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Minor Injury Guideline

Superintendent's Guideline No. 02/11

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Minor Injury Guideline

1. Introduction

This Guideline replaces the Minor Injury Guideline – Superintendent’s Guideline No. 02/10 issued in June 2010, and is issued pursuant to s. 268.3 of the *Insurance Act* for the purposes of the *Statutory Accident Benefits Schedule - Effective September 1, 2010* (SABS).

This Guideline applies to documents specified in this Guideline that are delivered on or after **November 1, 2011**, regardless of the date of the accident to which they relate.

As required by section 268.3 (2) of the *Insurance Act*, this Guideline shall be considered in any determination involving the interpretation of the SABS.

For the purposes of this Guideline, the terms “injury” and “injuries” have the same meaning as “impairment” and “impairments” respectively as used in the SABS, and “regulated health professional” and “health practitioner” have the same meanings as in the SABS.

This Guideline is effective for any Treatment Confirmation Form (OCF-23) submitted on behalf of an insured person, or when the insurer has waived the requirement for an OCF-23, in respect of an accident that occurred on or after September 1, 2010.

The Pre-approved Framework Guideline for Grade I and II Whiplash Disorders (Superintendent’s Guideline No. 02/09) remains in effect for Treatment Confirmation Form (OCF-23) forms that are submitted on behalf of an insured person, or when an insurer has waived the requirement for a Treatment Confirmation Form (OCF-23) form, in respect of an accident that occurred before September 1, 2010.

The objectives of this Guideline are to:

- a) Speed access to rehabilitation for persons who sustain minor injuries in auto accidents;
- b) Improve utilization of health care resources;
- c) Provide certainty around cost and payment for insurers and regulated health professionals; and
- d) Be more inclusive in providing immediate access to treatment without insurer approval for those persons with minor injuries as defined in the SABS and set out in Part 2 of this Guideline.

Consistent with these objectives, this Guideline sets out the goods and services that will be paid for by the insurer without insurer approval if provided to an insured person who has sustained a minor injury.

This Guideline is focused on the application of a **functional restoration approach**, in addition to the provision of interventions to reduce or manage pain or disability.

The SABS and this Guideline are intended to encourage and promote the broadest use of this Guideline, recognizing that most persons injured in car accidents in Ontario sustain minor injuries for which the goods and services provided under this Guideline are appropriate.

Usage of the Guideline by all stakeholders will be monitored on an ongoing basis, with a view to early identification and response to inappropriate application or interpretation of the SABS and the Guideline.

2. Definitions

This Guideline is focused on the application of a functional restoration approach in the management of minor injuries in the acute and sub-acute phases of the injury.

For the purposes of this Guideline:

- a) **minor injury** means a sprain, strain, whiplash associated disorder, contusion, abrasion, laceration or subluxation and any clinically associated sequelae. This term is to be interpreted to apply where a person sustains any one or more of these injuries.
- b) **sprain** means an injury to one or more tendons or ligaments or to one or more of each, including a partial but not a complete tear.
- c) **strain** means an injury to one or more muscles, including a partial but not a complete tear.
- d) **subluxation** means a partial but not a complete dislocation of a joint.
- e) **whiplash injury** means an injury that occurs to a person's neck following a sudden acceleration-deceleration force.
- f) **whiplash associated disorder** means a whiplash injury that:
 - (i) does not exhibit objective, demonstrable, definable and clinically relevant neurological signs, and
 - (ii) does not exhibit a fracture in or dislocation of the spine.
- g) **Functional restoration** refers to an approach in which the health practitioner is oriented toward function and to the delivery of interventions that help the insured person to reduce or manage his/her pain and associated psycho-social symptoms. Interventions are focused on what the insured person needs to do in order to function at his/her pre-accident level in his/her home and work environment. The insured person is assessed to determine the level of current functioning relative to these critical demands and any functional limitations that have arisen as a result of the injury. The interventions delivered by the health practitioner or by regulated health professionals coordinated or supervised by the health practitioner are then designed to address these areas of limitation such that the individual will be able to maintain and/or resume normal activities at home and at work.

- h) **Recommended interventions** refers to interventions that are ideally provided each time the insured person attends the health practitioner's clinic.
- i) **Discretionary interventions** refers to interventions that are provided at the discretion of the health practitioner based upon the specific needs of the insured person. These interventions **should not be interpreted** to be less important in the treatment of the insured person.

3. Impairments that come within this Guideline

Subject to the exception in Section 4 below, an insured person's impairment comes within this Guideline if the impairment is predominantly a minor injury.

4. Impairments that do not come within this Guideline

An insured person's impairment does not come within this Guideline if the insured person's impairment is predominantly a minor injury but, based on compelling evidence provided by his or her health practitioner, the insured person has a pre-existing medical condition that will prevent the insured person from achieving maximal recovery from the minor injury if he or she is subject to the \$3,500 limit referred to in section 18(1) of the SABS or is limited to the goods and services authorized under this Guideline.

Compelling evidence should be provided using the Treatment and Assessment Plan (OCF-18) with attached medical documentation, if any, prepared by a health practitioner.

The existence of any pre-existing condition will not automatically exclude a person's impairment from this Guideline. It is intended and expected that the vast majority of pre-existing conditions will not do so.

Only in extremely limited instances where compelling evidence provided by a health practitioner satisfactorily demonstrates that a pre-existing condition will prevent a person from achieving maximal recovery from the minor injury for the reasons described above is the person's impairment to be determined not to come within this Guideline. Exclusion of a person from this Guideline based on reasons or evidence falling short of this requirement is inconsistent with the intent of the SABS and this Guideline.

5. Providers able to deliver services within this Guideline

Providers who are able to deliver services within this Guideline are any health practitioners, as defined by the SABS, who are authorized by law to treat the injury and who have the ability to deliver the interventions referred to in this Guideline. The health practitioner may also co-ordinate or directly supervise the provision of services to the insured person by other appropriate health care providers.

6. Changing health practitioners within this Guideline

Where an insured person under this Guideline decides to change health practitioners while treatment services are being provided under a Block, the new health practitioner will inform the insurer, who will advise the new health practitioner as to what services have already been provided under the Guideline. The new health practitioner will then resume delivery of Guideline services.

The previous health practitioner may bill only 25% of the amount otherwise payable for a Block for each week or part week in which the previous health practitioner provided treatment under the Block (e.g., a health care practitioner who provided 2 weeks of treatment would bill 50% of the total amount otherwise payable for the specified Block). This information must be detailed in the "Other Information" section of the OCF-21. Payment to the new health practitioner will be limited to the balance of the remaining services under this Guideline.

7. The initial visit

a) Timing of the initial visit

The initial visit will ideally occur as soon as possible following the date of accident and health practitioners are encouraged to commence intervention during the initial visit.

b) Components of the initial visit

i. Assessment

In assessing the insured person, the health practitioner will be responsible for:

- Undertaking a history, including, but not limited to: demographics; prior injuries; current injury.
- Completing a physical examination, including, but not limited to: range of motion determination; neurological examination; assessment of associated injuries.
- Reviewing and documenting functional status and psychosocial risk factors associated with the injury including, but not limited to: changes in functional status; psycho-social issues; other risk factors or barriers to recovery. It is understood that the review and documentation of functional status and psycho-social risk factors is within the scope of practice of the health practitioner and does not involve a formal psychological assessment. While it is recommended that the health practitioner employ standardized tools and instruments in the review of functional status and psychosocial risk factors, the specific tools used are left to the discretion of the individual health practitioner.
- Identifying the diagnosis and/or impairment description, including: the Primary Diagnosis/Impairment Description (ICD 10 Codes); and the Secondary Diagnosis/Impairment Description (ICD 10 Codes).
- Obtaining and recording the insured person's informed consent to treatment.
- Reviewing the completed Treatment Confirmation Form (OCF-23) with the insured person and obtaining the insured person's signature on the Form unless the insurer has waived the requirement for the form.

ii. Recommended interventions during the initial visit

The interventions that are recommended during the initial visit include:

- **Activity prescription**
Encouraging the insured person, when appropriate, to remain active and maintain normal activities as an important factor in facilitating recovery.
- **Reassurance**
Providing reassurance, when appropriate, to the insured person regarding his/her injuries and the recovery process.
- **Education**
Distributing the brochure “Getting the Facts About Whiplash” (attached as Appendix A), when appropriate, and providing education regarding minor injuries, symptoms, the natural healing process and prognosis for recovery.
- **Home exercise program**
Demonstrating and providing advice, when appropriate, on how the insured person should exercise his/her injury; and customizing an exercise program for the insured person to engage in at home, work or school.

iii. Discretionary interventions during the initial visit

At the discretion of the health practitioner, and to facilitate the insured person’s recovery and return to function, these include:

- **Exercise and functional activities**
The interventions should be based on the specific needs and functional requirements of the insured person and may include: range of motion exercises; muscle re-education; and low load isometric exercise.
- **Mobilization and manipulation**
The health practitioner may provide these interventions if the insured person would benefit from mobilization and/or manipulation.
- **Diagnostic imaging**
X-rays may be undertaken without the prior approval of the insurer under the following circumstances:
 - The fees charged do not exceed those listed in Appendix C and any available funding from OHIP or collateral insurance is utilized before the insurer is charged;
 - No other comparable x-rays have been taken by another health practitioner or facility since the accident; and
 - The insured person displays one or more of the following:
 - Suspicion of a bony injury;
 - Suspicion of degenerative changes, instability or other conditions of sufficient severity that counter indications to one or more interventions must be ruled out;
 - Suspicion of rheumatoid arthritis;
 - Suspicion of osteoporosis; or
 - History of cancer.
- **Other interventions that facilitate pain management, activation and return to function**
If the insured person would benefit from other specific interventions to facilitate pain management, activation and return to function, these

interventions may be provided during the initial or subsequent visits. These may include, but are not limited to: massage therapy; intervention for psycho-social issues; coping skills education; advice regarding hurt versus harm and maintaining active engagement; energy conservation techniques; etc.

c) Recommendations for intervention at the conclusion of the initial visit and Documentation/Invoicing

The health practitioner will determine which of the following statements describes the recommendations for intervention at the conclusion of the initial visit:

- i. No additional intervention is required. The health practitioner submits an Auto Insurance Standard Invoice (OCF-21) for the initial visit.
- ii. Additional interventions as described in this Guideline are required and are appropriate as described in Part 3 of this Guideline (i.e., the insured person's impairment comes within the Guideline). The health practitioner completes the OCF-23 and submits it to the insurer within 10 business days of the initial visit unless the insurer has waived this requirement. The health practitioner will complete and submit the OCF-21.
- iii. Additional intervention is required but is not appropriate under this Guideline as described in Part 4 of this Guideline (i.e. the insured person's impairment does not come within the Guideline). The health practitioner either completes and submits the OCF-18 providing compelling evidence of the pre-existing medical condition that prevents the insured person from achieving maximal recovery or makes an appropriate referral. The health practitioner submits an OCF-21 for the initial visit.

d) Fee for the initial visit (see Appendix B - Fee Schedule)

The fee that will be paid for the initial visit is \$215.00, inclusive of all assessment and intervention services provided during the initial visit, regardless of the amount or type provided. This fee also includes completion of the OCF-23.

8. The treatment phase

If the health practitioner determines that the Guideline applies to the insured person and that intervention under the Guideline is required to facilitate recovery and return to function, the insured person continues on to the treatment phase.

a) Timing and duration in the treatment phase

The treatment phase sessions are treatments provided in addition to any intervention delivered during the initial visit and will not typically exceed twelve weeks in duration following the date of the initial visit. The appropriate health care provider will deliver treatment sessions based on the needs of the insured person and the health practitioner's clinical judgement.

b) Components of the treatment phase

Recommended and discretionary interventions

i. Recommended interventions during the treatment phase

- **Continuing clinical review**

Regular review of the insured person's clinical status and progress toward functional restoration, based on which the health practitioner will make any necessary modifications in the approach to intervention.

- **Activity prescription; Reassurance; Education; and Home Exercise Program (as described above under the initial visit)**

ii. Discretionary interventions during the treatment phase

- **Exercise and functional activities; Mobilization and manipulation (as described above under the initial visit)**

- **Pain management and coping skills education**

If the insured person is displaying signs of distress or difficulties coping with the effects of his/her injury, the health practitioner may introduce pain management and coping skills education (a standardized approach is recommended).

- **Diagnostic imaging (as described above under the initial visit)**

- **Other Interventions that will facilitate pain management, activation and return to function (as described above under the initial visit)**

Treatment blocks

i. Block 1

During the first four-week block of treatment (beginning immediately following the initial visit), the health care practitioner is expected to provide or oversee the interventions established through the OCF-23 from the initial visit.

If the insured person reaches maximal recovery during this period, he or she is discharged from the Guideline (see part (e) of this section). If the insured person requires additional intervention(s), the health practitioner continues treatment under Block 2.

The fee for this period is \$775.00 for treatment or \$200.00 to provide monitoring services under part (c) of this section, but not both.

ii. Block 2

During the second four-week block of treatment, the health care practitioner is expected to provide or oversee the interventions established through the OCF-23, if applicable, and/or will continue any additional intervention(s) established in Block 1.

If the insured person reaches maximal recovery during this period, he or she is discharged from the Guideline (see part (e) of this section). If the insured person requires additional intervention(s), the health practitioner continues treatment under Block 3.

The fee for this period is \$500.00 for treatment or \$200.00 to provide monitoring services under part (c) of this section, but not both.

iii. Block 3

During the final four-week block of treatment, the health care practitioner is expected to provide or oversee the interventions established through the OCF-23, if applicable, and/or will continue any additional intervention(s) established in Block 1 and/or Block 2.

If the insured person reaches maximal recovery during this period, he or she is discharged from the Guideline (see part (e) of this section). If the insured person requires additional intervention(s) beyond Block 3, the insured person must submit an OCF-18 to the insurer.

The fee for this period is \$225.00 for treatment or \$200.00 to provide monitoring services under part (c) of this section, but not both.

c) Monitoring by health practitioner

The health practitioner may provide guidance, advice, coaching, counselling and or reassurance to the insured person in lieu of the treatment provided in any of the Blocks. A fee for this intervention is not payable if treatment under Block 3 has commenced.

Provision of the monitoring intervention is conditional on the following requirements:

- 1) the monitoring is provided within 12 weeks of the initial visit;
- 2) the insured person is determined to have reached maximal recovery and no longer requires further treatment;
- 3) the insured person has resumed some or all of his or her pre-accident activities (e.g., work, home, school, etc.); and
- 4) no treatment or further monitoring is provided under subsequent Block(s).

The fee for this service is \$200.00.

d) Supplementary goods and services during the treatment phase

Additional funds are available to provide supplementary goods and additional services to support restoration of functioning and address barriers to recovery. The supplementary goods and services may include but are not limited to:

- Treatment services for the additional minor injuries arising from the same accident.
- Goods required for self-directed exercise and/or pain management such as, but not limited to: theraband; gym ball; hot/cold packs; back support; lumbar roll; etc.
- Assistive devices required to maintain/return to work/school/home or personal activity such as but not limited to: head set; trolley; braces.
- Supportive interventions such as advice/education to deal with accident-related psycho-social issues, such as but not limited to: distress; difficulties coping with the effects of his/her injury; driving problem/stress.

The health practitioner, a regulated health professional or an appropriate health care provider may provide the supplementary goods and/or services that are deemed necessary, up to a maximum cost of \$400.00, without approval of the insurer.

e) Discharge status during or at the conclusion of the treatment phase and Documentation/Invoicing

The health practitioner will determine which of the following statements describes the insured person's status when discharged during or at the conclusion of the treatment phase and provide documentation as required:

i. No additional intervention is required

- Submit the Minor Injury Guideline Discharge Report (OCF-24) with all the relevant sections completed and include functional and employment status.
- Submit an OCF-21C to bill for the goods and services delivered during this phase.

ii. Additional intervention outside this Guideline is required

- Submit the OCF-24 with the relevant sections completed and include functional and employment status.
- Submit an OCF-21C to bill for the goods and services delivered during this phase.
- Inform the insurance company of the intervention outside of this Guideline that is recommended for the insured person via submission of an OCF-18 or refer the insured person to another health practitioner, as appropriate.

iii. The insured person has been discharged from treatment under this Guideline because he/she is non-compliant, is not attending sessions or voluntarily withdrew from treatment

- Submit the OCF-24 with the relevant sections completed and include functional and employment status.
- Submit an OCF-21C to bill for the goods and services delivered during this phase.

f) Fees for the treatment phase (see Appendix B - Fee Schedule)

The block fees that will be paid during the treatment phase are \$775.00 for weeks 1-4, \$500.00 for weeks 5-8, and \$225.00 for weeks 9-12.

The maximum fee for supplementary goods and services under this Guideline is \$400.00. The transfer fee, if an insured person changes his/her health practitioner is \$50.00, payable to the health practitioner receiving the file.

9. Amounts Payable under Other Insurance and Health Care Coverage

Section 47 (2) of the SABS provides that an auto insurer is not obligated to pay for that portion of an expense for which payment is reasonably available under other insurance or health care coverage (for the purpose of this Guideline, such coverage is collectively referred to as extended health care benefits (EHCBs)).

All EHCBs reasonably available to an insured person for services provided under this Guideline

are to be deducted from the amounts otherwise payable by the auto insurer according to Appendix B - Fee Schedule. For example, if the insured person has \$500 in EHCBS reasonably available for the treatment services referred to in Blocks 1, 2 & 3, this amount would be deducted from the \$1,500 otherwise payable by the auto insurer for Blocks 1, 2 & 3; therefore the auto insurer would pay only \$1,000 [\$1,500 - \$500] for Blocks 1, 2 & 3. However \$2,500 [\$3,500 minor injury cap - \$1,000 paid by the auto insurer] would remain available for payment of the other fees outlined in Appendix B and C and for additional interventions if determined to be reasonably necessary in accordance with section 38 of the SABS.

When an insured person has EHCBS, the health care provider must deduct all amounts reasonably available for treatment services from the specified Block where the treatment was provided.

Please note also that EHCBS reasonably available from other sources do not reduce the \$3,500 minor injury cap for medical and rehabilitation benefits as referred to in s. 18 (1) of the SABS.

Appendix A

Getting the Facts about Whiplash Brochure*

Getting the facts about Whiplash: Grades I and II

People injured in car accidents sometimes experience a strain of the neck muscles and surrounding soft tissue, known commonly as whiplash. This injury often occurs when a vehicle is hit from the rear or the side, causing a sharp and sudden movement of the head and neck. Whiplash may result in tender muscles (Grade I) or limited neck movement (Grade II). This type of injury is usually temporary and most people who experience it make a complete recovery. If you have suffered a whiplash injury, knowing more about the condition can help you participate in your own recovery. This brochure summarizes current scientific research related to Grade I and II whiplash injuries.

Understanding Whiplash

- Most whiplash injuries are not serious and heal fully.
- Signs of serious neck injury, such as fracture, are usually evident in early assessments. Health care professionals trained to treat whiplash are alert for these signs.
- Pain, stiffness and other symptoms of Grades I or II whiplash typically start within the first 2 days after the accident. A later onset of symptoms does not indicate a more serious injury.
- Many people experience no disruption to their normal activities after a whiplash injury. Those who do usually improve after a few days or weeks and return safely to their daily activities.
- Just as the soreness and stiffness of a sprained ankle may linger, a neck strain can also feel achy, stiff or tender for days or weeks. While some patients get better quickly, symptoms can persist over a longer period of time. For most cases of Grades I and II whiplash, these symptoms gradually decrease with a return to activity.

Daily Activity and Whiplash

- Continuing normal activities is very important to recovery.
- Resting for more than a day or two usually does not help the injury and may instead prolong pain and disability. For whiplash injuries, it appears that "rest makes rusty."
- Injured muscles can get stiff and weak when they're not used. This can add to pain and can delay recovery.
- A return to normal activity may be assisted by active treatment and exercises.
- Cervical collars, or "neck braces," prevent motion and may add to stiffness and pain. These devices are generally not recommended, as they have shown little or no benefit.
- Returning to activity maintains the health of soft-tissues and keeps them flexible - speeding recovery. Physical exercise also releases body chemicals that help to reduce pain in a natural way.
- To prevent development of chronic pain, it is important to start moving as soon as possible.

Tips For Return To Activity

- Avoid sitting in one position for long periods.
- Periodically stand and stretch.
- Sit at your workstation so that the upper part of your arm rests close to your body, and your back and feet are well supported.
- Adjust the seat when driving so that your elbows and knees are loosely bent.
- When shopping or carrying items, use a cart or hold things close to the body for support.
- Avoid contact sports or strenuous exercise for the first few weeks to prevent further injury. Ask your health care professional about other sporting or recreational activities.

- Make your sleeping bed comfortable. The pillow should be adjusted to support the neck at a comfortable height.

Treating Whiplash

- Research indicates that successful whiplash treatment requires patient cooperation and active efforts to resume daily activity.
- A treating health care professional will assess your whiplash injuries, and discuss options for treatment and control of pain.
- Although prescription medications are usually unnecessary, temporary use of mild over-the-counter medication may be suggested, in addition to ice or heat.
- Your treating health care professional may recommend appropriate physical treatment.

Avoiding Chronic Pain

- Some whiplash sufferers are reluctant to return to activity, fearing it will make the injury worse. Pain or tenderness may cause them to overestimate the extent of physical damage.
- If your health care professional suggests a return to activity, accept the advice and act on it.
- Stay connected with family, friends and co-workers. Social withdrawal can contribute to depression and the development of chronic pain.
- If you are discouraged or depressed about your recovery, talk to your health care professional.
- Focus on getting on with your life, rather than on the injury!

Preventing Another Whiplash Injury

- Properly adjusting the height of your car seat head restraint (head rest) will help prevent whiplash injury in an accident. In an ideal adjustment, the top of the head should be in line with the top of the head restraint and there should be no more than 2 to 5 cm between the back of the head and the head restraint.

This brochure provides general information about whiplash injuries. It does not replace advice from a qualified health care professional who can properly assess a whiplash injury and recommend treatment.

The information highlights the latest available scientific research on whiplash and has been endorsed by the following groups:

Insurance Bureau of Canada (IBC)
Ontario Chiropractic Association (OCA)
Ontario Massage Therapist Association (OMTA)
Ontario Physiotherapy Association (OPA)
Ontario Society of Occupational Therapists (OSOT)

*This brochure was originally released in 2003 and is available at www.ibc.ca.

Appendix B Minor Injury Guideline Fee Schedule

INTERVENTIONS	FEE
<ul style="list-style-type: none"> • Initial visit (1 session) 	\$215.00
<ul style="list-style-type: none"> • Treatment phase (up to 12 weeks post-accident) <ul style="list-style-type: none"> ○ Block 1 (weeks 1-4) ○ Block 2 (weeks 5-8) ○ Block 3 (weeks 9-12) 	\$775.00 \$500.00 \$225.00
<ul style="list-style-type: none"> • Health practitioner monitoring (Refer to section 8.(c) of this Guideline for conditions) 	\$200.00
<ul style="list-style-type: none"> • Completion of Minor Injury Discharge Report (OCF-24) (payable once at discharge) 	\$85.00
<ul style="list-style-type: none"> • Supplementary goods and services 	To an aggregate maximum of \$400.00
<ul style="list-style-type: none"> • Transfer fee if insured person changes health practitioner 	\$50.00
<ul style="list-style-type: none"> • X-Ray fee 	See Appendix C

Appendix C Payment Schedule for X-Rays

DESCRIPTION	FEE
Cervical Spine <ul style="list-style-type: none"> • 2 or fewer views • 3 - 4 views • 5 - 6 views • more than 6 views 	\$36.80 \$43.91 \$50.19 \$59.22
Thoracic Spine <ul style="list-style-type: none"> • 2 or fewer views • 3 - 4 views 	\$34.34 \$45.20
Lumbar or Lumbosacral Spine <ul style="list-style-type: none"> • 2 or fewer views • 3 - 4 views • 5 - 6 views • more than 6 views 	\$36.80 \$43.91 \$50.19 \$58.40