefits of promoting social functioning and community integration.

Comcare should only pay for the level of gymnasium or swimming pool membership that is needed to perform the required exercises. If an employee would like to access additional services that a gymnasium or swimming pool facility offers, they can access the additional services at their own expense.

Generally, Comcare should only approve memberships of up to three months, as this is adequate to achieve most treatment goals. If a longer membership is recommended, you should consider whether it is a necessary and reasonable way for the employee to perform the prescribed exercises and achieve their treatment goals.

If you are not satisfied that a quote for a membership is the appropriate cost, you should ask the employee to provide three quotes or research the appropriate cost yourself.

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Exercise for treatment of psychological conditions

Requests for exercise as treatment for psychological conditions should be considered on a case-by-case basis and be discussed with your Injury Manager and Assistant Director. There is increasing evidence to support exercise as treatment for psychological conditions, however the evidence varies according to the specific psychological condition. For a request to be approved as treatment under section 16 of the SRC Act, evidence needs to be provided that the exercise is specifically for management of an employee's psychological condition, and, that there is evidence that the requested exercise is an accepted treatment for that condition.

If the request is for general conditioning, strengthening or socialisation it would not be considered as treatment and covered by section 16 of the SRC Act. Alternatively, such a request may be considered as preparation for return to work and may therefore be covered under section 37 of the SRC Act.

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Management of weight loss

Requests for exercise as treatment for weight loss should be considered on a case-by-case basis. For a request to be approved under section 16 of the SRC Act, the need for the employee's weight loss must relate to their compensable condition. This relationship between the compensable condition and the need to lose weight needs to be demonstrated. Typically, the weight gain (leading to the need for weight loss) will be a secondary consequence of the compensable condition. Reasons that treatment for weight gain/obesity may be compensable include:

- side effects of medication
- limitations on activity caused by a compensable condition
- psychological factors such as stress and depression
- weight loss being required to facilitate more effective treatment and return to work and health outcomes.

You may determine that Comcare is liable for an employee being overweight if the following criteria are met:

- the employee has gained weight as a direct result of a compensable condition or medical treatment for a compensable condition, and
- the weight gain is having an identifiable and harmful impact on the employee's health, and
- the employee is unable to manage their weight independently through a healthy diet and lifestyle due to their compensable condition.

Evidence to support the degree and cause of weight gain, and its impact on the employee's health and their inability to self-manage, should be provided to support claims for treatment related to this issue. In the case of pharmacological treatment for a compensable condition causing weight gain, this should include that marked weight increase is a recognised side effect of the medication being taken.

If Comcare has accepted that it is liable for an employee being overweight or obese, you may subsequently determine whether Comcare is liable for weight loss treatment. Comcare should generally only accept liability for weight loss treatment that will target a cause of weight gain or obesity related to a compensable condition or its treatment.

If weight loss treatment does not address the reason an employee is unable to manage their weight independently due to a compensable condition (or its treatment), the intervention may not be effective or reasonable for the employee to obtain. Requests for exercise as medical treatment for the general health benefits of weight loss would not be considered as treatment under Section 16 of the SRC Act.

You may receive requests for weight loss treatment for the purpose of improving post-surgical outcomes, reducing the risk of surgery being undertaken for a compensable condition or to assist in the recovery of an injury typically of a weight bearing joint or the spine. These requests can be more complex when the employee was overweight prior to their injury, but reduction in their post-injury weight will demonstrably improve treatment and return to work outcomes. In such cases, you

will need to consider the specific circumstances of the claim, such as, has the employee gained weight since the injury for reasons related to it, is the proposed weight loss treatment part of an overall treatment program and what are the expected outcomes in relation to function and return to work.

Comcare will not accept liability for food including diet programs such as Light and Easy, dietary supplements or meal replacements because food is an ordinary expense and is not medical treatment under the SRC Act. Exceptions may apply where dietary supplements or meal replacements are medically necessary to treat or alleviate the compensable condition and there is clear clinical support from both an LQMP *and approval from* the clinical panel.

Example: An employee undergoes compensable stomach surgery. The surgeon advises that dietary supplements and meal replacements are required as part of post-surgery medical treatment. The clinical panel agrees with the surgeon and approves the supplements and meal replacements as medically necessary for a specified period of time.

The claims manager should assess the packaged foods as meeting the definition of 'medicine' under section 4(1) (h) of the SRC Act.

In general, bariatric surgery (weight loss surgery) should only be considered when all other types of interventions to induce weight loss have failed. All requests for bariatric surgery should be forwarded to the Clinical Panel for review.

Injury Managers will be able to assist in making the appropriate determination for treatment to manage weight loss.

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Exercise clothing

Clothing

There is no provision under the SRC Act that provides compensation for clothing or the replacement of clothing. Clothing is considered an ordinary item required by all persons, whether they have suffered an 'injury' or 'impairment' and requires replacement due to wear and tear or bodily changes (however this occurred).

Shoes

Claims for shoes must be assessed on the individual merits of the case and the medical evidence provided. There must be consideration regarding whether the claimed shoes fall within the definition of medical treatment (section 4(1)) in order for compensation to be payable under section 16 of the SRC Act.

It is only when the type/brand of shoe (usually coupled with orthotics) is recommended to improve the efficacy of medical treatment (i.e. orthotics) that

compensation for the shoes should be considered. A recommendation of a specific type/brand of shoe does not mean it is compensable under the SRC Act.

There may be cases where shoes, such as ordinary runners, may meet the definition of medical treatment when recommended in combination with prescribed orthotic inserts. You will need to consider (and possibly seek further information from the treating practitioner) about whether a specific type of ordinary shoe is required, or whether any shoe will suffice.

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Payment for reports

Comcare will not pay for reports related to exercise that it has not requested, because these unsolicited reports are not medical treatment under the SRC Act. For further guidance refer to [*Obtaining medical report or clinical notes*](#).

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