

## **Decision of the Chair, Workers' Compensation Appeal Tribunal**

Number: 32  
Date: March 16, 2023  
Subject: Manual of Rules of Practice and Procedure (MRPP) Revisions

1. Under section 280 of the *Workers Compensation Act*, RSBC 2019, c 1 (WCA) the chair is responsible for the general operation of the Workers' Compensation Appeal Tribunal (WCAT).
2. The chair's authority includes responsibility, among other things, for:
  - establishing any rules, forms, practices and procedures required for the efficient and cost effective conduct of appeals to WCAT;
  - making accessible to the public any rules, forms, practices and procedures established by the chair; and,
  - establishing administrative practices and procedures for the effective operation of WCAT.
3. Under section 11 of the *Administrative Tribunals Act* (ATA), WCAT has the power to control its own processes and may make rules respecting practice and procedure to facilitate the just and timely resolution of the matters before it.
4. Under section 13 of the ATA, WCAT may issue practice directives consistent with the ATA, the WCA, their regulations and any rules of practice and procedure made by WCAT.
5. Pursuant to the chair's authority, the amendments to the *Manual of Rules of Practice and Procedure* (MRPP) attached as Appendix A are approved as amendments and replacements of items in the MRPP.
6. These rules of practice and procedure take effect on April 3, 2023, and remain in effect until their amendment, replacement, or revocation by the chair.

Luningning Alcuities-Imperial, Chair  
Workers' Compensation Appeal Tribunal

Signed at Richmond, British Columbia, as of March 16, 2023

## APPENDIX A

Deletions are struck through. Additions are underlined.

### 12.1 General

If a panel determines that independent medical assistance or advice would assist in reaching a decision, the panel may seek that assistance or advice from one or more health professionals ~~from a list established by the chair [s.277(1) and 301(1)].~~

An employer, worker or a dependant of a deceased worker who is a party to an appeal may request in writing that WCAT retain a health professional to provide independent assistance or advice in the appeal [s. 302(1.2)]. If such a written request is made, the worker's medical condition is in dispute in the appeal, and the presiding member of the panel determines that the independent assistance or advice would assist in reaching a decision, WCAT must retain a health professional to obtain assistance or advice.

A request that WCAT retain a health professional should be made at the earliest practicable time.

### 12.2 Selection of health professionals

~~The term "Health professional" means a medical practitioner, a person entitled to practice medicine under the laws of another jurisdiction or any other person with prescribed qualifications [s. 277(1)].~~

~~Cabinet may prescribe the qualifications of health professionals by regulation [s.315(e)]. Section 5 of the Appeal Regulation defines health professionals to include Health professionals include [s. 315(d), s. 5 Appeal Regulation]:~~

- a. a person who is registered as a member of the College of ~~Dental Surgeons~~ Oral Health Professionals of British Columbia ~~under the Health Professions Act (formerly the College of Dental Surgeons);~~
- b. a person who is entitled to practice dentistry under the laws of another province,
- c. a person who is registered as a member of the College of Psychologists of British Columbia ~~established under the Health Professions Act,~~
- d. a person who is entitled to practice as a psychologist under the laws of another province.

The list of health professionals must be established by the chair [s. 301(1)]. The list cannot include any person employed by the Board [s. 301(2)]. ~~The panel may retain a health professional from this list [s. 302(1)].~~

A panel seeking assistance from a health professional, whether on its own initiative or as the result of a written request from a party to the appeal, may retain one or more health professionals from the list of independent health professionals established by the chair. If there is no suitable health professional, as determined by the panel,

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available from the list established by the chair, the panel may retain a health professional who is not on the list and who meets the requirements in s. 301 of the Act.