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Submission to  
NSW WorkCover  
on regulation of service providers  
in the NSW workers compensation systems

April 2011



The Association of Massage Therapists Ltd  
PO Box 792 Newtown NSW 2042  
T: 02 9517 9925  
F: 02 9517 9952  
massage@amt.org.au  
www.amt.org.au



AMT is a national, not-for-profit association representing qualified Massage Therapists and Massage Therapy Students. Established in 1966, we are the oldest association in Australia to represent massage therapy in its own right. We advocate vigorously on behalf of our members to advance the profile and standing of massage therapists, and promote the health benefits of massage therapy.

AMT is deeply committed to the safe and ethical practice of massage therapy in Australia.

**Vision:**

Our vision is to establish massage therapy as an allied health profession in Australia.

**Mission:**

Our mission is to:

- support our members
- professionalise the industry
- educate and inform the public and other health professionals.

**AMT Values:**

- **Best practice:** we support our members to deliver evidence based, skilled, ethical and professional treatment
- **Participation:** we encourage our members to connect with and contribute to their professional community
- **Innovation:** we have set the agenda for industry advocacy since 1966
- **Governance:** we operate to the highest standards of transparency and accountability
- **Client focus:** we place quality and safety at the centre of all we do.



## RESPONSE TO PROPOSALS

### Proposal 1: Power to approve service providers

NSW WorkCover instituted formal approval criteria for remedial massage therapists on 1 July 2003. AMT was an active participant in the consultations that led to the establishment of a formal approval process and supported the resulting framework for the recognition of remedial massage therapists within the NSW Workers' Compensation system.

It is not clear from the discussion paper how the proposed regulatory change will differ from the established provider approval process for remedial massage therapists, other than giving NSW WorkCover the power to revoke provider status from recognised providers.

AMT does not support this proposal if it gives NSW WorkCover the power to override or interfere with the medical advice of specialists and primary care physicians who have referred to a specific remedial massage therapist.

AMT is also concerned that the proposal will limit the capacity of injured workers to choose their own service provider, especially where there may be an established and trusted pattern of care that predates the workplace injury.

AMT needs more detail of the proposed regulatory mechanism to assess its ramifications on the provision of remedial massage therapy services. However, AMT unequivocally supports restricting or eliminating the provision of services by providers who are not fit and proper persons to provide those services.

### Proposal 2: Powers to decline specific types of services

AMT would support this proposal if the established criteria to meet the test of "reasonably necessary" are clear and transparent. Additionally, assessors would need to have expert knowledge to effectively evaluate treatment plans against the criteria - ensuring that assessors are appropriately qualified is crucial to this proposal.

AMT members who work within the NSW Workers' Compensation system have expressed concerns regarding the capacity of WorkCover assessors to interpret and evaluate the information provided in treatment plans.

AMT would only support this proposal if NSW WorkCover undertakes to ensure that assessors have the necessary knowledge, skill and expertise to apply the "reasonably necessary" test and evaluate treatment plans against that test.

### Proposal 3: Payment of fees for services

AMT does not support this proposal.

NSW WorkCover's current fee schedule for provision of remedial massage services is grievously out of step with market rates. This has resulted in an exodus of experienced therapists from the NSW Workers' Compensation system over the past 8 years. Many qualified and experienced therapists perceive that their skills, knowledge and experience are undervalued within the system so they choose to opt out, thereby diluting the potential pool of appropriately skilled remedial massage therapists providing services to injured workers. The extra administrative burden associated with treating Workers' Compensation clients also makes private work more attractive and lucrative for successful, established therapists.

AMT members have complained of significant delays in payment of outstanding invoices. This means that therapists who are working within the compensation system are effectively subsidising WorkCover's administrative inefficiencies in their businesses. This puts a particularly heavy burden on employers of providers, who may be paying wages on work they are yet to be reimbursed for. Viewed in this context, it is not surprising that individual therapists are attempting to recover costs directly from their clients rather than through the established mechanisms.

AMT would probably support this proposal if the fee for service was set at a competitive market rate and providers were given adequate compensation for late payment of invoices. This would help to address the issue of individual providers seeking "gap" payments directly from the client. However, AMT requires significantly more detail on the proposed change to adequately assess its potential impact.

**Proposal 4:  
Establish WorkCover  
consultative mechanisms**

AMT supports this proposal if the committee established to monitor and assess remedial massage therapists is made up of experts within the field. To date, experts from outside the field - traditionally physiotherapists - have filled this role. This arrangement is not adequate and certainly does not provide the necessary assurances that appropriate remedial massage services are being provided to injured workers.

AMT also supports the potential for a consultative committee to provide peer support and training to providers, presuming again that the committee is made up of remedial massage therapists. To our knowledge, the outcomes training that massage therapists undertake to become WorkCover providers is currently being taught by a chiropractor. AMT would like to see this situation addressed and believes that a consultative committee made up of remedial massage therapists could help to address this sort of inconsistency.

However, AMT does not support any proposed system that would introduce another level of bureaucracy and result in delays in treatment.

**Proposal 5:  
Establish panels of  
service providers for specific  
service types**

AMT does not support this proposal, as it may interfere with specialist or primary care referrals and will also limit the capacity of the injured worker to select their own service provider.

**Alternative Model:  
Adopt the Medicare model**

AMT does not support the adoption of the Medicare model to administer Workers' Compensation claims as it is likely to overly circumscribe the kind of treatments and services available within the system, thereby compromising the outcomes for injured workers.

