

Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 8)

Disallowable instrument DI2014–209

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 8)*.

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 8 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

2 July 2014

PART 8 – Attendant care services

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

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

Background

Attendant care services are paid services that assist the participant to perform tasks they would normally be able to do for themselves. The LTCS Commissioner will only pay for the reasonable expenses of attendant care services requested by or on behalf of the participant to meet the participant's assessed care need.

Attendant care services focus on maximising the participant's independence across a variety of settings with the aim of facilitating a return to their former roles to the extent possible, or developing new functional skills and roles.

Definitions

Attendant care worker means an employee of or person engaged by an approved provider of attendant care services.

Assessed care needs means the LTCS Commissioner's assessment of the participant's treatment and care needs which relate to the motor accident injury and are reasonable and necessary in the circumstances.

Expenses means expenses incurred by or on behalf of the participant while a participant in the LTCS Scheme.

1. Attendant care services

- 1.1. The LTCS Commissioner will assess the treatment and care needs of the participant for attendant care services which relate to the motor accident injury and are reasonable and necessary in the circumstances.
- 1.2. The LTCS Commissioner's assessment of whether attendant care services are reasonable and necessary takes account of the documentation of the care needs of the participant, and as relevant, requests for services such as the participant's Community Living Plan and other documents held by the LTCS Commissioner.
- 1.3. Factors impacting upon whether attendant care services are reasonable and necessary include the degree to which attendant care:
 - assists to maximise independence;

- facilitates a return to former roles or assist the participant to develop new functional skills and roles;
 - is the appropriate service for the participant's age and circumstances, when compared with alternative options and models to meet the participant's care need;
 - reduces or eliminates the risk of harm to the participant or others;
 - is the least restrictive response to meet the participant's injury related needs.
- 1.4. Attendant care services include assistance with personal care tasks including:
- showering, bathing, oral hygiene, dressing and grooming;
 - personal hygiene including bowel and bladder care;
 - eating and drinking;
 - medication use;
 - fitting and use of aids and appliances, hearing and communication devices;
 - mobility and transfers; or
 - health maintenance, for example positioning, application of splints, regular and routine exercises or stretches.
- 1.5. Attendant care services include assistance with the following tasks to assist the participant function in the community including:
- selecting and planning activities;
 - meal preparation and other domestic tasks;
 - caring for dependents;
 - banking and shopping; and
 - attending rehabilitation or medical appointments.
- 1.6. Attendant care services include assistance with the following tasks to assist the participant engage in rehabilitation including:
- attendant care for community based activities;
 - therapy support, to implement a therapy program under the guidance and supervision of a health professional; or
 - weekend leave while the participant is an inpatient in a hospital or rehabilitation facility.
- 1.7. Attendant care services do not include:
- personal care and nursing services whilst the participant is an inpatient in a hospital or during inpatient rehabilitation;
 - services for an injury, condition or circumstance that existed before a motor accident or that are not a result of the motor accident;
 - services that are of no clear benefit to a participant;
 - services for other members of the participant's family or household;
 - travel expenses for the participant, their family or attendant care workers except to and from treatment and rehabilitation services where expenses are paid by the LTCS Commissioner;

- services that replace parental responsibilities, such as the supervision of a young child.

1.8. Attendant care services will not be provided in an unsafe environment or if the attendant care worker is placed at risk of harm, for example lifting a participant where this has been assessed as a manual handling risk.

2. Domestic services

2.1. The LTCS Commissioner will assess the treatment and care needs of the participant for domestic services which relate to the motor accident injury and are reasonable and necessary in the circumstances.

2.2. The LTCS Commissioner's assessment of whether domestic services are reasonable and necessary takes account of the documentation of the care needs of the participant, and as relevant, requests for services such as the participant's Community Living Plan and other documents held by the LTCS Commissioner.

2.3. Domestic services include assistance with the following tasks:

- routine home maintenance for the purpose of upkeep and to ensure safe and easy access;
- gardening for the purpose of upkeep and to ensure safe and easy access;
- cleaning and similar tasks involved in the everyday operation and maintenance of a household.

3. Attendant care services and domestic services for participants with a spinal cord injury

3.1. The LTCS Commissioner takes account of relevant guidelines and other publications including the Guidelines for levels of attendant care for people with spinal cord injury for use in the NSW Motor Accidents Scheme and the Lifetime Care and Support Scheme, when making an assessment of the reasonable and necessary care needs of participants with spinal cord injury.

4. Attendant care for participants who are children

4.1. The LTCS Commissioner will pay the reasonable expenses of attendant care when the participant is a child in order to meet the child's assessed care needs from their motor accident injury. Attendant care provided for children does not replace the usual care and supervision provided by a parent or paid for by a parent, such as babysitters, child care costs and out of school hours care.

4.2. The role of the attendant care worker is to provide attendant care services to the participant and not to provide direct care or supervision to other family members such as the participant's siblings or children.

4.3. In the case of young children, the LTCS Commissioner may consider paying the reasonable expenses of domestic services in place of attendant care services in order to allow the parent to meet a care need that is related to the motor accident injury. For example, when a child participant with behavioural needs due to cognitive impairment requires additional supervision beyond that which would be age-appropriate, domestic services may be provided in place of attendant care to allow a parent to supervise the participant more closely than would be required given the child's age. Alternatively,

in the same situation, child minding for the participant's siblings may be provided in place of attendant care to allow the parent to provide one-on-one supervision to the participant.

- 4.4. Documentation of the attendant care needs of a child participant, for tasks ordinarily provided by a parent or family member as part of their parental responsibilities, must include a description of why the assessed care needs of the child participant require the assistance of an attendant care worker. For example, a ten-year-old participant who was previously supervised to walk to and from school by an older sibling now requires the assistance of an attendant care worker due to cognitive and behavioural issues from the motor accident injury, because there is an increased need for supervision that is beyond the capabilities of the participant's sibling.
- 4.5. The presence of an attendant care worker to meet care needs related to the motor accident injury does not replace parental responsibility to supervise and provide non-injury related care to the child participant.

5. Attendant care for participants who have caring responsibilities

- 5.1. The LTCS Commissioner will pay the reasonable and necessary expenses for attendant care for participants who have caring responsibilities to assist the participant to perform their role as a parent or caregiver when the need for this assistance is related to the motor accident injury.
- 5.2. Payment of attendant care expenses in this case aims to maximise the participant's independence and support the participant in their role as a parent and/or caregiver. The role of the attendant care worker is to provide attendant care services to the participant. The presence of an attendant care worker for care needs related to the motor accident injury does not replace parental or caregiver responsibility. For example, an attendant care worker may assist a participant to travel with their children to and from school, but is not solely responsible for taking the children to and from school.

6. Alternatives to attendant care service provision

- 6.1. The LTCS Commissioner will consider paying reasonable expenses of alternatives to attendant care services such as school holiday programs, child care, community based groups, or community access programs. This will be considered when such alternatives are age appropriate, provide appropriate support and are assessed as a suitable alternative to meet the participant's injury related needs.
- 6.2. The LTCS Commissioner will not pay for everyday activity costs that are not related to the need arising from the motor accident injury.

7. Attendant care services when the participant is away from home

- 7.1. The LTCS Commissioner will pay the reasonable expenses of attendant care services for a participant when away from home, for example, when on holiday or away from their usual place of residence. This does not include attendant care services while the participant is in hospital or inpatient rehabilitation.

- 7.2. The LTCS Commissioner requires additional documentation of the care needs of the participant in order to assess their needs for attendant care when away from home in the following circumstances:
- additional attendant care hours are being requested for the duration of the participant's absence;
 - the participant will use a different attendant care provider than the one engaged to provide their regular attendant care program;
 - the participant is travelling overseas; or
 - attendant care worker travel or accommodation expenses are being requested.
- 7.3. A participant's need for attendant care services when away from home may be the same as their existing assessed need for attendant care services, in circumstances when:
- no additional attendant care hours are being requested for the duration of the participant's absence; and
 - the participant will be using the same attendant care provider engaged for their regular weekly attendant care program.
- 7.4. The LTCS Commissioner will consider expenses for attendant care when the participant is away from home, additional to a participant's existing attendant care services, to be reasonable and necessary in the following circumstances:
- when continuity of an attendant care worker or team of attendant care workers is required, that is, when it can be demonstrated that a change in attendant care service provision would cause secondary care complications or behavioural complications, or the change in attendant care worker may increase the need for care;
 - when the participant requires attendant care support to travel to and from their destination beyond that provided by airlines, boat or rail systems; or
 - when there is an additional need for attendant care services or a change to attendant care service delivery when away from home because of the participant's level of function, accommodation environment, unfamiliar surroundings, unfamiliar routine or need to access additional equipment.

Equipment hire when the participant is away from home

- 7.5. The LTCS Commissioner will pay the reasonable expenses of hire of equipment required for attendant care provision, such as a hoist or shower commode, where it is not practical or reasonable to transport equipment from the participant's home to their destination. The LTCS Commissioner will not pay the expenses of any recreation equipment hired while away from home, but will pay reasonable expenses of the additional cost of equipment hire required as a result of the motor accident injury.
- 7.6. Attendant care while away from home does not include:
- any expenses for recreational activities or recreational equipment while the participant is away from home;
 - expenses for the participant's entry to tourist attractions or any other participation in activities relating to a holiday;

- a participant's personal holiday expenses such as travel, meals and accommodation;
- attendant care worker travel expenses to accompany a participant to and from their destination, where a participant is assessed as being able to travel without an attendant care worker present and with the support provided by airlines, boat or rail systems;
- any participant travel expenses such as air, rail or boat fares;
- costs associated with international travel such as immunisation, passports or visas for the participant;
- attendant care assistance for any tasks other than to meet an assessed care need; or
- travel insurance or any other expenses associated with changes to travel plans for the participant.