

Aged Care (Residential Care Subsidy — Amount of Respite Supplement) Determination 2007

Aged Care Act 1997

I, **CHRISTOPHER PYNE**, Minister for Ageing, make this Determination under subsection 44-12 (3) of the *Aged Care Act 1997*.

Dated 29 June 2007

CHRISTOPHER PYNE
Minister for Ageing

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Part 1 Preliminary

1 Name of Determination

This Determination is the *Aged Care (Residential Care Subsidy – Amount of Respite Supplement) Determination 2007*. This Determination is also known as (ACA Ch. 3 No. 9/2007)

2 Commencement

This Determination commences on 1 July 2007.

3 Revocation

Determination made by the Minister on 30 June 2006 *Determination under Section 44-12 (ACA Ch. 3 No. 17/2006)* is revoked.

Section 5**4 Definitions**

In this Determination:

Act means *Aged Care Act 1997*.

actual proportion of respite care, in relation to a residential care service and a relevant year, means the proportion of care, worked out using Method Statement 1 set out in Part 1 of Schedule 1, provided through the residential care service in that year to recipients of respite care.

allocation of places, in relation to a residential care service, means an allocation of places to the approved provider of the residential care service made under Division 14 of Part 2.2 of the Act.

certified residential care service means a residential care service that is certified under Part 2.6 of the Act.

relevant year, for a day mentioned in section 11 or 12 (as applicable), means a period of 12 months ending at the expiration of the month in which the day occurs.

specified proportion of respite care, in relation to a residential care service and a relevant year, means the proportion of care, worked out using Method Statement 2 set out in Part 2 of Schedule 1, specified in respect of recipients of respite care in the conditions attached to each allocation of places in the relevant year.

5 Interpretation

In this Determination:

- (a) a reference to a care recipient who has a classification level of 'Respite Care — Low Level' is a reference to a care recipient whose approval as a recipient of residential care expressly covers the provision of respite care and has been limited under subsection 22-2 (3) of the Act to a low level of residential care; and
- (b) a reference to a care recipient who has a classification level of 'Respite Care — High Level' is a reference to a care recipient whose approval as a recipient of residential care expressly covers the provision of respite care and has not been limited under subsection 22-2 (3) of the Act to a low level of residential care.

Section 6

Part 2 Amount of respite supplement — 'Respite Care — Low Level' care recipient classification

6 Application of Part 2

Part 2 applies in respect of a care recipient and a day if, on the day:

- (a) the classification level for the care recipient is 'Respite Care — Low Level'; and
- (b) section 12 or 13 does not apply in respect of the care recipient and the day.

7 Amount of respite supplement for care recipient — certified residential care service

For a care recipient to whom residential care is provided through a certified residential care service, the amount of respite supplement for the day is \$23.18

8 Amount of respite supplement for care recipient — residential care service that is not a certified residential care service

For a care recipient to whom residential care is provided through a residential care service that is not a certified residential care service, the amount of respite supplement for the day is \$16.64.

Part 3 Amount of respite supplement — ‘Respite Care — High Level’ care recipient classification

9 Application of Part 3

Part 3 applies in respect of a care recipient and a day if, on the day:

- (a) the classification level for the care recipient is ‘Respite Care — High Level’; and
- (b) section 12 or 13 does not apply in respect of the care recipient and the day.

10 Amount of respite supplement for care recipient — certified residential care service

For a care recipient to whom residential care is provided through a certified residential care service, the amount of respite supplement for the day is the sum of the following amounts:

- (a) \$35.09; and
- (b) if, for a relevant year, the actual proportion of respite care provided through the residential care service is equal to or greater than 70% of the specified proportion of respite care for the approved provider of the residential care service — \$29.13.

11 Amount of respite supplement for care recipient — residential care service that is not a certified residential care service

For a care recipient to whom residential care is provided through a residential care service that is not a certified residential care service, the amount of respite supplement for the day is the sum of the following amounts:

- (a) \$28.54; and
- (b) if, for a relevant year, the actual proportion of respite care provided through the residential care service is equal to or greater than 70% of the specified proportion of respite care for the approved provider of the residential care service — \$29.13.

Section 12

Part 4 Amount of respite supplement — number of days or proportion of specified care exceeded

12 Amount of respite supplement for care recipient — maximum number of days exceeded

For a care recipient in respect of whom the maximum number of days on which the care recipient may be provided with residential care as respite care during the relevant financial year has been exceeded, the amount of respite supplement for the day is nil (\$0.00).

Note The maximum number of days on which a care recipient may be provided with residential care as respite care during a financial year is set out in section 21.18 of the *Residential Care Subsidy Principles 1997*.

13 Amount of respite supplement for care recipient — proportion of specified care exceeded

For a care recipient to whom residential care is provided through a residential care service that provides a greater proportion of care to recipients of respite care than that (if any) specified in the conditions attached to the allocation of places, the amount of respite supplement for the day is nil (\$0.00).

Schedule 1 Method Statements

(section 4)

Part 1 Method Statement 1

Note This Part applies to the calculation of the actual proportion of respite care.

1 Definitions

In this Part:

conditions, in relation to a residential care service, means conditions under section 14-5 or 14-6 of the Act attached to an allocation of places.

respite bed day, in relation to a residential care service and a care recipient, means a day on which the residential care service provided the care recipient with residential care as respite care.

2 Method Statement

- Step 1.* Work out, for the relevant year and for each care recipient to whom the residential care service provided residential care in the relevant year, the total number of respite bed days provided by the residential care service.
- Step 2.* Add together each of those total numbers of respite bed days worked out under step 1.
- Step 3.* Identify, for each care recipient mentioned in step 1, the total number of respite bed days provided in the relevant year that exceeded the maximum number of days on which residential care as respite care could be provided to the care recipient during the relevant financial year.
- Step 4.* Add together each of those total numbers of respite bed days identified under step 3.
- Step 5.* Identify each respite bed day provided by the residential care service in the relevant year that exceeded the proportion of care for recipients of respite care that was specified in the conditions that applied in respect of the residential care service at the time the place was provided.
- Step 6.* Add together all the respite bed days identified under step 5.
- Step 7.* Add the total number of respite bed days under step 4 to the total number of respite bed days under step 6.
- Step 8.* Subtract the sum under step 7 from the total number of respite bed places under step 2.

The result is the ***actual proportion of respite care*** for the relevant year.

Part 2 Method Statement 2

Note This Part applies to the calculation of the specified proportion of respite care.

1 Definitions

In this Part:

applicable period of time, in relation to a proportion of care worked out under step 1 or 4 (as applicable) and a residential care service, means the period of time (expressed as a number of days) that the proportion of care was in effect in the relevant year in relation to the service.

Note See clause 2 of this Part.

basis for the calculation of the proportion of care means any factor that is relevant to the calculation of the proportion of care, including:

- (a) the number of places allocated in respect of the residential care service; and
- (b) the conditions in respect of the residential care service.

conditions, in relation to a residential care service, means conditions under section 14-5 or 14-6 of the Act attached to an allocation of places.

notional respite bed day, in relation to a residential care service, means a day on which the residential care service is required to provide a care recipient with residential care as respite care.

2 Interpretation

For this Determination, a proportion of care is taken to have been in effect in relation to a residential care service for the period of time that:

- (a) commences on the first day of the relevant year or the first day on which the basis for the calculation of the proportion of care changed (as applicable); and
- (b) ends on the last day of the relevant year or the last day before the day on which the basis for the calculation of the proportion of care changed (as applicable).

3 Method Statement

- Step 1.* Work out the proportion of care for recipients of respite care, expressed as a number of notional respite bed days, as specified in the conditions that applied in respect of the residential care service at the commencement of the relevant year.
- Step 2.* Work out the applicable period of time in relation to the proportion of care worked out under step 1.
- Step 3.* Multiply the proportion of care worked out under step 1 by the applicable period of time worked out under step 2.

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- Step 4.* If the basis for the calculation of the proportion of care in relation to the residential care service changes during the relevant year, work out the proportion of care for recipients of respite care, expressed as a number of notional respite bed days, as specified in the conditions that applied at the time that the change took effect.
- Step 5.* Work out the applicable period of time in relation to the proportion of care worked out under step 4.
- Step 6.* Multiply the proportion of care worked out under step 4 by the applicable period of time worked out under step 5.
- Step 7.* Repeat steps 4 to 6 in respect of each further change to the basis for the calculation of the proportion of care in relation to the residential care service in the relevant year.
- Step 8.* Add the amount worked out under step 3 to any amount or amounts worked out under step 6.

The result is the *specified proportion of care* for the relevant year.