

Medical Information Requested By the Tribunal

1.0 This Practice Direction:

- outlines the process for obtaining medical information requested by the Tribunal before the hearing (pre-hearing)
- outlines the process for obtaining medical information requested by the Tribunal after the hearing (post-hearing)

2.0 Pre-Hearing Medical Information: Parties to Obtain

- 2.1** Before the hearing, Tribunal staff may determine that relevant medical information is missing from a worker's case materials. Examples of existing medical information include copies of the worker's hospital records, a doctor's clinical notes, or a physiotherapist's summary of treatment. As long as the worker follows the proper steps, the Tribunal will pay for the information it asks the worker to get.
- 2.2** Tribunal staff will write to the worker and request that the worker get the missing medical information. The Tribunal's letter will describe the information the worker needs to get, and how to get it. Details about ordering the information are contained in the *Guideline for Obtaining Medical Records*. The *Guidelines*, along with consent forms, medical releases, and invoice forms setting out the amount the Tribunal will pay for the information, will be enclosed with the Tribunal's letter to the worker.
- 2.3** The worker must follow the instructions in the *Guidelines* when he or she gets the medical information requested by the Tribunal. If the worker does not follow the instructions in the *Guidelines*, the worker may be responsible to pay the cost of the medical information obtained.
- 2.4** The appeal may be delayed until the missing information is received by the Tribunal. The appeal may be made inactive if there is a long delay without the Tribunal receiving the information (see *Inactive Practice Direction*). If a party objects to the Tribunal's request to provide additional medical information they must notify the Tribunal in writing of the reason for their objection. The Tribunal will consider the objection and if necessary the written objection will be placed before a Vice-Chair for a preliminary ruling.

3.0 Post-Hearing Medical Information: Tribunal may Obtain

3.1 After a hearing the Tribunal Vice-Chair or Panel may decide that more medical information is needed before a decision can be made (see *Practice Direction: Post Hearing Procedure*). If more information is required, the Tribunal will write to the worker to ask him or her to complete and sign consent forms. After the worker returns the signed consent forms to the Tribunal, the Tribunal will write to the doctor, hospital or other institution to get the medical information. The Tribunal pays for the information it requests at pre-set rates.

4.0 Medical Assessor

4.1 A Tribunal Vice-Chair or Panel may request a medical expert, known as an “Assessor”, to give an opinion about the medical issues in an appeal. If a Vice Chair or Panel makes such a request, a copy of the relevant file information is sent to the Assessor, along with specific questions from the Vice-Chair or Panel. The Assessor’s opinion is usually provided in a written report, which is shared with the parties. The process for obtaining a report from an assessor is described in the *Practice Direction on Post-Hearing Procedure*.

5.0 The Medical Liaison Office

5.1 The Medical Liaison Office is part of the Tribunal Counsel Office. Staff members of the Medical Liaison Office act as a liaison between the Tribunal and Assessors from whom the Tribunal seeks information.

5.2 The Tribunal Counsel Office shares letters from the Medical Liaison Office with the parties, and they form part of the case materials. The Medical Liaison Office does not provide advice to parties, and all contact with the Medical Liaison Office is through Tribunal Counsel Office staff.

Dated at Toronto, Ontario this first day of October 2007
Workplace Safety and Insurance Appeals Tribunal
I.J. Strachan, Tribunal Chair