

# EXPLANATORY STATEMENT

Issued by the authority of the Minister for Ageing

## ***HEARING SERVICES ADMINISTRATION ACT 1997***

### ***Hearing Services Amendment Rules of Conduct 2007 (No. 1)***

Subsection 17(1) of the *Hearing Services Administration Act 1997* (“the Act”) provides that the Minister must, by written instrument, formulate rules of conduct relating to the provision of hearing services to voucher holders. Those rules of conduct are currently dealt with by the *Hearing Services Rules of Conduct 2005* (the Rules). The *Hearing Services Amendment Rules of Conduct 2007 (No.1)* (the Amendment Rules) amends the Rules.

The Rules outline the requirements and standards which service providers contracted to deliver hearing services under the Australian Government Hearing Services Program (the Program) must adhere to when supplying services to voucher holders. They also set out qualifications and registration requirements for qualified practitioners engaged by service providers to undertake service delivery.

The major changes made by the Amendment Rules to the Rules are as follows:

- i. The Amendment Rules amend the Rules to provide new rules in relation to the supervision requirements for Provisional Audiologists, Provisional Audiometrists and Student Audiometrists who provide hearing services (Rules 8, 9 and 10 respectively).
- ii. Service Providers and Qualified Practitioners are required to provide services in accordance with the Clinical Standards. The Clinical Standards have now been replaced with the *Hearing Rehabilitation Outcomes for Voucher Holders* (outcomes document). The Amendment Rules provides a definition of ‘outcomes document’ and make necessary consequential amendments to the Rules so that references to ‘Clinical Standards’ is replaced with a reference to ‘outcomes document’.
- iii. The Amendment Rules expand the list of things that the Minister must be satisfied about before he or she approves the registration of a Qualified Practitioner (Audiologist) or Qualified Practitioner (Audiologist). The Amendment Rules also sets out grounds when the Minister can revoke the registration of Student Audiometrists.

The Amendment Rules also make a number of consequential and technical amendments to the Rules

Details of the Amendment Rules are set out in the Attachment.

The Department notes that the Determination has been registered with the commencement date of 1 July 2007. The Department considers that no person other than the Commonwealth will be adversely affected by the retrospective operation of the Determination.

## **CONSULTATION**

The amendments to the Rules originate from two sources: The development of a set of Hearing Services Rehabilitation Outcomes (HROs); and recommendations made in the *Review of the Australian Government Hearing Services Voucher Program's Professional Qualification Requirements* completed by the Huntly Consulting Group in late 2006.

### **Hearing Rehabilitation Outcomes**

The HROs were developed by the Joint Accreditation System of Australian and New Zealand (JAS-ANZ) in consultation with the industry during 2003 and 2004.

During the development of the HROs JAS-ANZ was advised by a technical committee made up of representatives from the industry and consumer groups. Two rounds of industry-wide consultation were carried out during the process and the industry was also given the opportunity to comment on the final draft in relation to both the document itself and its likely impact on the industry.

Following requests by industry representatives for support for the HRO introduction, the Office developed and distributed an information package and conducted information forums during 2006. The Office also provided comment to individual providers and professional associations on request.

### **Huntly review recommendations**

Two rounds of industry consultation were conducted during the review. The first took place in December 2005 to obtain stakeholder views about the current process. A preliminary discussion paper based on the findings of those consultations was prepared to assist with the second round of consultations which took place during January and February 2006.

In August 2006 the final discussion paper was distributed to stakeholders for comment. It contained a series of 26 recommendations relating to the formal education and training of audiologists and audiometrists, post-graduate clinical placements, clinical certification to practise independently, continuing professional development and audiological and medical referral requirements.

The Office has received positive feedback on both the HROs and the final review discussion paper, with the strongest support expressed for those measures aimed at streamlining processes, reducing the Office's regulatory role and removing ambiguity between the industry's professional associations and the Office.

Stakeholders consulted during both the development of the HROs and during the review process included consumer representatives, the three professional associations (Audiological Society of Australia (ASA), Australian College of Audiology (ACAud) and the Hearing Aid Audiometrists Society of Australia (HAASA)), education and training providers offering audiology and audiometry qualifications (relevant universities, NSW TAFE and Australian Hearing), the Community Services and Health Industry Skills Council and the Australian Medical Association (AMA), as well as service providers and practitioners treating clients under the Program.

## NOTES ON SECTIONS

### 1. Name of Rules of Conduct

This section provides that the Amending Rules may be cited as the *Hearing Services Amendment Rules of Conduct 2007 (No 1)*.

### 2. Commencement

This section provides that the Amending Rules commence on 1 July 2007.

### 3. Amendment of Hearing Services Rules of Conduct 2005

This section provides that Schedule 1 of the Amending Rules amends the *Hearing Services Rules of Conduct 2005*.

## SCHEDULE 1 AMENDMENTS

### Items [1], [2] and [3]

These items amend Rule 4(1). Rule 4(1) provides definitions to be used throughout the Rules. These definitions have been changed to:

- a) move the definitions of ‘direct supervision’ and ‘on-site supervision’ to more logical places in the Rules; and
- b) delete the definition ‘Clinical Standards’ and provide a definition for ‘outcomes document’. The ‘outcomes document’ is *the Hearing Rehabilitation Outcomes for Voucher-Holders* document issued by the Office of Hearing Services as existing on 1 July 2007 and replaces the Clinical Standards. The outcomes document reflects a move away from the prescriptive regulation of the Clinical Standards, which often limited the way that service delivery could occur, to focusing on the desired outcome to be achieved for the client.

### Item [4]

This item deletes subrule 4(6) as the definitions in relation to supervision have been moved to subrule 4(1).

### Item [5]

Item [5] substitutes Rule 8 with a new Rule 8. Rule 8 specifies the supervision requirements for a Provisional Audiologist who provides hearing services to Voucher-holders. The role of the relevant Approved Professional Bodies (APBs) is recognised in the new Rule in determining these supervision requirements while maintaining minimum acceptable standards.

### Item [6]

Item [6] substitutes Rule 9 with a new Rule 9. Rule 9 specifies the supervision requirements for a Provisional Audiometrist who provides hearing services to Voucher-holders. The role

of the relevant APBs is recognised in the new Rule in determining these supervision requirements while maintaining minimum acceptable standards.

**Item [7]**

Item [7] substitutes Rule 10 with a new Rule 10. Rule 10 specifies the supervision requirements for a Student Audiometrist who provides hearing services to Voucher-holders. The Rule clarifies the supervision required once the student has completed various stages of their clinical and educational training.

**Item [8]**

This item replaces reference to the 'Clinical Standards' in paragraph 14(1)(e) with a reference to 'outcomes document'.

**Item [9]**

This item expands the definition of 'guardian' to include those people who have been nominated by the Voucher-holder to provide consent on their behalf.

**Item [10]**

Item [10] substitutes Rule 16 with a new Rule 16. Rule 16 requires an Audiometrist to refer certain hearing test results to an Audiologist. The rule has been amended to make it clearer which test results need to be referred.

**Item [11]**

This item replaces reference to the 'Clinical Standards' in paragraph 22(1)(a)(ii) with a reference to 'outcomes document'.

**Item [12]**

This item rephrases Rule 25 in order to make it clearer that the Rules do not apply to the provision of maintenance and battery services by people other than qualified practitioners.

**Item [13]**

This item amends paragraph 26(3)(c) to provide that not only employees of a contracted service provider but also employees of an entity that has applied for accreditation under the *Hearings Services Accreditation Scheme 1997* may apply to be approved as a Qualified Practitioner (Audiologist).

**Item [14]**

This item removes Note 1 that came after Rule 26 as the issue of overseas trained persons has been incorporated into the body of the Rules as a result of the Amending Rules.

**Items [15], [16], [17], [18]**

Items [15], [16], [17], and [18] expand the list of things that the Minister must be satisfied about before he or she approves the registration of a Qualified Practitioner (Audiologist) to bring this into line with the expanded supervision requirements outlined in Rule 8 (Item [6]).

**Item [19]**

This item amends paragraph 27(3)(a) to provide that not only employees of a contracted service provider but also an employee of an entity that has applied for accreditation under the *Hearings Services Accreditation Scheme 1997* may apply to be approved as a Qualified Practitioner (Audiometrist).

**Items [20], [22], [23], and [24]**

These items expand the list of things that the Minister must be satisfied about before he or she approves a Qualified Practitioner (Audiometrist) to bring this into line with the expanded supervision requirements outlined in Rule 9.

**Item [21]**

This item removes the Note that came after sub-rule 27(3) as the issue of overseas trained persons has been incorporated into the body of the Rules as a result of the Amending Rules.

**Items [25], [26] and [27]**

These items remove references which have become redundant as a result of the Amending Rules.

**Item [28]**

Item [28] amends rule 28 by substituting a new sub-rule 28(3) and inserting new sub-rules 28(3A), 28(3B) and 28(3C). The new provisions concern continuing professional development. Subrule 28 (3) requires qualified practitioners to maintain current skills and knowledge. Rule 28 has been amended to make it clear that completion of an APB's professional education program may be accepted as satisfying these requirements.

**Item [29]**

Items [29] amends rule 29. Rule 29 concerns the registration of Provisional Audiologists. This rule has been varied to place a maximum time limit on the amount of time a person can be a Provisional Audiologist before they apply for Qualified Practitioner status. In effect this ensures that a person can not be a provisional Audiologist indefinitely.

**Item [30]**

This item rephrases sub-rule 30(3) to make it consistent with the revised supervision requirements in relation to Student Audiometrists.

**Item [31]**

This item amends Rule 30 by inserting two new sub-rules. Rule 30 concerns the registration of Provisional Audiometrists. This rule has been varied to place a maximum time limit on the amount of time a person can be a Provisional Audiometrist before they apply for Qualified Practitioner status. In effect this ensures that a person can not be a provisional Audiometrist indefinitely.

**Item [32]**

This item amends Rule 31, which concerns the registration of Student Audiometrists. This Rule has been amended to make it clear that this registration can be revoked if the student Audiometrist does not comply with the required supervisory arrangements.

**Item [33]**

This item amends paragraph 32(3)(c) of the Rules. Subrule 32(3) sets out the functions of the Advisory Committee. The list of functions has been clarified in relation to the role of the Advisory Committee for applicants who are not members of an approved professional body, as set out in Rules 26 and 27.

**Items [34], [36] and [37]**

These items clarify that the Minister has the power to vary, suspend or impose conditions on approvals and registrations.

**Item [35]**

This item amends paragraph 34(1)(c) of the Rules. Rule 34 requires contract service providers to keep a register recording, among other things, the name and details of the person providing hearing services on behalf of the contract service provider. This item clarifies that where someone is required to be supervised the names and number of each qualified practitioner supervising needs to be recorded by the contract service provider.

**Item [38]**

This item amends sub-rule 36(4) as a consequence of amending items [34], [36] and [37].

**Item [39]**

Item [39] substitutes a new subrule 39A(1). Rule 39A requires that a service provider must verify a person's voucher status before providing services. This rule has been amended to make it clear that it applies to everyone, not just people where the service provider knows that they are a Voucher-holder.

**Item [40]**

This item inserts a new sub-rule 44(5). Rule 44 sets out the rules relating to advertising of the Australian Government Hearing Services Program by hearing services providers. These rules have been expanded to ensure that advertisements are accurate and that any advertising does not bring the Program into disrepute.

**Item [41] and [42]**

Items [41] and [42] remove references to Australian Hearing from Rule 46. Rule 46 requires service providers to refer Complex clients to the Office of Hearing Services. This rule has been varied to remove the exemption from this requirement that applied to Australian Hearing Services and to ensure that all service providers are treated equally under the Program.