

# Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 13)

Disallowable instrument DI2014–214

made under the

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

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## 1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 13)*.

## 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 13 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

3 July 2014

## PART 13 - Equipment

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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.

### Policy

The LTCS Commissioner will fund equipment for participants where it is assessed as reasonable and necessary to meet a medical, rehabilitation or care need in relation to the injury sustained in the motor accident, including requests for equipment not specifically mentioned in this policy.

Any request for equipment must be accompanied by an equipment prescription on the Equipment Request Form. Prescription must be conducted by a health professional or team of professionals with recognised qualifications, and relevant experience in prescribing that category of equipment. The level of experience required to prescribe equipment is determined by the complexity of equipment and the participant's needs. That is, as the complexity of equipment and associated risk to the participant increases, the equipment prescriber should have a greater level of experience.

Equipment may be provided to:

- increase independence;
- increase participation;
- improve mobility;
- aid communication;
- relieve pain or discomfort;
- maintain health or prevent ill-health;
- return to vocational, educational, or leisure activities; or
- increase the safety of the participant, their family, carers or attendant care workers.

### 1. Equipment prescription

Equipment prescription is the process of selecting, trialling, evaluating and eliminating equipment to determine the most appropriate equipment to achieve the participant's goal. This includes identifying the specific model, type and cost of the equipment. It is more detailed than a referral for equipment prescription or the identification of need for equipment. For example, a medical specialist may refer or recommend a participant be assessed for a wheelchair. However, the specifications of the wheelchair would be detailed by the equipment prescriber, for example an occupational therapist working at a seating clinic.

Any equipment prescription should also include an implementation procedure to ensure appropriate and safe use by the participant or other users.

### **1.1. Principles**

The LTCS Commissioner will fund the reasonable and necessary cost of equipment when:

- the participant's need for the equipment has been assessed as related to the motor accident injury;
- a recommendation is made by a qualified person with the relevant experience in the prescription of that type of equipment;
- the equipment has been successfully trialled where possible and the participant is able to safely use the equipment within the intended environment of use;
- implementation procedures for the equipment are outlined, including any associated training requirements; and
- the participant's need for the equipment is congruent with their LTCS plan.

## **2. Eligibility for equipment**

The LTCS Commissioner will fund the reasonable and necessary costs of equipment to address a health issue, activity limitation or participation restriction that is caused by the motor accident injury. Prescription should occur when other therapies, treatments or management options have been explored or are not appropriate.

### **2.1. Modifications to existing household or leisure equipment**

The LTCS Commissioner will fund the reasonable and necessary cost of upgrading or modifying equipment that was owned by a participant prior to the motor accident, to enable the participant to access the equipment. However, in circumstances where the cost of modification of existing equipment exceeds the cost of purchase and the equipment is reasonable and necessary, the LTCS Commissioner will fund the purchase of new equipment.

The LTCS Commissioner is not responsible for the provision of equipment if:

- under normal circumstances the item is considered to be a general household or leisure item, for example washing machines or bicycle helmet. The LTCS Commissioner will pay for the cost-difference of any modification to the item or any additional features that are considered reasonable and necessary due to the motor accident injury;
- the equipment requires replacement due to the participant neglecting, abusing or misusing the equipment; or
- the piece of equipment is more expensive than an item that is strictly required to meet the participant's identified needs.

## **3. Equipment request**

The LTCS Commissioner requires written evidence of the equipment prescription justifying the provision of equipment on the LTCS Commissioner's Equipment Request Form. An equipment request should be made in collaboration with the participant, considering their

individual needs, and the social and physical environment of use. The equipment request should include:

- a clearly stated participant centred goal addressing the need for equipment;
- the clinical assessments and where applicable trials of equipment leading to the equipment decision;
- justification for the equipment, including the relationship to the motor accident injury and the reasonable and necessary criteria; and
- the implementation plan, including training, acquittal and review.

A guide to equipment needs for participants with a spinal cord injury can also be found in the NSW Motor Accidents Commissioner's publication Guidelines for levels of attendant care for people who have spinal cord injury or any updated versions or revisions.

#### **4. Obtaining equipment**

The LTCS Commissioner will order equipment from the equipment suppliers on behalf of the participant, except for continence equipment/products and equipment available on the discharge list.

##### **4.1. Discharge List**

To facilitate a participant's discharge from hospital, providers/hospitals may order certain types of equipment (as outlined below) directly from a supplier(s) approved by the LTCS Commissioner or, if there are no approved suppliers, by suppliers agreed with by the LTCS Commissioner. Ordering from the discharge list does not require prior approval by the LTCS Commissioner. However, the injured person must be verified as a participant of the LTCS Scheme before orders can be made from the list. The list is available from the LTCS Commissioner's website and includes:

- aids to facilitate independence and/or safety in activities of daily living (e.g. dressing and grooming aids; adaptive cutlery/eating aids; bathing equipment);
- aids to facilitate independence and/or safety in instrumental activities of daily living (e.g. kitchen and meal preparation equipment);
- adaptive devices to facilitate independence and/or safety in transfers and mobility (e.g. bed mobility aids; crutches/walking sticks/walking frames; sliding boards); and
- low cost items to maintain skin integrity (e.g. sliding sheets; skin inspection mirrors).

##### **4.2. Continence equipment and supplies**

The LTCS Commissioner will provide continence supplies that relate to a continence need caused by the motor accident injury.

A referral for the initial prescription of continence equipment and supplies must be made by a suitably qualified medical practitioner. Subsequent continence reviews do not require a referral from a medical practitioner, unless there is a change in management practice.

The prescription of continence supplies must be completed by a registered nurse with the required level of relevant experience for continence prescription. The continence prescription should include the continence aid, the frequency of provision as per the recommended usage levels, and the period of time for which the prescription applies. A review date based on the participant's needs should be set at the time of assessment.

The LTCS Commissioner may appoint a supplier(s) to provide approved continence equipment and supplies directly to the participant. In these circumstances a participant may order continence supplies as they are needed, providing the orders are within the usage recommended in the equipment prescription. If an item is ordered by a participant that is outside the prescribed list or the quantity recommended, the equipment supplier will need to seek prior approval to supply the item. Clinically appropriate product substitutions may be ordered without prior approval if the prescribed item is unavailable at the time of ordering.

The LTCS Commissioner will not fund continence equipment where the participant is an inpatient, or where a bed fee includes the provision of this equipment.

#### **4.3. Provision of other equipment (not on discharge list or continence products)**

The LTCS Commissioner may require the participant to enter into an agreement that details the conditions of use, maintenance, insurance and ownership of equipment.

The LTCS Commissioner may use an approved provider, to purchase or hire equipment, where an agreement has been entered into for procurement purposes.

### **5. Ownership of LTCS Commissioner funded equipment**

Equipment funded by the LTCS Commissioner remains the property of the LTCS Commissioner unless an agreement is made with the participant regarding ownership. The equipment will be made available to the participant for their sole use for as long as the participant needs the item.

### **6. Partial liability for equipment**

Participants may be required to contribute to the cost of equipment in cases where the equipment is only partially related to the participant's motor accident injury, or the item requested is beyond what is reasonable and necessary in relation to the participant's motor accident injury.

Where a participant makes a reasonable financial contribution towards the purchase of the equipment, for example, more than 30% of the purchase price, the participant will be the owner of the equipment.

### **7. Maintenance and repair of equipment**

The LTCS Commissioner will fund the reasonable and necessary cost of:

- maintenance and repairs to equipment funded and owned by the LTCS Commissioner, resulting from normal wear and tear;

- routine maintenance as recommended by the manufacturer or to meet industry standards;
- adjustments to equipment due to growth, or other change in the participant's need; and
- repairs where the LTCS Commissioner has accepted partial liability for the purchase or modification of equipment, consistent with the level of the LTCS Commissioner's contribution to the purchase or modification of the equipment.

## **8. Replacement of equipment**

The LTCS Commissioner will replace equipment that has worn as a result of normal use over a reasonable period of time, if it is still required by the participant or to accommodate changed needs related to participant growth.

The LTCS Commissioner will fund the replacement of any injury-specific modifications or extras that cannot be transferred from old equipment where it is a normal item of household or recreation equipment, such as a bed or modified recreation equipment.

## **9. Equipment for activities of daily living**

The LTCS Commissioner will fund the reasonable and necessary cost of equipment for activities of daily living when there is an injury related need and the equipment will increase the participant's capacity or safety to participate in an activity. This includes activities such as: eating and drinking, grooming, sleeping, bathing, dressing, toileting and medication management.

### **9.1. Beds/mattresses**

The LTCS Commissioner will fund the reasonable and necessary cost or contribution to the cost of the purchase of a bed where the need for the replacement mattress/bed is due to the participant's motor accident injury.

In deciding whether the LTCS Commissioner will fund the total cost of a bed or, to determine the extent of contribution toward the reasonable cost of a bed, the LTCS Commissioner will consider:

- the age of the participant's current bed;
- the condition of the participant's current bed; and
- the extent to which the motor accident injury is related to the need for a new bed.

The LTCS Commissioner will fund the reasonable cost of a replacement mattress and/or bed of a size and type similar to the participant's pre-accident bed, e.g. a single bed/mattress would replace a single bed/mattress.

If a participant requires a bed of a different size/type than their pre-accident bed, due to the injury sustained in the motor accident, the LTCS Commissioner will fund the reasonable difference in cost between the participant's pre-accident bed and the cost of the new size/type of bed.

The LTCS Commissioner will not fund antique bed replacements or repairs, waterbeds or waterbed heaters.

## **10. Communication and assistive technology**

The LTCS Commissioner will fund the reasonable and necessary costs associated with the purchase of electronic equipment recommended by a suitably qualified professional with relevant experience, including modifications to electronic equipment, that are required as a result of the motor accident injury.

### **10.1. Communication**

Where a participant has a substantially reduced capacity with speech, writing or reading as a result of their motor accident injury, the LTCS Commissioner will fund the reasonable and necessary cost of communication devices.

The LTCS Commissioner will fund an upgrade to a participant's personal computer equipment when their independence in communication changes and the current equipment, including hardware, software or peripherals, no longer maximises the participant's independence in communication.

### **10.2. Personal computer equipment**

The LTCS Commissioner will fund the reasonable and necessary cost of a basic hardware and operating system when the participant does not currently own or already have access to computer equipment and the need is directly related to the motor accident injury. Consideration will be given to the participant's likely percentage of injury-related use of the computer where it will be used by people other than the participant, or for purposes other than those outlined above.

Personal computer equipment may also be provided to enable the participant to:

- Return to work. This includes working remotely until they can access their workplace;
- For a vocational retraining program;
- For education, where the participant:
  - is enrolled in distance education, or school or tertiary education that is able to provide remote learning;
  - is unable to access their educational institution, including the computer facilities of the educational institution;
  - does not own or have access to suitable computer equipment.
- Increase a participant's functional independence in their instrumental activities of daily living such as shopping and money management where the participant:
  - lives in a remote location;
  - has a severe physical impairment;
  - has some other motor accident injury related condition that inhibits the participant's access to the community, such as physical disfigurement or incontinence.

### **10.3. Internet access for short term programs**

The LTCS Commissioner will fund the reasonable and necessary cost of Internet access for short-term programs related to the motor accident injury such as:

- a hospital inpatient unable to temporarily access their workplace;
- a short-term return to work program; or
- an educational program.

#### **The LTCS Commissioner will not fund:**

- Internet subscriptions, unless specifically noted in section 10.3 above;
- equipment that is available without cost;
- the additional cost of software, hardware or peripherals where this is the participant's personal preference and is not required to maximise a participant's independence; or
- the additional cost of software upgrades where this is the participant's personal preference, and is not required to ensure that the participant's computer remains serviceable or maximise a participant's independence in computer use.

### **10.4. Environmental control equipment**

The LTCS Commissioner will fund the reasonable and necessary cost of equipment for the purpose of environmental control. This includes equipment that requires physical or structural modification to the participant's home, which is outlined in the Home Modifications policy.

## **11. Pressure care equipment**

The LTCS Commissioner will fund the reasonable and necessary cost of pressure care equipment where a participant has been assessed as being at risk of pressure ulcer development or currently has a pressure ulcer, and this risk is directly related to their motor accident injury.

## **12. Positioning and seated mobility equipment (including wheelchairs)**

The LTCS Commissioner will fund the reasonable and necessary cost, including the replacement cost, of wheelchair, and other mobility aides to enable participants to safely access their home, their workplace and the community.

Positioning and seated mobility equipment will be funded when there is an injury related need to increase the participant's capacity or safety to participate in an activity. This includes activities such as: accessing the community, eating and drinking, sleeping, showering, toileting, study, travel by car, sitting or mobilising, and communicating.

## **13. Orthoses, footwear and walking aids**

The LTCS Commissioner will fund the reasonable and necessary cost, including the replacement cost, of orthoses, footwear, and walking aids to enable participants to safely

access their home, their workplace and the community, and the need is directly related to the motor accident injury.

#### **14. Respiratory equipment**

The LTCS Commissioner will fund the reasonable and necessary cost of respiratory equipment where the need is directly related to the motor accident injury. Types of respiratory equipment may include:

- invasive ventilation (tracheostomy);
- non-invasive ventilation; and
- associated electro-medical equipment and supplies.

The LTCS Commissioner may appoint a supplier(s) to provide approved ventilation, tracheostomy or other ostomy equipment directly to the participant.

In these circumstances a participant may order supplies as they are needed, providing the orders are within the usage recommended in the equipment prescription. If an item is ordered by a participant that is outside the prescribed list or the quantity recommended, the equipment supplier will need to seek prior approval to supply the item.

#### **15. Equipment for exercise and fitness**

The LTCS Commissioner will fund the reasonable and necessary costs of exercise and fitness equipment when the need for the equipment is related to a participant's community living plan or an LTCS Plan goal. When the equipment is prescribed, justification should be provided as to why the exercise and fitness equipment is required, and what other options have been considered and discounted. Reasonable and necessary costs could include:

- hire of equipment while the participant trials the activity; or
- purchase of exercise or fitness equipment adapted to the participant's needs once a successful trial has taken place, or
- the participant's commitment has been demonstrated through regular use of the equipment over a period of time.

The LTCS Commissioner will not fund:

- equipment that is available for use in another setting (such as a gymnasium) that is appropriate for the participant to access; or
- equipment that is used by the participant solely in other environments, for example physiotherapists' rooms.

#### **16. Equipment for recreation or leisure purposes**

The LTCS Commissioner will fund the reasonable and necessary costs of equipment, and/or specialised adaptations to equipment, to return a participant to a pre-accident recreational activity, to substitute a pre-accident recreational activity, for a new recreational activity or to commence a developmentally appropriate activity. Examples include the purchase of long-handled or adapted gardening tools or electronic gaming equipment.

The LTCS Commissioner will not fund large capital items or recreational vehicles.