

Rehabilitation assessments

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Introduction

A rehabilitation assessment (section 36) is arranged by the rehabilitation authority (in most cases the employer) to assess an employee's capacity to undertake a rehabilitation program. This assessment may be initiated by the rehabilitation authority or requested in writing by the employee. A rehabilitation assessment may involve an examination.

Once a claim for compensation has been lodged, Comcare can pay for section 36 costs incurred from the date of injury. Even if liability is subsequently denied, these costs will be reimbursed up to the date that the rehabilitation authority is notified of the determination to disallow the claim.

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When should a rehabilitation assessment be arranged?

The reasons for initiating a rehabilitation assessment will vary depending on the individual claim, however the triggers could include:

- any absence from work indicating a severe injury, especially where the absence is expected to be ten days or more
- the nature or circumstances of the injury indicates a potentially complex case, e.g., psychological, occupational overuse or musculoskeletal tissue injury

- progress of the claim is not as expected, whether undetermined or determined
- the medical evidence or prognosis suggests there is a possibility of re injury at work
- the employee has had a previous injury, or
- some aspect of the work environment is potentially contributing to the injury.

When a rehabilitation authority determines that a rehabilitation assessment is required, the rehabilitation authority must inform the employee in line with the requirements of the SRC Act and the [Guide for Arranging Rehabilitation Assessments and Requiring Examinations \(the Guide\)](#).

For information on combining a section 36 assessments with a section 57 assessment, refer to the [Independent medical examinations](#) page.

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Who can conduct a rehabilitation assessment?

A rehabilitation assessment must be performed by one of the following:

- a legally qualified medical practitioner (LQMP) nominated by the rehabilitation authority, such as an occupational physician, psychiatrist, or other medical specialist
- a suitably qualified person (other than a medical practitioner) nominated by the rehabilitation authority. Usually this is an allied health professional or a workplace rehabilitation provider (WRP), or
- a panel comprising legally qualified medical practitioners or other suitably qualified persons (or both), as nominated by the rehabilitation authority.

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What does a rehabilitation assessment cover?

The rehabilitation assessment may include an examination of the employee, and the assessment should take into account the:

- medical diagnosis and prognosis
- current capacity for work and daily activities
- pre-injury duties
- availability of suitable duties
- opportunity for reasonable adjustments in the workplace
- consideration of any workplace issues
- identified or potential barriers to the return to work process, including biopsychosocial barriers, and strategies to address these factors
- recommended services aimed to facilitate maintaining the injured employee at or returning them to work.

Note: Comcare does not endorse the use a s36 report as the sole evidence in determining an entitlement and it can only be used as secondary or supporting evidence. This is because it was not obtained for the purposes of addressing the issues such as the requirement for treatment, or whether a condition is work related. A s36 report may be useful in situations where the report conflicts with a treating legally qualified medical practitioner's (LQMP's) opinion. In cases such as these, further medical evidence should be sought.

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Rehabilitation assessments performed by a Workplace Rehabilitation Provider

A workplace rehabilitation provider should be approved to operate within the Comcare scheme, and must follow the performance and compliance expectations under the SRC Act.

A rehabilitation assessment and subsequent report may include:

- interview with the employee
- a workplace visit, and meeting with the supervisor to plan for the employee's return to work
- an analysis of the employee's pre-injury duties
- confirmation of the medical diagnosis, prognosis and current work capacity as noted by the treating medical practitioner

- liaison with the treating medical practitioner and other treating practitioners to determine appropriate rehabilitation goals, expected timeframes for recovery, and to ensure that treatment options are evidence based and support return to work
- identification of suitable alternative duties, or other rehabilitation options, if the employee will not be able to return to pre-injury duties in the short or longer term
- other specific and appropriate assessments such as functional capacity, ergonomic assessment, work tolerance, transferable skills analysis, vocational assessment or home assessment
- identification of any potential barriers to return to work, and actions and strategies to manage these—the flags model framework can be used to identify barriers
- an assessment of the employee’s capability of undertaking a rehabilitation program
- documentation of the rehabilitation assessment and examination findings with a written report containing recommendations about a rehabilitation program.

The rehabilitation assessment report should be provided to the rehabilitation authority as soon as practicable after the assessment has been completed. The rehabilitation authority should provide a copy of the report to Comcare.

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Employee not undergoing or obstructing an examination

The SRC Act states that if an employee refuses or fails, without a reasonable excuse, to undergo a rehabilitation examination, the employee's rights to compensation may be suspended.

Refer to the [Suspending claims](#) for further information.

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Payment of a rehabilitation assessment

Comcare is responsible for payment of costs associated with a rehabilitation assessment. The costs are determined by the rehabilitation authority and paid by Comcare under s36 of the SRC Act.

You should request a copy of the rehabilitation assessment determination and the report and add these to the claim file to assist in paying these costs.

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Fees for non-attendance at a rehabilitation assessment

Comcare is responsible for the costs of a rehabilitation assessment. In the event that an employee fails to attend an assessment, Comcare is liable to cover reasonable costs associated with the non-attendance.

In circumstances where Comcare is issued a non-attendance fee, the rehabilitation authority may negotiate with the provider for the fee to be waived or reduced.

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Travel costs associated with rehabilitation assessments

Under the SRC Act an employee can receive reimbursement of expenses reasonably incurred when travelling for a rehabilitation assessment. When deciding if travel is payable you will need to have regard to:

- *the means of transport available to the employee for the journey*
- *the route or routes by which the employee could have travelled, and*
- *the accommodation available to the employee.*
- *Other expenses may include:*
 - *accommodation*
 - *parking fees (but not fines), and*
 - *meals.*

These costs are determined and paid by Comcare under section 36(5) of the SRC Act.

These costs are entered into Pracsys under the service item 90 code.

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Support for rehabilitation assessments

If you need any assistance with a rehabilitation assessment report, contact the Injury Management team or Return to Work Support team.

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