

Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 5)

Disallowable instrument DI2014–206

made under the

Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 93 (Making of Guidelines)

1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 5)*.

2 Delegation

In the LTCS Guidelines any reference to the LTCS Commissioner includes any delegate of the LTCS Commissioner.

3 Commencement

This instrument commences on the day after its notification.

4 Guidelines

The Guidelines at Schedule 1 are Part 5 of the LTCS Guidelines made under section 93 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*.

Karen Doran

Lifetime Care and Support Commissioner of the Australian Capital Territory

1 July 2014

PART 5 – Treatment, rehabilitation and care needs assessment

This Part of the Lifetime Care and Support Guidelines is issued under section 93 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (LTCS Act).

To avoid requirements that might be unreasonable in the circumstances on any person or entity, the LTCS Commissioner may waive observance of any part or parts of these LTCS Guidelines.

For the purpose of these LTCS Guidelines, the phrase “treatment, rehabilitation and care” will be used in these LTCS Guidelines in lieu of the phrase “treatment and care” and includes the needs of participants listed in section 9 of the LTCS Act.

1. Procedures for requesting treatment, rehabilitation and care services

The procedures for requesting treatment, rehabilitation and attendant care in the LTCS Scheme is to be used when a participant’s rehabilitation, treatment or care needs are assessed and a plan or request is developed to address these needs.

The LTCS Commissioner’s procedures for requesting services are to be used by:

- Health professionals working in acute care, rehabilitation and in the community providing services to LTCS Scheme participants;
- Service providers seeking to deliver services to LTCS Scheme participants;
- LTCS Commissioner staff; including LTCS Coordinators; and
- Approved assessors engaged by the LTCS Commissioner.

The LTCS Commissioner may request that service providers complete the LTCS Commissioner’s forms or provide additional information before a request or plan can be processed, if the request or plan has not been submitted on the current version of the LTCS Commissioner’s form.

2. LTCS Coordinator

Each participant is allocated an LTCS Coordinator who is the participant’s primary point of contact with the LTCS Commissioner. The LTCS Coordinator’s role is to:

- Provide potential participants with information about the LTCS Scheme and the application process;
- Facilitate the development, implementation and review of discharge plans, community living plans, LTCS plans and requests for services; and
- Coordinate the delivery of services, including liaison with government and non-government services and agencies.

3. Assessment and planning principles

The following principles direct the assessment and provision of treatment, rehabilitation and attendant care services for participants.

The participant is central to all planning and decision making about treatment, rehabilitation and care.

Treatment, rehabilitation and care services should develop the individual's participation, independence and life roles.

Effective rehabilitation, treatment and care delivery involves communication and cooperation with the participant, their family, service providers and the LTCS Commissioner.

Any proposed services must address the participant's needs.

Participant's needs are identified through a comprehensive assessment of their abilities, limitations and desired participation goals. The assessment will consider any potential facilitators and barriers to achieving the goals.

Assessments should be conducted using standardised tools wherever possible.

Proposed services are reasonable and necessary in the circumstances.

4. The LTCS Commissioner's review of requests

The LTCS Commissioner will provide written feedback to the participant as to what the LTCS Commissioner will fund within 10 working days of receipt of a request or plan.

If the LTCS Commissioner makes a decision that a request, plan, or components of a plan are partially approved or not approved, the LTCS Commissioner will provide the participant with reasons for its decision.

When the LTCS Commissioner partially approves or does not approve a plan or request, the LTCS Commissioner will:

- Provide the certificate to the participant and service provider within 10 days of receipt. The certificate will clearly outline the reasons why the LTCS Commissioner considers the plan or request not reasonable and necessary;
- Advise the participant and service provider in writing within 10 days of receipt of the request or plan that is partially approved or not approved; and
- Provide the participant with information on the LTCS Commissioner's process for resolving disputes about treatment, rehabilitation and care needs.

Requests for home modification are not subject to the above timeframes.

5. Privacy and confidentiality /release of information

The LTCS Commissioner will make appropriate information available to service providers where consent has been obtained from the participant and it is deemed to be of benefit. When

information is shared with service providers or other external agencies, those service providers and agencies will be required to adhere to the same privacy and confidentiality obligations as LTCS Commissioner staff.

Section 94 of the LTCS Act states that the LTCS Commissioner is authorised to exchange information concerning the treatment and care needs of participants with licensed insurers and a person approved in writing by the LTCS Commissioner. This could include insurers such as workers compensation insurers, travel insurers and interstate or overseas funding bodies.

6. Approved attendant care providers

For paid attendant care services, participants will choose an attendant care provider from a list of the LTCS Commissioner's approved attendant care providers. If there are circumstances where it is not appropriate to use one of the LTCS Commissioner's approved attendant care providers (for example, another attendant care provider is preferred for specific cultural reasons or the participant lives interstate), this should be discussed with the participant's LTCS Coordinator and will be considered on a case by case basis.

7. Assessment of care needs for participants with a spinal cord injury

The "Guidelines for levels of attendant care for people with spinal cord injury" in force from time to time issued by the NSW Lifetime Care and Support Authority apply to the assessment of care and equipment needs of participants with a spinal cord injury, in conjunction with any relevant LTCS Commissioner's procedures.

8. Clinical guidelines

Service providers and the LTCS Commissioner must follow specific guidelines on aspects of treatment, rehabilitation and care when they apply to LTCS Scheme participants, which could include the following NSW Motor Accident Commissioner publications:

- Neuropsychological Assessment Guidelines; and
- Who needs 24-hour care in the CTP Scheme?

9. Fees

The fees for medical services payable by the LTCS Commissioner are those specified in the current edition of the List of Medical Services and Fees, and as published from time to time, by the Australian Medical Association.

The fees for attendant care services payable by the LTCS Commissioner are those specified in the LTCS Commissioner's current Schedule of Fees for approved attendant care providers or, if no Schedule is available, fees will be determined in accordance with ACT procurement requirements.

When the LTCS Commissioner is engaging an approved assessor, the fees payable to approved assessors are those specified in the LTCS Commissioner's current Schedule of Fees for approved assessors or, if no Schedule is available, fees will be determined in accordance with ACT procurement requirements.

When the LTCS Commissioner is referring a dispute to a dispute assessor, the fees payable to dispute assessors are those specified in the LTCS Commissioner's current Schedule of Fees for dispute assessors or, if no Schedule is available, fees will be determined in accordance with ACT procurement requirements.