

Road to Recovery

Rehabilitation following a motor vehicle accident

If you have been injured in a motor vehicle accident, rehabilitation may help you recover and move on with your life.



MOTOR ACCIDENT INSURANCE COMMISSION

Queensland Compulsory Third Party Scheme

Under the Queensland Compulsory Third Party (CTP) Insurance Scheme, you may be entitled to funding of your rehabilitation and medical treatment expenses if you **did not cause** the motor vehicle accident and the accident occurred in Queensland.

To apply for funding, you first need to lodge a **Notice of Accident Claim Form** with the CTP insurer of the **vehicle at fault** (vehicle that caused the accident).

Queensland operates a common law 'fault' based CTP scheme. To access the scheme you must be able to establish negligence against an owner or driver of a motor vehicle. A driver who is wholly at fault in an accident cannot obtain CTP compensation because there is no negligent party against whom a claim can be made.

For more information about the Queensland CTP scheme and how to make a claim, including the timeframes involved, visit the Motor Accident Insurance Commission (MAIC) website at www.maic.qld.gov.au or call the MAIC helpline on 1300 302 568.

Rehabilitation

Many people recover from their injuries and resume normal activities without rehabilitation, while others need rehabilitation services. With appropriate treatment, most people who are injured in a motor vehicle accident recover and are able to resume a normal life.

Tip! If rehabilitation is needed, it is widely recognised that it should be provided as soon as possible after the injury. Discuss your rehabilitation needs with your medical practitioner.

If you have a **whiplash injury**, you may find the booklet *Whiplash Injury Recovery – A Self Management Guide* helpful.*



Stay Active

Getting back to your day-to-day activities after an accident can be difficult, but evidence shows that staying active is an effective treatment for acute (recently sustained) soft tissue injuries and helps speed up your recovery. You may need to modify some activities to care for the injured area. However, it is important to resume normal activities as soon as possible. Staying active will also help to prevent long-term problems.*

For advice on how to stay active with your injury, consult your health care professional.

*See useful resources on the back cover.

Treatment and rehabilitation services covered by the Queensland CTP scheme

Treatment and rehabilitation under the CTP scheme are aimed at returning you to your pre-injury function. Services may include medical consultations, physiotherapy, chiropractic care, psychological counselling, medication and return to work programs.

If full function cannot be restored, rehabilitation is aimed at acquiring new skills or new ways of doing things. This



might involve vocational counselling, job retraining, specialised rehabilitation services and the use of equipment that improves independence.

Service providers

Service providers are the people or teams providing rehabilitation or treatment services. They may include medical practitioners (GPs, specialists), physiotherapists, occupational therapists, dentists, chiropractors, rehabilitation counsellors, psychologists and exercise physiologists.

You have the right to exercise choice in the selection of an appropriately qualified



and experienced service provider whose treatment is reasonable and appropriate for your injury. If you need help finding a service provider, contact your doctor or the CTP insurer of the at fault vehicle.

If the insurer has any formal relationship with the service provider then this will be disclosed to you.

It may be appropriate to access public health services. If treatment is provided by a public hospital in Queensland, the services are covered by the Hospital and Emergency Services levy collected as a part of the CTP premium and you should not be billed.

Claiming for rehabilitation services

Before you can request payment for your rehabilitation services or expenses, you must first complete and lodge a Notice of Accident Claim Form (including medical certificate) with the insurer of the vehicle at fault.

Information provided on your medical certificate will indicate to the CTP insurer if rehabilitation is needed. If rehabilitation is indicated, the CTP insurer might contact you to discuss your rehabilitation needs.

Tip! Make sure the rehabilitation recommendations made by your service provider are put **in writing** to assist the insurer in the decision making process.

Alternatively, you or your solicitor may contact the insurer to discuss the need for rehabilitation services. Most CTP insurers

in Queensland employ rehabilitation advisers who have backgrounds in a health profession.



Insurer funding

Once an insurer admits liability, the insurer must:

- At your request, ensure that **reasonable** and **appropriate** treatment/rehabilitation services are made available, and
- Pay for **reasonable** and **appropriate** treatment and rehabilitation costs.

By admitting liability the insurer agrees that the vehicle insured by them was at fault for the accident.

As a general rule, **obtain approval from the insurer for payment of rehabilitation services before you attend**. This will ensure that these services will be paid for.

You should not assume the insurer will automatically pay for all of your rehabilitation expenses. You will be personally responsible for paying accounts if the services are not determined to be reasonable and appropriate.

If the insurer has agreed to pay for a block of treatment or fund a particular service, it should not be assumed that an insurer will continue to meet the ongoing cost of the treatment.

If you have paid for rehabilitation and would like to be reimbursed, you should provide the insurer with a valid receipt. The insurer will then assess whether or not these services were reasonable and appropriate.

The insurer may be prepared to pay for treatment and rehabilitation services prior to accepting liability. In these instances the insurer must first give approval.

Defining “reasonable and appropriate”

Insurers consider a number of factors when making funding decisions. These include:

- Is the treatment for injuries that are directly related to the motor vehicle accident?
- Is there research evidence to support using the recommended treatment for your injury?
- Is the treatment or service likely to increase your ability to function at home and at work?
- Does your doctor recommend the treatment and the service provider?
- Are the costs reasonable for the services being provided?

Generally insurers require written details of the proposed rehabilitation to determine if it is reasonable and appropriate. This may be in the form of a treatment plan or report.

Your responsibilities

When you lodge a CTP claim you have a legal obligation to take all reasonable steps to recover from your injury. For example:

- Participating fully in recommended rehabilitation and treatment
- Resuming appropriate work and home duties as soon as possible under the guidance of your doctor or rehabilitation provider
- Seeking appropriate alternative employment if you have lost your job.

After you have submitted your claim, you are also required by law to advise the insurer of any significant change in your medical condition or in other circumstances which may affect the extent of your claim. Examples of these changes could be:

- ceasing work or reducing your duties /hours
- a significant change in your ability to do day-to-day activities.

Communicating clearly and regularly with the insurer and your service providers can help with ensuring that you receive the most appropriate service when it is needed.

Tip! To achieve the best results, it is important that you understand and actively participate in your rehabilitation program. Work with your service provider to develop the most appropriate program for you.



Resolving disagreements

If you do not agree with the insurer's treatment or rehabilitation decision, you should firstly ask the insurer to refer the matter to their internal dispute resolution service.

For rehabilitation disputes which cannot be settled by direct negotiation between yourself and the insurer, mediation can be arranged through the Motor Accident Insurance Commission.

Mediation is voluntary. Both you and the insurer must be willing to negotiate and you will both be responsible for paying the mediation costs.

If a dispute cannot be settled by mediation or direct negotiation, an application may be made to the court to decide what rehabilitation is reasonable and appropriate in the circumstances. You can also make an application to the court without going through the mediation process.

If your claim is denied

If the insurer denies liability, you are responsible for your own treatment and rehabilitation expenses. You may be reimbursed for these costs if you are successful in a court action. In the meantime you may be able to claim some or all of the costs from Medicare or through private health insurance and/or other personal injury insurance. You can also access rehabilitation via government funded services such as a public hospital or community health centre. Your GP or hospital doctor/therapist can advise on these services.

Rehabilitation checklist

- Discuss your treatment and rehabilitation needs with your medical practitioner.
- If treatment is required, start as soon as possible after your injury.
- Submit a Notice of Accident Claim Form to the insurer before you request funding for rehabilitation.
- Provide the insurer with details of treatment required and include any written referrals or reports from your service providers.
- To be confident of payment, obtain approval from the insurer before you attend rehabilitation or purchase equipment. This ensures that the costs will be covered.
- Participate fully in your rehabilitation.
- Advise the insurer of any changes in your circumstances.

More information can be obtained from:

- the CTP insurer managing your claim
- your solicitor
- your service provider
- MAIC website www.maic.qld.gov.au
- MAIC CTP helpline 1300 302 568.

Useful resources

Whiplash Injury Recovery - a Self-Management Guide (2005)

Download or order a copy from www.maic.qld.gov.au or phone the MAIC helpline on 1300 302 568 and request that a hard copy be sent to you.

National Health and Medical Research Council (NHMRC) Information Sheets (1–5) on acute low back pain, acute thoracic spinal pain, acute neck pain, acute shoulder pain and anterior knee pain (2003). A link to these can be found at www.maic.qld.gov.au

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