

POLICY NUMBER: POL-61

**Chapter:
CLAIMS**

**Subject:
PRE-EXISTING CONDITIONS**

**Effective Date:
June 21, 2001**

**Last Updated:
August 28, 2015**

PURPOSE STATEMENT:

The purpose of the policy is to explain how a pre-existing condition may affect entitlement to workers compensation benefits and under what circumstances the Workers Compensation Board may pay for treatment related to a pre-existing condition.

REFERENCE:

Workers Compensation Act R.S.P.E.I., 1988, Cap. W-7.1, Sections 1 (1) (n), 6 (9-11).
Workers Compensation Board Policy, POL-58, Apportionment.

DEFINITION:

In this policy:

“Aggravation” means the worsening of a work-related injury due to a pre-existing condition.

“Loss of earning capacity” means the difference between the worker’s net average earnings before the accident, and the net average amount the Workers Compensation Board determines the worker is capable of earning after the accident.

“Plateau in medical recovery” means there is little potential for improvement or any potential changes in the condition are in keeping with the normal fluctuations which can be expected with that kind of injury.

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“Pre-existing condition” means any condition inherent in the worker at the time of the accident.

“Rate group” means a group to which an industry is assigned for assessment purposes.

“Impairment” means a medically measurable permanent anatomical loss or disfigurement and includes, amputation, loss of vision, loss of hearing, impaired nerve function, scarring causing disfigurement, joint ankylosis, or joint fusion from surgery.

POLICY:

Adjudicating and Managing Claims with a Pre-existing Condition

1. A pre-existing condition may include, but is not limited to:
 - a condition that has produced symptoms requiring medical care prior to a workplace injury or disease;
 - an underlying or asymptomatic condition which only becomes apparent after a work related injury has occurred; or
 - a work related impairment.

The existence of a pre-existing condition must be confirmed by objective medical information.

2. The Workers Compensation Board has exclusive jurisdiction to determine whether an accident caused personal injury to a worker and whether that injury is aggravated by a pre-existing condition.

A worker is not entitled to benefits for a pre-existing condition in the absence of a separate and distinct personal injury caused by an accident arising out of and in the course of employment.

3. Where an accident caused personal injury to a worker and the injury is aggravated by a pre-existing condition inherent in the worker at the time of the accident, the worker shall be compensated for the full injurious result until such time as the worker, in the opinion of the Workers Compensation Board, has reached a plateau in medical recovery.

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4. The relationship between a personal injury arising out of and in the course of employment and a worker's pre-existing condition is evaluated throughout the life of a claim.
5. The Workers Compensation Board may provide treatment for a pre-existing condition where the Workers Compensation Board determines it is necessary for the recovery of a compensable injury or condition, or a reduction in a worker's recovery time from a compensable injury or condition.
6. Where the Workers Compensation Board determines a personal injury, arising out of and in the course of employment, is no longer aggravated by a pre-existing condition, the Workers Compensation Board is not responsible for any further loss of earnings, medical aid, or rehabilitation in relation to the pre-existing condition.
7. Where there is medical evidence of an impairment related to a compensable injury or condition, and the worker has reached a plateau in medical recovery, the worker will be referred for an impairment assessment.

Apportionment

8. If a worker's impairment or loss of earning capacity is due in part to an accident and in part to a cause other than an accident, the Workers Compensation Board will determine what portion is a result of a cause other than an accident and charge that portion against the rate group to which the worker's employer belonged at the time of the accident pursuant to the Workers Compensation Board policy, POL-58, "Apportionment".
9. The Workers Compensation Board will use evidence based disability duration guidelines to determine expected healing times for work-related injuries and to determine the portion of the worker's impairment and loss of earning capacity to be charged to the rate group.

HISTORY:

August 28, 2015 - Amended to clarify how a pre-existing condition may affect entitlement to workers compensation benefits.

April 24, 2008 - The policy was updated as a result of the 60 month policy review process.

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November 27, 2002 - Policy revised to clarify intent of the Workers Compensation Act to compensate a worker for aggravation of a work related injury due to a pre-existing condition.

March 28, 2002 - Policy revised to incorporate changes required as a result of Workers Compensation Act amendments (Bill 15) to be proclaimed April 1, 2002.

Board of Directors Approval Date: June 21, 2001