



Australian Government

Veterans' Entitlements Act 1986

Veterans' Entitlements (Treatment Principles – In-Home Telemonitoring for Veterans Initiative) Instrument 2012

Instrument No. R10/2012

I, Warren Snowdon, Minister for Veterans' Affairs, pursuant to subsection 90(5) of the *Veterans' Entitlements Act 1986*, approve this instrument made by the Repatriation Commission.

Dated this fourteenth day of August 2012

Warren Snowdon

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WARREN SNOWDON

The Repatriation Commission, pursuant to subsection 90(4) of the *Veterans' Entitlements Act 1986*, varies the *Treatment Principles* (Instrument No.R8 of 2004) in accordance with the Schedule.

Dated this 24th day of July 2012

Ian Campbell

Shane Carmody

Major General Mark Kelly

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IAN CAMPBELL
PSM
PRESIDENT

SHANE CARMODY
DEPUTY PRESIDENT

MAJOR GENERAL MARK KELLY
AO DSC
COMMISSIONER

[1] Name of Instrument

This instrument is the *Veterans' Entitlements (Treatment Principles – In-Home Telemonitoring for Veterans Initiative) Instrument 2012*.

[2] Commencement

This instrument commences, or is taken to have commenced, on 1 September 2012.

Schedule

1. Paragraph 1.4.1

insert:

Authorised Representative, in relation to a medical practice in which a *participating LMO* is employed, means the person whose name is given as the Authorised Representative for the Practice in the form: “Application for Practice and Provider registration to In-Home Telemonitoring for Veterans Initiative” lodged with the Department of Human Services.

data repository means a repository of *telemonitoring initiative data* controlled by the *data repository controller* for the purposes of monitoring a *telemonitoring initiative participant’s* physiological and behavioural data according to the *telemonitoring care plan* for that participant.

data repository controller means a person engaged by the *Department* to establish and maintain the *data repository* for the purposes of the *In-Home Telemonitoring for Veterans Initiative*.

DVA Telemonitoring Practice Incentive means the payment of that name referred to in the “Department of Veterans’ Affairs Fee Schedules for Medical Services” and which is payable once only to the *Authorised Representative* for a medical practice — where, in the *Commission’s* opinion, all necessary steps have been taken to enable a *participating LMO* (and any Practice Nurse of the LMO) employed in the Practice to effectively participate in the *In-Home Telemonitoring for Veterans Initiative*.

enrolment day, in relation to a person, means the date given for a decision by a *participating LMO* to enrol the person as a participant in the *In-Home Telemonitoring for Veterans Initiative*.

Note: see 6B.2.4 - 6B.2.6.

in-home telemonitoring equipment, for a *telemonitoring initiative participant*, means apparatus (including computer software) that, in conjunction with an *internet carriage service* provided by an *ISP Provider*, enables the user of the apparatus to utilise the *National Broadband Network* so that the user may participate in the *In-Home Telemonitoring for Veterans Initiative*, and includes a video-conferencing facility.

In-Home Telemonitoring for Veterans Initiative means the Initiative of that name established by the *Department* which has the following features:

- (a) *telemonitoring initiative participants* electronically transmit *telemonitoring initiative data* to the *data repository* using *in-home*

- telemonitoring equipment* that utilises the *National Broadband Network*; and
- (b) *participating LMOs* (or LMOs Practice Nurses) electronically retrieve *telemonitoring initiative data* from the *data repository* and analyse it for the purpose of monitoring the health of *telemonitoring initiative participants*.

internet carriage service has the meaning it has in Schedule 5 to the *Broadcasting Services Act 1992*.

ISP Provider means “Internet Service Provider” as defined in Schedule 5 to the *Broadcasting Services Act 1992*.

National Broadband Network has the meaning it has in the *National Broadband Network Companies Act 2011*.

NBN means *National Broadband Network*.

NBN wave site means an area, including part of an area, covered by the *NBN*.

nominated residence means a residence nominated by an *entitled person* as the place where the person would participate in the *In-Home Telemonitoring for Veterans Initiative*.

participating LMO means an *LMO*:

- (a) whose name is given as a participating GP in the form: “Application for Practice and Provider registration to In-Home Telemonitoring for Veterans Initiative” lodged with the Department of Human Services; and
- (b) who is approved in writing by the *Commission* to be a *participating LMO* in the *In-Home Telemonitoring for Veterans Initiative*.

Note: in practice a Commission delegate may grant the approval.

telemonitoring care plan means a care plan prepared by a *participating LMO* in conjunction with a *telemonitoring initiative participant* that:

- (a) is based on the electronic transmission of *telemonitoring initiative data* and;
- (b) satisfies the minimum requirements for a *GPMP* (General Practitioner Management Plan), as if the telemonitoring care plan is to be a *GPMP*, as set out in the *Notes for Coordinated Veterans' Care Program Providers*.

telemonitoring equipment, for a *participating LMO*, means computer software and similar tools that will enable the *participating LMO* (or the

LMOs Practice Nurse) to participate in the *In-Home Telemonitoring for Veterans Initiative*.

telemonitoring initiative data means physiological and behavioural data about a *telemonitoring initiative participant* (participant), assembled with reference to the *telemonitoring care plan* for the participant, and transmitted by the participant, or by a person on the participant's behalf, to the *data repository* via the participant's *in-home telemonitoring equipment* where it may be electronically retrieved by the *participating LMO* for the participant or the LMOs Practice Nurse.

telemonitoring initiative participant means an *entitled person* who has *in-home telemonitoring equipment* installed in the person's *nominated residence* and who has been enrolled in the *In-Home Telemonitoring for Veterans Initiative* by a *participating LMO*.

telemonitoring treatment means treatment provided by a *participating LMO* (or the LMO's Practice Nurse), a *data repository controller*, a contractor or an *ISP provider*, as the case may be, under Part 6A.

2. PART 6A

after Part 6A, insert:

6B – TELEMONITORING TREATMENT INITIATIVE

6B.1 Telemonitoring Treatment

6B.1.1 A treatment (*telemonitoring treatment*) is established by this Part and may be arranged by the *Commission* for an *entitled person*, in the circumstances, and subject to the conditions, set out in this Part.

6B.1.2 Telemonitoring treatment is comprised of:

(a) in respect of a *participating LMO* (or the LMO's Practice Nurse):

- (i) monitoring the health of a *telemonitoring initiative participant* (participant) in accordance with the *telemonitoring care plan*, including monitoring the *telemonitoring initiative data* for the participant;
- (ii) taking any appropriate healthcare action in response to *telemonitoring initiative data*;

Note: an example of appropriate action could be the LMO arranging a face-to-face consultation or video consultation with the *telemonitoring initiative participant*.

- (iii) disclosing the *telemonitoring initiative data* to the *Department* or to any consultant acting for the

Department in the *In-Home Telemonitoring for Veterans Initiative*; and

- (iv) taking action reasonably incidental to any of the above actions.

Note: in practice an *LMO* could delegate some of the *LMO*'s functions in the *In-Home Telemonitoring for Veterans Initiative* to the *LMO*'s Practice Nurse e.g. electronically retrieving *telemonitoring initiative data* from the *data repository*, evaluating it and instituting care planning based on that evaluation. In this situation the Practice Nurse, as the employee or agent of the *LMO*, is acting on the *LMO*'s behalf and the Practice Nurse's actions constitute *telemonitoring treatment* as if those actions had been performed by the *participating LMO*.

(b) in respect of the *data repository controller*:

- (i) training a *participating LMO* (including staff of the *participating LMO* such as a Practice Nurse) in:
 - (a) the use of *telemonitoring equipment*; and
 - (b) the electronic retrieval of *telemonitoring initiative data* from the *data repository*; and
 - (c) electronically accessing and using any video consultation between the *participating LMO* and the *telemonitoring initiative participant*; and
 - (d) the use of any other tools necessary for monitoring the *telemonitoring initiative participant's* condition for the *In-Home Telemonitoring for Veterans Initiative*;
- (ii) training a *telemonitoring initiative participant* (participant) or a person on behalf of the participant, in the use of *in-home telemonitoring equipment* necessary for the participant's participation in the *In-Home Telemonitoring for Veterans' Initiative* and, if need be, supplying that equipment (including leasing it);
- (iii) maintaining *in-home telemonitoring equipment* (equipment) and providing technical assistance in respect of that equipment when necessary;
- (iv) maintaining the *data repository*;
- (v) taking action reasonably incidental to any of the above actions.

(c) in respect of a person (contractor) engaged by the *Department* to train Practice Nurses for the purposes of the *In-Home Telemonitoring for Veterans' Initiative*:

(i) training a *participating LMO's* Practice Nurse in *telemonitoring initiative data* evaluation and care planning and care planning co-ordination based on that evaluation;

(d) in respect of an *ISP provider*, its action of enabling a *telemonitoring initiative participant* to use *in-home telemonitoring equipment*.

Note: the *ISP provider* would connect the *telemonitoring initiative participant's* equipment to the NBN.

6B.2 Participation in the In-Home Telemonitoring for Veterans Initiative

6B.2.1 An *entitled person* is eligible for participation in the *In-Home Telemonitoring for Veterans Initiative* as a *telemonitoring initiative participant* if the person:

(a) holds a *Gold Card*; and

(b) is admitted to, or in the opinion of the *participating LMO* for the person is likely to be admitted to, the *Coordinated Veterans' Care Program*; and

(c) has one or more of the following chronic conditions:

- (i) congestive heart failure;
- (ii) coronary artery disease;
- (iii) chronic obstructive pulmonary disease;
- (iv) diabetes; and

(d) does not have a severe unstable co morbidity; and

(e) is not in a *residential care facility*; and

(f) has been assessed by a *participating LMO* for the person to be suitable for the *In-Home Telemonitoring for Veterans Initiative* in terms of, among other relevant factors, the person's cognitive ability to be trained in the use of *in-home telemonitoring equipment*, where the equipment will not be operated by a person on behalf of the *entitled person*; and

Note: where a person (carer) will operate *in-home telemonitoring equipment* on behalf of the potential *telemonitoring initiative participant* (participant), the carer must be assessed by the *participating LMO* as having the cognitive ability to be trained in the use of the equipment in order for the participant to be eligible for participation in the *In-Home Telemonitoring for Veterans Initiative*.

- (g) is the subject of a *telemonitoring care plan* prepared by the *participating LMO* for the person which was prepared in conjunction with the person; and
- (h) resides in an *NBN wave site*; and
- (i) nominates a residence (*nominated residence*) for the purposes of the person participating in the *In-Home Telemonitoring for Veterans Initiative*; and
- (j) consents to the disclosure to the *Department*, the Department of Human Services, and to any person acting for the *Department* in the *In-Home Telemonitoring for Veterans Initiative*, of *telemonitoring initiative data* in relation to the person.

Note: the *participating LMO* is to obtain the consent and keep evidence of it.

6B.2.2 Where a person is eligible for participation in the *In-Home Telemonitoring for Veterans Initiative* (eligible person), it is necessary for the eligible person's participation to be approved by the *Commission*.

Note: in practice a Commission delegate may grant approval.

6B.2.3 Where the *Commission* gives (or does not give) its approval it is to notify the *participating LMO* for the eligible person accordingly.

6B.2.4 Upon being notified of the *Commission*'s approval, the *participating LMO* for the person is to enrol the person in the *In-Home Telemonitoring for Veterans Initiative*.

6B.2.5 Enrolment consists of the *participating LMO* for the person making a record (which may be in electronic form) that the person is enrolled in the *In-Home Telemonitoring for Veterans Initiative*.

6B.2.6 The record is to be dated and stored by the *participating LMO*. The date on the record is the *enrolment day* for the relevant *telemonitoring initiative participant*.

6B.3 Approval of LMO as Participating LMO

6B.3.1 The *Commission* may approve an *LMO* as a *participating LMO* if:

- (a) the *LMO*'s name is given as a participating GP in the form: "Application for Practice and Provider registration to In-Home Telemonitoring for Veterans Initiative" lodged with the Department of Human Services; and
- (b) in the *Commission*'s opinion, all necessary steps have been taken to enable the *LMO* (and a Practice Nurse of the *LMO*) to effectively participate in the *In-Home Telemonitoring for Veterans Initiative* such

as appropriate training and installation of any necessary *telemonitoring equipment*.

6B.4 Payment for telemonitoring treatment

6B.4.1 If the *Commission* arranges with a *participating LMO* for the *LMO* (or the *LMO's Practice Nurse*) to provide the *telemonitoring treatment* described in 6B.1.2(a) to an *entitled person* who is eligible for the treatment under this Part, the terms of payment to the *LMO* for the treatment are set out in the *DVA document* entitled "Department of Veterans' Affairs Fee Schedules for Medical Services".

Note 1: payments to *participating LMOs* for providing *telemonitoring treatment* for a person are in addition to any payments to the *LMO* for the *LMO* (or the *LMO's Practice Nurse*) providing treatment to the person under the *Coordinated Veterans' Care Program* or for the *LMO* providing consultations to the person (including teleconsultations) other than pursuant to a *telemonitoring care plan*.

Note 2: payments to *participating LMOs* for providing *telemonitoring treatment* will be comprised of a *DVA Telemonitoring Practice Incentive* (payable to the *Authorised Representative* for the *LMO's Practice*) and other relevant payments (general payments) as set out in the Department of Veterans' Affairs Fee Schedules for Medical Services.

Note 3: the general payments for telemonitoring treatment (i.e. exclusive of the *DVA Telemonitoring Practice Incentive*) will be made to *LMOs* on a similar basis as under the *Coordinated Veterans' Care Program* i.e. quarterly payments in arrears.

6B.4.2 An *Authorised Representative* for the Practice in which a *participating LMO* is employed (the *LMO*) is only to be paid a *DVA Telemonitoring Practice Incentive* if the *Commission* is of the opinion that all necessary steps have been taken to enable the *LMO* (including a Practice Nurse of the *LMO*) to effectively participate in the *In-Home Telemonitoring for Veterans Initiative*.

6B.4.3 If the *Commission* arranges with a person (*data repository controller*) for the person to provide the *telemonitoring treatment* described in 6B.1.2(b) to an *entitled person* who is eligible for the treatment under this Part (or to a person on the entitled person's behalf) or to a *participating LMO*, the terms of payment to the person are those agreed to by the *Department* and the person.

6B.4.4 If the *Commission* arranges with a person (trainer in data evaluation) for the person to provide the *telemonitoring treatment* described in 6B.1.2(c) to a *participating LMO* or to a *participating LMO* and the *LMO's Practice Nurse*, the terms of payment to the person are those agreed to by the *Department* and the person.

6B.4.5 If the *Commission* arranges with an *ISP provider* to provide the *telemonitoring treatment* described in 6B.1.2(d) to an *entitled person* who is eligible for the treatment under this Part, the *Department* will pay the reasonable costs of such treatment for the duration of the *entitled person's* participation in the *In-Home Telemonitoring for Veterans Initiative* where the

treatment is provided to the person on or after the *enrolment day* for the person.

Note: the cost of an NBN connection for an *entitled person* will only be paid by the Department to an *ISP provider* and only for a connection on or after the *enrolment day* for the *entitled person* in the *In-Home Telemonitoring for Veterans' Initiative*.

6B.5 Coordinated Veterans' Care Program Rules to Apply

6B.5.1 The rules in the *DVA document* entitled “*Notes for Coordinated Veterans' Care Program Providers*” are to apply to *participating LMO's* and *telemonitoring initiative participants* to the extent practical as if *participating LMO's* and *telemonitoring initiative participants* under the *In-Home Telemonitoring for Veterans Initiative*, are, respectively, *LMOs* and *entitled persons* under the *Coordinated Veterans' Care Program*.

Note: the rules would include those governing patient transfers between *participating LMOs*.

6B.6 Authorised Representative - Agent of LMO

6B.6.1 For the purpose of:

- (a) the *Commission* arranging *telemonitoring treatment* with a *participating LMO* or the *LMOs Practice Nurse* or for taking action incidental thereto;
- (b) the *Department* or the Department of Human Services making payments to the *participating LMO* (including for the services of the *LMOs Practice Nurse*) or for taking action incidental thereto;

if the *Commission*, the *Department* or the Department of Human Services, as the case may be, deals with the *Authorised Representative* for the Practice in which the *participating LMO* and Practice Nurse is employed, then for the purposes of these *Principles* the *Commission*, the *Department* or the Department of Human Services is taken to have dealt with the *participating LMO* (including the *LMO's Practice Nurse*).