



## Worker's compensation claims NSW – your entitlement to medical and other expenses

Author: [Craig Joshua](#)

Email: [craigj@hallpayne.com.au](mailto:craigj@hallpayne.com.au)

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If injured at work in NSW, you may be entitled to a range of workers compensation benefits. This could include [weekly payments for loss of income](#), a [lump sum payment for permanent impairment](#) and cover for, or reimbursement of expenses related to medical treatment and other injury related expenses. In this blog, we will look at what medical and other expenses are available for injured workers in NSW.

### Expenses for reasonable medical treatment related to your workplace injury

If your worker's compensation claim is accepted, you will commence receipt of payments of weekly compensation for loss of income along with any reasonable medical treatment expenses.

Your doctor will need to seek approval for any treatment you require. At times, the insurer may need you to attend an Independent Medical Examination ("IME") in order that they can be satisfied that the treatment is reasonable and necessary.

The types of medical treatment (and aids) you may be entitled to include:

- Your treating doctor (GP) expenses;
- Allied health professional services like physiotherapy and chiropractic treatment;
- Surgery;

- Dental treatment;
- Hospital expenses;
- Ambulance;
- Rehabilitation services;
- Prosthetics;
- Glasses, walking aids, hearing aids; and

## What other expenses may I be entitled to?

Injured workers or dependants of deceased workers may also be able to claim for the following:

1. Domestic assistance: cleaning, home maintenance, gardening etc
2. Travel expenses: these expenses are limited to travel required to attend medical related appointments (your treating GP, hospital etc)
3. Funeral expenses: for work-related deaths

## How long is medical treatment covered for?

Medical and related expenses will cease at different times depending on your level of impairment or and the date you ceased to be entitled to weekly benefits. The connection between your level of impairment and your entitlement to medical treatment expenses is as follows:

1. If your whole person impairment is assessed between 0 (zero) and 10% or your permanent impairment has not been assessed, you are entitled to payment of reasonably necessary medical treatment expenses for **two (2) years** from the date of your claim or **two (2) years** after your weekly compensation payments cease, whichever is the later;
2. If your whole person impairment is assessed between 11% and 20%, you are entitled to payment of reasonably necessary medical treatment expenses for **five (5) years** from the date of your claim, or **five (5) years** after your weekly compensation payments cease, whichever is the later;
3. If your whole person impairment is assessed as being greater than 20%, you are entitled to the payment of your reasonably necessary medical expenses for life.

## What to do if your claim for medical expenses is denied (rejected)

If the IME you were sent to by the insurer does not agree with your treating doctor's view that you require certain treatment (eg, surgery), the insurer will issue a dispute.

If you do not already have an IRO approved lawyer, now is the time to engage one.

An IRO approved lawyer will obtain funding for you to see another IME to provide a further opinion as to whether the treatment is reasonable and necessary. The lawyer will also seek funding for a report from your treating practitioner (often your surgeon or GP) regarding the need for the treatment.

Once the reports are available, the lawyer will seek a review of the insurer's decision and the insurer will have 14 days to issue its further decision, which may be to approve the treatment.

Should the insurer maintain its decision to decline liability for payment of the treatment, your lawyer will obtain funding to refer your claim to the Personal Injury Commission who will decide whether to refer you to a Medical Assessor to resolve the dispute or whether the matter will be determined at an arbitration hearing. The dispute may resolve through settlement discussions prior to going to arbitration.

## Get help from a worker's compensation lawyer

Hall Payne Lawyers has handled numerous medical treatment (and other expenses) disputes successfully, protecting the interests of our clients and ensuring they received the medical care they require.

If you're unsure about your entitlement to medical and other expenses or you have had a claim for expenses declined by the insurer, contact one of our worker's compensation lawyers for assistance. We are IRO approved and able to seek funding for the disputes, on your behalf.

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: [1800 659 114](tel:1800659114)

Email: [general@hallpayne.com.au](mailto:general@hallpayne.com.au)

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