

Amendments to the Workers' Compensation Act

Date: June 28, 1991

Subject: Appealing to a Medical Review Panel from a Review Board Finding

Sections 58(3), 58(4) and 63(1) of the *Workers' Compensation Act* have been amended by the *Miscellaneous Statutes Amendment Act (No. 2), 1991*. The amendment act also contains a transitional section which applies to all Section 91 appeals started prior to June 28, 1991. The full text of these sections is set out below.

The result of these amendments is that a worker or employer may now appeal a medical finding of the Review Board directly to a Medical Review Panel. Similarly, a dependant of a deceased worker may request a Medical Review Panel inquiry into the cause of death of a worker following a Review Board finding. There is no longer any requirement that a medical finding of the Review Board be appealed to the Appeal Division first before the matter can be appealed to a Medical Review Panel.

The Chief Appeal Commissioner has issued a notice to all people with existing appeals under Section 91 who are affected by the transitional section. The Appeal Division has also issued Decision No. 3 which sets out the procedure to be followed to exercise rights under the transitional section.

Section 58(3) (as amended by Section 18 of the *Miscellaneous Statutes Amendment Act [No. 2] 1991*) now provides as follows:

A worker is entitled to be examined by a medical review panel if not later than 90 clear days after the making of a medical finding by the review board or a medical decision by the board, the worker

- (a) writes to the board expressing that the worker is aggrieved by the medical finding or decision, and*
- (b) sends with the writing a certificate from a physician certifying that, in the physician's opinion, there is a bona fide medical dispute to be resolved, and stating sufficient particulars to define the question in issue.*

Section 58(4) (as amended by Section 18 of the *Miscellaneous Statutes Amendment Act [No. 2] 1991*) now provides as follows:

An employer or former employer of a worker is entitled to have the worker examined by a medical review panel if, not later than 90 clear days after the making of a medical finding by the review board or a medical decision by the board, the employer or former employer

- (a) *writes to the board expressing that the employer or former employer is aggrieved by the medical finding or decision, and*
- (b) *sends with the writing a certificate from a physician certifying that, in the physician's opinion, there is or may be a bona fide medical dispute to be resolved, and stating sufficient particulars to define the question in issue.*

Section 63(1) (as amended by Section 19 of the *Miscellaneous Statutes Amendment Act [No. 2] 1991*) now provides as follows:

A dependant of a deceased worker is entitled to have a medical review panel inquire into and determine the cause of death of the worker if the dependant writes to the board expressing that the dependant is aggrieved by the finding of the review board or a decision of the board concerning the cause of death.

The transitional provisions (Section 20 of the *Miscellaneous Statutes Amendment Act [No. 2], 1991*) are as follows:

- (1) *A worker who, under section 91 of the Workers' Compensation Act, commenced an appeal of a medical finding of the review board before section 18 of this Act came into force is entitled to withdraw the appeal respecting the medical finding and be examined by a medical review panel under section 58(3) of the Workers' Compensation Act regarding that finding if the worker complies with the section 58(3) (a) and (b) of that Act before the appeal is heard.*
- (2) *An employer who, under section 91 of the Workers' Compensation Act, commenced an appeal of a medical finding of the review board before section 18 of this Act came into force is entitled to withdraw the appeal respecting the medical finding and have the worker examined by a medical review panel under section 58(4) of the Workers' Compensation Act regarding that finding if the employer complies with section 58(4) (a) and (b) of that Act before the appeal is heard.*

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- (3) *A dependant of a deceased worker who, under section 91 of the Workers' Compensation Act, commenced an appeal of a finding of the review board concerning the cause of death of the worker before section 19 of this Act came into force is entitled to withdraw the appeal respecting the finding and have the cause of death inquired into and determined by a medical review panel under section 63 (1) of the Workers' Compensation Act if the dependant complies with that section before the appeal is heard.*



REPORTER

Consumer Price Index Adjustments

Date: June 14, 1991

WHEREAS Section 25 of the *Workers' Compensation Act* requires the Board to determine as of July 1, 1991, a ratio by comparing the Consumer Price Index for April 1991 with the Consumer Price Index for October 1990, and by applying that ratio to adjust those periodical payments of compensation referred to in Subsection (2), and to adjust each dollar amount mentioned in the Act, except those referred to in Subsection (5);

AND WHEREAS the Board is advised that the Consumer Price Index for April 1991 was 125.5 and for October 1990 was 121.2, giving a ratio of 1.03547855;

THE BOARD HEREBY DETERMINES that the ratio applicable under Section 25(1) is 1.03547855;

AND THAT all periodical payments of compensation described in Section 25(2) shall be adjusted by applying that ratio as of the 1st day of July 1991;

AND THAT the British Columbia Regulation numbered 463/90 be repealed;

AND THAT all dollar amounts referred to in all sections of the Act described in Section 25(4) shall be adjusted as follows:

Section No.	January 1, 1991 Dollar Amount	Change To	July 1, 1991 New Dollar Amount
3(5)(c)	82.18		85.10
13(2)	16,439.63		17,022.88
	3,287.96		3,404.61
17(2)	1,972.69		2,042.68
	657.57		680.90
	657.57		680.90
17(3)(a)(ii)	213.64		221.22
17(3)(c)	690.34		714.83

Section No.	January 1, 1991 Dollar Amount	Change To	July 1, 1991 New Dollar Amount
17(3)(d)	32,879.09		34,045.59
	3,287.96		3,404.61
	29,591.13		30,640.98
17(3)(e)	690.34		714.83
17(3)(f)(iii)(B)	213.64		221.22
17(3)(g)	23,015.40		23,831.95
17(3)(h)(i)	378.09		391.50
17(3)(h)(ii)	378.09		391.50
17(3)(i)(ii)	378.09		391.50
17(13)	1,644.03		1,702.36
18(1)	286.08		296.23
	88.78		91.93
22(2)	1,068.63		1,106.54
29(2)	246.59		255.34
33(5)	1,068.63		1,106.54
35(5)	147.34		152.57
71(8)	16,439.63		17,022.88
73(2)	32,879.09		34,045.59
74(3)	164,395.57		170,228.09
75(2)	32,879.09		34,045.59
75(3)	3,287.96		3,404.61
77(2)	3,287.96		3,404.61
Schedule C	690.34		714.83

And pursuant to Section 25(4), all sections containing such dollar amounts are deemed to be amended accordingly.

REPORTER

Maximum Wage Rate Adjustments

Date: August 6, 1991

WHEREAS Section 33 of the *Workers' Compensation Act* requires the Board to determine the maximum wage rate to be applicable for the following calendar year in the manner therein prescribed;

AND WHEREAS the Board is of the opinion that the sum of forty-eight thousand thirty-four dollars and eighty-two cents (\$48,034.82) represents the same relationship to the sum of forty thousand dollars (\$40,000.00) as the annual average of wages and salaries in the Province of British Columbia for the year 1990 bears to the annual average of wages and salaries in the said Province for the year 1984;

THE BOARD HEREBY DETERMINES that the maximum wage rate to be applicable for the year 1992 under Section 33 of the *Workers' Compensation Act* is forty-eight thousand dollars (\$48,000.00);

AND THAT in subsection (6) of the said section, the sum of forty-five thousand eight hundred dollars (\$45,800.00) appearing therein will be changed as at the first day of January 1992, to read forty-eight thousand dollars (\$48,000.00).



REPORTER

Consumer Price Index

Date: December 2, 1991

WHEREAS Section 25 of the *Workers Compensation Act* requires the Board to determine as of January 1, 1992, a ratio by comparing the Consumer Price Index for October 1991 with the Consumer Price Index for April 1991, and by applying that ratio to adjust those periodical payments of compensation referred to in subsection (2), and to adjust each dollar amount mentioned in the *Act*, except those referred to in subsection (5);

AND WHEREAS the Board is advised that the Consumer Price Index for October 1991 was 126.5 and for April 1991 was 125.5, giving a ratio of 1.00796813;

THE BOARD HEREBY DETERMINES that the ratio applicable under Section 25(1) is 1.00796813;

AND THAT all periodical payments of compensation described in Section 25(2) shall be adjusted by applying that ratio as of the 1st day of January 1992;

AND THAT the British Columbia Regulation numbered 189/91 be repealed as of the 1st day of January 1992;

AND THAT all dollar amounts referred to in all sections of the *Act* described in Section 25(4) shall be adjusted as follows:

Section No.	July 1, 1991 Dollar Amount	Change To	January 1, 1992 New Dollar Amount
3(5)(c)	85.10		85.78
13(2)	17,022.88		17,158.52
	3,404.61		3,431.74
17(2)	2,042.68		2,058.96
	680.90		686.33
	680.90		686.33
17(3)(a)(ii)	221.22		222.98
17(3)(c)	714.83		720.53
17(3)(d)	34,045.59		34,316.87

Section No.	July 1, 1991 Dollar Amount	Change To	January 1, 1992 New Dollar Amount
	3,404.61		3,431.74
	30,640.98		30,885.13
17(3)(e)	714.83		720.53
17(3)(f)(iii)(B)	221.22		222.98
17(3)(g)	23,831.95		24,021.85
17(3)(h)(i)	391.50		394.62
17(3)(h)(ii)	391.50		394.62
17(3)(i)(ii)	391.50		394.62
17(13)	1,702.36		1,715.92
18(1)	296.23		298.59
	91.93		92.66
22(2)	1,106.54		1,115.36
29(2)	255.34		257.37
33(5)	1,106.54		1,115.36
35(5)	152.57		153.79
71(8)	17,022.88		17,158.52
73(2)	34,045.59		34,316.87
74(3)	170,228.09		171,584.49
75(2)	34,045.59		34,316.87
75(3)	3,404.61		3,431.74
77(2)	3,404.61		3,431.74
Schedule C	714.83		720.53

And pursuant to Section 25(4), all sections containing such dollar amounts are deemed to be amended accordingly.