

Redesigned Non-Economic Loss (NEL) Program Questions and Answers for Workers

1. What is the new process for Non-Economic Loss (NEL) evaluation?

The NEL process of arranging external medical assessments for the purpose of determining the level of permanent impairment in the majority of claim files was no longer meeting business or customer needs. This necessitated a review of alternative methods to rate permanent impairments and conduct external medical assessments.

The first step in the new NEL process involves the NEL Clinical Specialist (NCS) reviewing the medical information on the claim file. If the medical information on file is comprehensive and a rating can be completed, the NCS will proceed with the rating and advise the worker of the decision. This process will allow for significant improvements regarding the timing of NEL decision-making that will be beneficial to all workplace parties.

If the NCS cannot complete the rating based on the medical information on file, the worker will be referred for an external NEL medical assessment to be conducted by a roster physician located either at a Regional Evaluation Centre (REC) or a medical office.

Utilizing the REC is a new process whereby the majority of physicians trained in conducting NEL assessments will do so from RECs throughout the province. The benefits of medical assessments through a REC include earlier appointment dates and responsive submission of required medical reports to the WSIB, as well as more timely completion of the NEL permanent impairment rating.

There may still be a need for some NEL Roster Physicians in the future to conduct the medical assessments outside of the REC, depending on the geographic needs of our clients that cannot otherwise be met by a REC.

2. How will workers know about the redesigned NEL process?

Workers will be sent a letter informing them that their NEL benefit will be determined based on the medical information currently in their claim file. The letter will also inform them that if this is not possible, they will be sent for an external medical assessment at a REC or a NEL Roster Physician's office.

3. If it is determined that the worker requires an external NEL assessment, who will be booking the assessment appointment and communicating with the worker?

If the NEL rating cannot be completed from the information on file, and the worker is being sent to a REC, the NEL Department will inform the worker (in writing) that they will be contacted by the REC directly for an assessment.

The REC will contact the worker (in writing) and will provide a list of NEL Roster Physicians from which to choose. Once the worker has made his/her choice, they will be instructed to contact the REC to advise them of their selection and the appointment will be booked.

The REC will be fully informed by the WSIB regarding booking practices, and will be responsible for ensuring that the processes are followed correctly.

If the worker is being sent to a NEL Roster Physician in their medical office they will be contacted in writing by the NEL Process Clerk handling their file. The same process used for the REC will apply, but the appointment bookings will be managed directly by the NEL Department.

4. What if the worker needs an interpreter?

If the worker is attending a REC for their NEL assessment, the REC will be responsible for booking an interpreter for them. If the worker is seeing a NEL Roster Physician in their medical office for the NEL assessment, the worker is to contact their NEL Process Clerk.

5. How will the WSIB ensure the quality of the assessments being provided?

The WSIB contract with the RECs includes quality measures such as reviewing physician credentials, education and training. In addition, the assessment reports will be reviewed for quality prior to leaving the REC. If the NCS is unable to use the report, or has concerns about the information it contains, the NCS will contact the REC to discuss the report and obtain any clarification required.

Current NEL Roster Physicians are trained in conducting NEL assessments. They will be responsible for maintaining the same quality measures that are being implemented under the new process involving the RECs.

6. Can a worker insist on an external assessment?

No. Section 47 (3) of the *Workplace Safety and Insurance Act* (WSIA) states that “the Board may require a worker to undergo an assessment after he/she reaches maximum medical recovery”.

The NCS will determine the need for an assessment based on the quality of the medical information on file.

7. Will the appeals process be impacted?

No. If a worker objects to the benefit quantum, the same process for appeals applies regardless of whether a NEL medical assessment was conducted or not.

8. Who does the worker contact if they have any questions or concerns?

The worker may contact either the NEL Clerk or NCS assigned to their file at any time during the NEL process.