

Lifetime Care and Support (Catastrophic Injuries) (Home Modifications) Guidelines 2023*

Disallowable instrument DI2023–7

made under the

Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 93 (LTCS guidelines)

1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) (Home Modifications) Guidelines 2023*.

2 Commencement

This instrument commences on the 7th day after its notification.

3 Guidelines

I make the guidelines attached to this instrument. The guidelines are Part 14 of the LTCS Guidelines made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*.

4 Revocations

The *Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 14)* (DI2014-215) is revoked.

Lisa Holmes
Lifetime Care and Support Commissioner of the ACT

30 January 2023

*Name amended under Legislation Act, s 60

Part 14: Home modifications

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

Part 14 of the Lifetime Care and Support Guidelines (the LTCS Guidelines) applies to any assessment of treatment and care needs relating to home modifications made on and from the date of commencement of the part in respect of any participant in the Lifetime Care and Support Scheme (the LTCS Scheme), whether interim or lifetime, and whether accepted into the LTCS Scheme before or after that date.

The Lifetime Care and Support (LTCS) Commissioner may waive observance of any or parts of this Guideline. Waiving observance of all or part of this Guideline in any particular circumstances is not an indication that the LTCS Commissioner will waive observance of this or any other Guideline in any other circumstances.

1 Home modifications

1.1 The LTCS Commissioner considers treatment and care needs in connection with home modifications to be reasonable and necessary when:

- a) the long-term impact of the motor accident or work injury restricts or prevents the participant from accessing the home and/or being able to utilise the home's standard fittings or facilities;
- b) the proposed home modification will increase the participant's independence and reduce the participant's need for other kinds of supports such as attendant care;
- c) the participant's need for the home modification is unlikely to change over a considerable period; and
- d) the home modification will ensure the safety of the participant, family members and attendant care workers.

1.2 Reasonable and necessary treatment or care needs in connection with home modifications include:

- a) minor home modifications that do not alter the external structure of a home, are not complex, and have a cost limit of \$30,000. *For example, temporary internal or external ramping, simple rails, shower screen removal or non-structural widening of an entrance; or*
- b) major home modifications which alter the internal or external structure of a residence, are complex, involve multiple tradespeople, require a detailed plan or local government approval, or cost over \$30,000. *For example, adding or removing walls, adding a wet area or shower or erecting a new structure.*

1.3 The following home modifications are not considered reasonable and necessary treatment and care needs:

- a) any part of the home modification that provides no clear injury-related benefit to a participant;
 - b) repairs or modifications required because of a condition that existed before the motor accident or work injury; and
 - c) where the home modification constitutes, is likely to constitute, or will result in, an illegal structure. An illegal structure is one that is contrary to relevant building and construction codes or local government planning guidelines, statutes and/or laws.
- 1.4 The expenses in relation to home modifications may be considered to be reasonable expenses only when:
- a) the home modification has been agreed to by the participant and home owner in writing;
 - b) the body corporate or other relevant authority (as applicable) has approved the home modification in writing;
 - c) the home modification has been approved in advance by the LTCS Commissioner;
 - d) alternative options, including relocation, have been considered and excluded;
 - e) the scale and cost of the proposed home modification is the most feasible option when considering the likely benefit to the participant; and
 - f) there are no prohibitive structural constraints. *For example, surrounding terrain and condition of the home.*
- 1.5 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to home modifications will not generally include:
- a) cost of repairs for conditions in the home that existed before the motor accident. *For example, termite damage or concrete cancer;*
 - b) building or construction of in-ground or above-ground pools, spas or other aqua-therapy facilities;
 - c) upgrades of any materials required for the home modification;
 - d) items or labour not included in the final contract for modifications agreed to by the LTCS Commissioner, unless prior approval has been obtained from the LTCS Commissioner;
 - e) items that are normal household items and are not related to the participant's need arising from their motor accident or work injury. *For example, furniture or whitegoods, surge protectors, towel rails, fans, lights, hot water services, security doors and windows;*
 - f) other home modifications or renovations intended to add value to an existing property that are not related to the participant's motor accident or work injury;
 - g) any loss of value to the home resulting from any home modification;
 - h) any loss of value to the home resulting from the removal of a minor home modification; and
 - i) costs associated with the removal of major home modifications.

2 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs in connection with home modification

- 2.1 To determine if expenses relating to home modifications are reasonable, the LTCS Commissioner will consider:
- a) the ownership of the home;
 - b) the expected length of stay at the home; and
 - c) whether home modification has been confirmed as the most cost-effective option in the circumstances.
- 2.2 The assessment of treatment and care needs in connection with home modifications may include:
- a) a home assessment completed by an occupational therapist with appropriate experience in home modifications (building modification occupational therapist);
 - b) identification of environmental barriers relating to the motor accident or work injury and all options for overcoming these barriers such as provision of equipment, non-structural home modifications and relocation; and
 - c) clear clinical justification as to why home modification is needed, and the feasibility of the proposed home modification compared with the other options.
- 2.3 Information required by the LTCS Commissioner to assess a participant's treatment or care need in connection with home modifications may include:
- a) information about the participant's entry and exit from the home;
 - b) information about access to areas in the home to enable the participant to undertake activities of daily living, instrumental activities of daily living and participate in life roles and associated responsibilities;
 - c) home modification project plans including the cost and extent of the proposed home modification;
 - d) confirmation that the proposed home modification meets the relevant Australian Standards;
 - e) required consents for the proposed home modification by any other parties. For example, a landlord, body corporate or local government consent;
 - f) the effects of aids or appliances, including wheelchairs, on the participant's ability to function within their environment; and
 - g) whether any future improvement or change is likely.

3 Modification to a home owned by the participant and their family

- 3.1 The LTCS Commissioner considers treatment and care needs for modification to a home owned by the participant or their family to be reasonable and necessary when:
- a) the home to be modified is the primary home of the participant;
 - b) the participant intends to remain living at that home for at least 5 years; and
 - c) relocation to another home, or a more suitable home, is not an appropriate option

for the participant and their family.

3.2 Reasonable expenses in relation to the modifications to a home owned by the participant and their family will not generally include:

- a) a home modification where the LTCS Scheme has already funded a major home modification in the past 5 years, unless exceptional circumstances exist. *For example, the participant's injury-related needs or personal circumstances have changed unexpectedly;* or
- b) costs for the removal of a major home modification from a home owned by the participant or their family.

4 Home modification to a second home

4.1 The LTCS Commissioner considers treatment and care needs for home modifications to a second home to be reasonable and necessary when:

- a) the modification is to be made to a house or unit that is not the participant's usual place of residence but in which the participant spends significant time as a resident. *For example, a second residence that a participant needs to access because of shared parenting arrangements or a holiday home;* and
- b) the modification will provide basic access for the participant. *For example, ramps, rails, doorway widening and minor bathroom modifications.*

4.2 Information required by the LTCS Commissioner to assess a participant's treatment or care need in connection with modification to a second home may include:

- a) the nature and extent of any previous home modification paid for by the LTCS Scheme;
- b) the anticipated amount of time that the participant is expected to spend in the second home; and
- c) the potential benefit to the participant of modifying the second home.

5 Interim accommodation expenses

5.1 The LTCS Commissioner considers treatment and care needs in connection with interim accommodation to be reasonable and necessary when:

- a) it is short term accommodation for a participant while major modifications are taking place to their home, making it inaccessible or uninhabitable;
- b) the interim accommodation is for the participant and the family members living with them at the time of the accident, and who will be displaced as a result of the home modification building process; and
- c) the need for interim accommodation is for a participant's first major home modification.

5.2 The following interim accommodation is not considered reasonable and necessary treatment and care needs:

- a) circumstances where a participant had an accommodation issue prior to the motor accident or work injury;

- b) the need for home modification is not due to the motor accident or work injury; or
 - c) the participant has declined other feasible options for accommodation.
- 5.3 The expenses in relation to interim accommodation may be considered to be reasonable expenses only when:
- a) the duration of interim accommodation does not exceed nine months; and
 - b) interim accommodation is the most cost-effective option to meet the participant's injury-related needs.
- 5.4 To determine whether a participant's need for interim accommodation is reasonable and necessary in the circumstances, the following factors are relevant:
- a) whether discharge from hospital or inpatient rehabilitation is possible without home modification;
 - b) the length of time for completion of the home modification and whether the home modification is able to be staged to allow earlier access to the home; and
 - c) whether the home to be modified is able to be occupied during the home modification process.
- 5.5 Information required by the LTCS Commissioner to assess a participant's treatment or care need for interim accommodation may include:
- a) whether all other alternative accommodation options have been considered and discounted;
 - b) the size of the proposed interim accommodation in relation to the number of family members being accommodated;
 - c) the length of time that interim accommodation is required;
 - d) the need for treatment, rehabilitation and care services that would be delivered in the interim accommodation setting; and
 - e) the location of the interim accommodation.

6 Home modifications to a rental property

- 6.1 The LTCS Commissioner considers treatment and care needs for modifications to a rental property to be reasonable and necessary when:
- a) the participant's name (if they are an adult) or the participant's parent or legal guardian (if they are a child) is on the lease;
 - b) the property owner has agreed to the home modifications in writing; and
 - c) the participant intends to remain in the rental property for the foreseeable future.
- 6.2 The expenses in relation to home modifications to a rental property may be considered to be reasonable expenses only when costs do not exceed \$15,000 multiplied by the number of years in the term of the lease. *For example, the LTCS Commissioner would consider it reasonable and necessary to install home modifications costing \$22,500 if the owner of the rental property agrees to the modifications. The participant wants to stay in the rental property for the foreseeable future and is willing to sign a lease for an 18-month period.*

- 6.3 The expenses in relation to the costs of returning a rental property to its former state may be considered to be reasonable expenses only when:
- a) specifically requested by the property owner; and
 - b) related to the services or modifications that were previously approved or installed by the LTCS Commissioner.

7 Relocation if the home is not suitable for modification

- 7.1 The LTCS Commissioner considers treatment and care needs for or in connection with relocation to be reasonable and necessary when:
- a) the participant is being discharged from hospital for the first time since the accident or the participant's injury related needs have significantly changed resulting in the need for relocation;
 - b) The LTCS Commissioner has decided that the home is unable to be modified and the participant is required to purchase another home or to enter into a rental lease in respect of another home; and
 - c) The LTCS Commissioner is satisfied that the home the participant is relocating to is the most appropriate option in relation to their injury.
- 7.2 The expenses in relation to the relocation costs below will generally be considered reasonable expenses when a participant, or a member of the participant's family with whom they live, decides to purchase a new home and the factors listed in clause 7.1 are met:
- a) real estate agent fees;
 - b) legal fees associated with property purchase;
 - c) stamp duty associated with property purchase;
 - d) cleaning costs associated with preparing the home for sale;
 - e) furniture removal; and
 - f) the cost of a building report or strata report and pest inspection.
- 7.3 The cost of assistance to locate a suitable home for rental or purchase may be considered a reasonable expense when the participant and/or any member of their family with whom they live are unable to undertake this task themselves and factors listed in clause 7.1 are met.
- 7.4 The expenses in relation to the relocation costs below will generally be considered reasonable expenses when a participant, or a member of the participant's family with whom they live, needs to relocate to another rental property and factors listed in clause 7.1 are met:
- a) fees for breaking a tenancy agreement
 - b) furniture removal;
 - c) cleaning costs required due to a participant's injury related needs; and

- d) the cost of an assessment and report to locate an appropriate home by an appropriately qualified third party approved by the LTCS Commissioner e.g. building modifications occupational therapist and/or building modifications project manager.
- 7.5 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to relocation to another rental property will not generally include costs associated with the end of a tenancy that are a condition of the lease. *For example, advertising costs associated with breaking a lease or cleaning a property at the end of a tenancy.*
- 7.6 Information required by the LTCS Commissioner to assess a participant's treatment or care need in connection with relocation may include:
 - a) recommendations and information contained in a current building report or strata report (for units/townhouses) and pest report; and
 - b) advice and recommendations from a building modification occupational therapist and project manager's assessment of the property in relation to the participant's injury-related needs.

8 Purchase of another home

- 8.1 When a participant and/or their family are considering the purchase of another home, the LTCS Commissioner expects that the participant will select a property that does not require substantial modification to meet their injury-related needs.
- 8.2 The costs of a building modification occupational therapist, and in some cases a building modification project manager, to review the home that is being considered for purchase and provide advice to the participant on whether the home will meet their injury-related needs, including the nature and extent of home modifications required and their approximate costs, may be considered a reasonable expense.
- 8.3 The expenses in relation to major home modifications will generally be considered to be reasonable expenses only if the total cost is up to \$85,000 (excluding GST) for all of the applicable following modifications:
 - a) accessible entry to and exit from the home;
 - b) a bathroom and toilet;
 - c) a bedroom;
 - d) a laundry (for participants who can fully or partially complete laundry tasks); and
 - e) a kitchen (for participants who can fully or partially prepare their own food or beverages).
- 8.4 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to modifications to a purchased home will not generally include expenses for:
 - a) repairs to the home;
 - b) any home modifications undertaken that are not approved by the LTCS Commissioner. For example, the LTCS Scheme is not liable for the costs of home modifications if a participant is

- c) advised that the home is unsuitable and the participant proceeds to purchase or rent the home;
- d) more than one strata report, building report or pest inspection report;
- e) any repairs or maintenance issues identified in strata, building or pest inspection reports;
- f) internet access to research suitable properties;
- g) body corporate/strata fees; and
- h) council or water rates.

9 Contributions to a new home build (off the plan)

- 9.1 If a participant and/or their family are considering building a new home, the LTCS Commissioner expects that the participant will choose a home design that does not require substantial modification to meet their injury related needs.
- 9.2 The costs of a building modification occupational therapist and in some cases a building modification project manager, to review the home design and provide advice to the participant on whether the home will meet their injury-related needs, may be considered a reasonable expense.
- 9.3 The LTCS Commissioner may fund the reasonable cost difference between the standard cost of building the home and any additional costs incurred for the following elements, on the basis that the reasonable cost difference represents relevant reasonable expenses:
 - a) accessible entry to and exit from the home;
 - b) a bathroom and toilet;
 - c) a bedroom;
 - d) a laundry (for participants who can fully or partially complete laundry tasks); and
 - e) a kitchen (for participants who can fully or partially prepare their own food or beverages).
- 9.4 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to contributions to a new home build will not generally include:
 - a) costs of modifications required as a result of the design of the home where the design does not reasonably meet the participant's injury-related needs. *For example, internal or external lifts to a split-level home if the participant is unable to mobilise safely on stairs;*
 - b) any amount in respect of modifications to the plans that are made at no cost to the participant;

- c) any standard cost related to the finishings of a new home. *For example, bathroom tiles, taps, flooring and other standard features;*
- d) costs for modifications that are above the standard cost due to development covenant requirements or due to personal preference; and
- e) any standard costs related to building a new home. *For example, planning authority fees, external consultant or engineer fees.*

10 Room temperature control equipment

10.1 The LTCS Commissioner considers treatment and care needs for room temperature control equipment to be reasonable and necessary when:

- a) the participant is unable to self-regulate their body temperature as a result of a motor accident or work injury and this is unlikely to resolve; or
- b) the lack of room temperature control causes secondary care complications. *For example, a participant with amputations.*

10.2 To determine whether a participant's need for room temperature control equipment is reasonable and necessary in the circumstances, the following factors are relevant:

- a) the main areas of the house that the participant will access for substantial periods of time; and
- b) the structure and layout of the participant's home.

10.3 Information required by the LTCS Commissioner to assess a participant's treatment or care need in connection with room temperature control equipment may include:

- a) Clinical or medical evidence that the participant is unable to self-regulate their body temperature as a result of the motor accident or work injury; and
- b) the participant's documented level of spinal cord lesion if the participant has impaired thermoregulation due to a spinal cord injury. *For example, participants with a spinal lesion at T6 or above are considered to have impaired thermoregulation.*

10.4 The LTCS Commissioner considers treatment and care needs for or in connection with a contribution to energy costs to be reasonable and necessary when:

- a) the LTCS Scheme has funded the installation of room temperature control equipment, or agrees that any existing room temperature control equipment is an injury-related need;
- b) there is evidence of the energy costs that can be directly related to the use of the temperature control equipment to meet the participant's assessed needs; and

c) the participant has applied for and is receiving any existing rebates, such as the NSW Medical Energy Rebate for NSW residents or ACT Life Support Rebate for ACT residents.

10.5 The LTCS Commissioner will generally consider a contribution of up to 35% of the total cost of incurred energy bills, commencing from the date of installation or commencement of use of the room temperature control equipment, to be a reasonable expense.

10.6 The LTCS Commissioner may contribute to costs associated with the servicing, preventative maintenance and repair costs of room temperature control equipment when the LTCS Scheme has funded the installation of room temperature control equipment or otherwise agreed to the injury-related need.

11 Environmental control systems and units

11.1 The LTCS Commissioner considers treatment and care needs for environmental control systems and units to be reasonable and necessary when they will increase the participant's independence and reduce the participant's need for other kinds of support such as attendant care, when carrying out activities of daily living and instrumental activities of daily living.

11.2 Reasonable and necessary treatment or care needs in connection with environmental control systems and units include:

a) additional equipment, modifications and home automation in an environmental control system that can work together as a system with an environmental control unit to improve access and independent control in the home. *For example, automatic door openers, intercoms, emergency call alerts, light control and telephone control;* and

b) a specialised environmental control unit remote control allowing an alternative method of controlling appliances and equipment in the home environment. These are also sometimes known as "Electronic Aids to Daily Living".

11.3 Information required by the LTCS Commissioner to assess a participant's treatment or care need in connection with an environmental control system and unit may include:

a) the expected increase in the participant's independence;

b) an assessment by a health professional with recognised qualifications, and relevant experience in prescribing this category of equipment. This may necessitate a prescription by an occupational therapist with relevant experience working in

- collaboration with the building modifications occupational therapist;
- c) the results of any trials of the system where possible;
- d) availability of a backup system in case of emergency or device failure;
- e) the consideration of cost-effective alternatives; and
- f) the cost, set up, ongoing support and maintenance of the environmental control system and unit.

12 Repairs and maintenance to home modifications

- 12.1 The LTCS Commissioner considers treatment and care needs for or in connection with repairs and maintenance to home modifications to be reasonable and necessary when:
- a) they are essential for a participant's access or safety; or
 - b) they are for fair wear and tear to a home modification that is the direct result of the motor accident or work injury.
- 12.2 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to repairs and maintenance will not generally include those required:
- a) as a result of normal wear and tear. *For example, replacement of bathroom fittings/fixtures;*
 - b) for the upkeep of a residence. *For example, house painting; or*
 - c) maintenance of any additional works not funded by the LTCS Scheme.
- 12.3 The LTCS Commissioner may fund the cost of repairs or maintenance to home modifications proportional to the original costs paid, where the original home modification was not fully funded by the LTCS Scheme, on the basis that this represents a reasonable expense. *For example, where a property owner also contributed to the original cost of the home modification.*

13 Agreement

- 13.1 The LTCS Commissioner may enter into an agreement with the participant that specifies conditions of use, maintenance, insurance and ownership of the home. The agreement may include or concern one or more of the following:
- a) changes of ownership or sale of the home;
 - b) frequency of future home modifications;
 - c) maintenance and repairs to the home modifications;
 - d) ongoing costs related to the home modification such as insurance; or

e) any requirement to repay the reasonable contribution amount to the LTCS Scheme if the home is sold.

13.2 Requests for home modifications that do not fall within the situations above will be considered on a case-by-case basis.

Applicable provisions of the LTCS Act	
Part 14 - LTCS Guidelines	LTCS Act reference
Home modifications	Sections 9, 23