

Section 302 of the Act is amended to add new subsections (1.1) to (1.4). Subsections (2) to (10) remain unchanged.

The first part of section 302 will read as follows:

302 (1) Subject to subsection (8), if on its own initiative the appeal tribunal determines that independent assistance or advice from a health professional would assist in reaching a decision on an appeal, the presiding member may retain a health professional to provide such assistance or advice.

- (1.1) Subject to subsection (8), the presiding member must retain a health professional to provide independent assistance or advice in an appeal if all of the following apply:
- a. the appeal tribunal receives a request under subsection (1.2) from an employer, a worker or a dependant of a deceased worker;
 - b. the medical condition of the worker is at issue in the appeal;
 - c. the appeal tribunal determines that the independent assistance or advice would assist in reaching a decision on the appeal.
- (1.2) If an employer, a worker or a dependant of a deceased worker is a party to an appeal, the employer, worker or dependant may request that the appeal tribunal retain a health professional to provide independent assistance or advice in the appeal.
- (1.3) A request under subsection (1.2) must be made in writing or in another form authorized by the appeal tribunal's rules.

A health professional may be retained from the list established under section 301.