Commonwealth Coat of Arms

Residential Care Subsidy Amendment (New Supplements and Other Measures) Principle 2013

I, Jacinta Collins, Minister for Mental Health and Ageing, make the following principle under the *Aged Care Act 1997*.

Dated: 8 July 2013

Jacinta Collins

Minister for Mental Health and Ageing

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1 Name of principle

This principle is the *Residential Care Subsidy Amendment (New Supplements and Other Measures) Principle 2013*.

2 Commencement

This principle commences on 1 August 2013.

3 Authority

This principle is made under the *Aged Care Act 1997*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Residential Care Subsidy Principles 1997

1 Section 21.3C (heading)

Omit “**that may**”, substitute “**to**”.

2 At the end of Part 10

Add:

Division 6—Dementia and severe behaviours supplement

21.26K Purpose of Division

This Division provides for the dementia and severe behaviours supplement.

21.26KA Circumstances in which the dementia and severe behaviours supplement applies

(1) The dementia and severe behaviours supplement that will apply to a care recipient in respect of a payment period that starts on or after 1 August 2013 is the sum of all the dementia and severe behaviours supplements for the days during the period on which:

(a) the care recipient was provided with residential care (other than respite care) through the residential care service in question; and

(b) the care recipient was an eligible care recipient; and

(c) the approved provider conducting the residential care service had, in relation to the care recipient:

(i) the written medical diagnosis mentioned in paragraph (2)(a); and

(ii) the results of the assessment mentioned in paragraph (3)(a).

(2) A care recipient is an ***eligible care recipient*** on a day (the ***relevant day***) if:

(a) the care recipient has, on or before the relevant day, been medically diagnosed in writing, by a registered medical practitioner, with one or more of the health conditions that is assigned an ACAP code between 0500 and 0599; and

(b) the assessment requirements mentioned in subsection (3) are satisfied in relation to the care recipient and the relevant day; and

(c) a claim, under paragraph 43‑4(1)(a) of the Act, for residential care subsidy that includes the dementia and severe behaviours supplement for the relevant day for the care recipient, is made no more than 56 days after the relevant day.

(3) For paragraph (2)(b), the assessment requirements are satisfied in relation to the care recipient and the relevant day if:

(a) the care recipient has been assessed in accordance with the NPI‑NH test before the relevant day; and

(b) if the dementia and severe behaviours supplement was not payable for the care recipient for the day before the relevant day—the assessment was conducted within 3 months before the relevant day; and

(c) if the dementia and severe behaviours supplement was payable for the care recipient for the day before the relevant day, and the relevant day is within 12 months starting on the care recipient’s eligibility start day—the assessment was conducted within 3 months before the care recipient’s eligibility start day; and

(d) if the dementia and severe behaviours supplement was payable for the care recipient for the day before the relevant day, and the relevant day is within 12 months starting on an anniversary of the care recipient’s eligibility start day—the assessment was conducted within 3 months before that anniversary; and

(e) the assessment was conducted by a registered nurse, clinical nurse consultant, nurse practitioner or medical practitioner; and

(f) the assessment was not conducted during the period of 7 days (not including any day on which the care recipient was on pre‑entry leave) starting on the day on which an approved provider began providing residential care to the care recipient; and

(g) the results of the assessment are:

(i) for at least 2 of the behavioural domains mentioned in subsection (4)—both a score of 4 for frequency and 3 for severity; and

(ii) a score of at least 50 for the sum of the domain total scores for all 12 domains mentioned in the NPI‑NH test; and

(iii) a score of 4 or higher for occupational disruptiveness for at least 2 of the behavioural domains mentioned in subsection (4); and

(h) the results of the assessment have been given to the Secretary, but were not given to the Secretary during the period of 28 days (not including any day on which the care recipient was on pre‑entry leave) starting on the day on which an approved provider began providing residential care to the care recipient.

(4) For paragraph (3)(g), the behavioural domains are the following behavioural domains mentioned in the NPI‑NH test:

(a) delusions;

(b) hallucinations;

(c) agitation/aggression;

(d) depression/dysphoria;

(e) anxiety;

(f) disinhibition.

(5) In this section:

***ACAP code*** means a code assigned to a health condition in Appendix H of the *Aged Care Assessment Program Data Dictionary Version 1.0*, published by the Australian Institute of Health and Welfare, as that document exists on 1 August 2013.

***eligibility start day***, for a care recipient, means:

(a) the first day for which residential care subsidy that includes the dementia and severe behaviours supplement becomes payable for the care recipient; or

(b) if residential care subsidy that includes the dementia and severe behaviours supplement was payable for the care recipient but has ceased to be payable for the care recipient—the first day for which residential care subsidy that includes the dementia and severe behaviours supplement becomes payable again for the care recipient.

***NPI‑NH test*** means the test called the Neuropsychiatric Inventory—Nursing Home Version, as the test exists on 1 August 2013.

3 Subsection 21.30(2)

Omit “44.22”, substitute “44‑22”.

4 Subsection 21.30(2) (note)

Omit “44.22”, substitute “44‑22”.

5 After Part 13

Insert:

Part 13A—Other supplements

Division 1—General

21.32F Purpose of Part (Act, s 44‑27)

This Part provides for other supplements for a care recipient in respect of a payment period.

Division 2—Veterans’ supplement

21.32G Veterans’ supplement

(1) The veterans’ supplement for a care recipient in respect of a payment period that starts on or after 1 August 2013 is the sum of all the veterans’ supplements for the days during the period on which:

(a) the care recipient was provided with residential care (other than respite care) by an approved provider through the residential care service in question; and

(b) the care recipient was a veteran who had an accepted mental health condition.

(2) However, the veteran’s supplement will not apply to a care recipient in respect of a payment period unless the care recipient has before, during or after the payment period, authorised:

(a) the Secretary of the Department administered by the Minister administering the *Veterans’ Entitlements Act 1986*; and

(b) the Secretary of the Department administered by the Minister administering the *Human Services (Centrelink) Act 1997*;

to disclose to the approved provider that the care recipient is a veteran with an accepted mental health condition.

(3) In this section:

***accepted mental health condition*** means a mental health condition for which:

(a) the Repatriation Commission has accepted liability to pay a pension under the *Veterans’ Entitlements Act 1986*; or

(b) the Military Rehabilitation and Compensation Commission has accepted liability to pay compensation under the *Military Rehabilitation and Compensation Act 2004* or the *Safety, Rehabilitation and Compensation Act 1988*.

***veteran*** means a person:

(a) who is taken, under section 7 of the *Veterans’ Entitlements Act 1986*, to have rendered eligible war service; or

(b) in respect of whom a pension is payable under subsection 13(6) of that Act; or

(c) who is:

(i) a member of the Forces within the meaning of subsection 68(1) of that Act; or

(ii) a member of a Peacekeeping Force within the meaning of that subsection; or

(d) who is:

(i) a member within the meaning of the *Military Rehabilitation and Compensation Act 2004*; or

(ii) a former member within the meaning of that Act; or

(e) who is an employee within the meaning of the *Safety, Rehabilitation and Compensation Act 1988*.

Note: The Acts mentioned in paragraphs (c) and (e) provide that, in some cases:

(a) a member of the Forces, or a member of a Peacekeeping Force, includes a person who is no longer serving; and

(b) an employee includes a person who has ceased to be an employee.

6 Subsection 21.35B(2)

Repeal the subsection, substitute:

(2) In this section:

***accessible location*** means a location that has an ARIA value of more than 1.84 but no more than 3.51.

***ARIA value***, in relation to a location, means the value given to that location in accordance with the methodology set out in the document titled *Measuring Remoteness: Accessibility/Remoteness Index of Australia (ARIA)*, Occasional Papers: New Series Number 14, published by the Department in October 2001, as the document exists on 1 August 2013.

Note: The document is available through the Department’s website (www.health.gov.au).

***highly accessible location*** means a location that has an ARIA value of no more than 1.84.

***moderately accessible location*** means a location that has an ARIA value of more than 3.51 but no more than 5.8.

***remote location*** means a location that has an ARIA value of more than 5.8 but no more than 9.08.

***very remote location*** means a location that has an ARIA score of more than 9.08 but no more than 12.

7 Subsection 21.35C(2)

Repeal the following definitions:

(a) definition of ***ARIA***;

(b) definition of ***ARIA score***.