

PAYMENT OF PUBLIC TRUSTEE AND COMMITTEE FEES

Background:

Section 35(1) of the *Workers Compensation Act* provides that the Board may redirect compensation payments to another person whom the Board considers best to administer the payment when an injured worker is incapable of managing his or her financial affairs. Persons to whom compensation may be redirected include a private citizen, a trust company, or the Public Trustee. There are, however, no direct provisions in the *Act* regarding whether the Board can pay administrative fees to third parties when the Board redirects a worker's benefits.

The Compensation Services Division requested guidance from the Panel of Administrators to determine Board policy with respect to the payment of administrative fees to third parties when compensation is redirected under Section 35(1) of the *Act*. By resolution dated July 16, 1998, the Panel of Administrators approved the addition of Policy Item #49.30, Payment of Public Trustee and Committee Fees, to the RSCM. The new policy states:

The Board pays the fees charged to a worker by the Public Trustee or Committee for managing the worker's entire estate when the following conditions are met:

1. The worker is incapable of managing his or her own affairs and the Public Trustee or Committee administers the worker's estate;
2. The worker's incapacity to manage his or her own affairs results from a compensable injury or disease; and
3. The Public Trustee or Committee is appointed to manage the worker's affairs under the *Patients Property Act*, or the *Public Trustee Act* or equivalent statute.

The Board will pay the Public Trustee and Committee fees in accordance with the fee schedule established by the Public Trustee. Fees may include the account review fee paid to the Public Trustee by Committees and the accountant's fees for preparing the account summaries. The Board will pay Committee fees after the Public Trustee has approved the accounts.

A Committee refers to a friend, family member or trust company appointed to manage a person's affairs under the *Patients Property Act*. A Committee is appointed by Court Order in the Supreme Court of British Columbia. The Office of the Public Trustee may be appointed as the Committee either by Certificate of Incapacity or by order of the Supreme Court of British Columbia.

This policy applies to new claims received and all existing claims where Section 35(1) is being applied on or after July 16, 1998. For existing claims, the Board will pay the fees from July 16, 1998 and beyond, but not prior to that date.

A Vocational Rehabilitation Consultant will review each request for payment of Public Trustee and Committee fees and submit a report and recommendations. Final approval is determined by a Senior Manager in Vocational Rehabilitation Services and then referred to Health Care Services for payment if approval is granted.

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