

Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 7)

Disallowable instrument DI2014–208

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 7)*.

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 7 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 7 – Treatment and rehabilitation 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* (LTCS Act).

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.

1. Policy

The LTCS Commissioner will fund reasonable and necessary treatment and rehabilitation needs of participants in relation to the injury sustained in the motor accident. Services should be provided by a qualified health professional.

“Treatment and care needs” is defined in Section 9 of the LTCS Act. For the purpose of this Part of the LTCS Guidelines, the phrase “treatment and rehabilitation” is used to mean “treatment and care needs” as it is defined under the LTCS Act.

Treatment and rehabilitation services are included in the bed day fee when the participant is an inpatient and therefore are not funded separately.

Rehabilitation is defined as the process of restoring or attempting to restore the person, through the combined and co-ordinated use of medical, social, educational and vocational measures, to the maximum level of function of which the person is capable or which the person wishes to achieve and includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living.

2. Treatment and rehabilitation services funded by the LTCS Commissioner

The LTCS Commissioner will fund the reasonable and necessary costs of treatment and rehabilitation services where:

- There is clinical justification for services;
- There is evidence that the service is reasonable and necessary in relation to the motor accident injury in respect of which the injured person is a participant in the LTCS Scheme;
- The service is likely to be effective and achieve or maintain a measurable functional improvement; and
- The service promotes progress towards functional independence, participation and self management.

This Treatment and Rehabilitation policy applies to all requests and services that are not the subject of a specific policy elsewhere in the LTCS Guidelines.

Rehabilitation services may be requested as part of the participant's Community Discharge Plan, Community Living Plan or may be separate from a participant's existing plan. All rehabilitation and treatment services require prior approval in writing from the LTCS Commissioner.

The LTCS Commissioner will not fund:

- Services that are not treatment, rehabilitation and care services under the scope of the LTCS Act or regulations;
- Standard personal items or household items (e.g. mobile phone, computer, standard furniture, linen and whitegoods);
- Rent or bond for rental properties, or any differences in rent amounts;
- Treatment and rehabilitation services for other members of the participant's family;
- Economic loss relating to the motor accident such as lost wages, weekly benefits or other forms of income maintenance or income support;
- Assistance to keep a business open, such as paying for temporary staff to do a participant's job;
- Additional expenses incurred during inpatient or outpatient treatment or rehabilitation such as additional food, laundry, newspapers and magazines;
- Treatment or rehabilitation services not related to the motor accident injury such as visits to a general practitioner, gym memberships or vitamins;
- Items that were lost or damaged in the motor accident; and
- Payments for large capital items such as houses and cars.