



Aged Care (Home Care Subsidy Amount) Determination 2013

as amended

made under subsection 48-1(3) of the

Aged Care Act 1997

Compilation start date: 29 January 2014

Includes amendments up to: Home Care Subsidy Amendment (Transitional
Workforce Supplement and Various Measures)
Determination 2014

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About this compilation

This compilation

This is a compilation of the *Aged Care (Home Care Subsidy Amount) Determination 2013* as in force on 29 January 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 29 January 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of determination

This determination is the *Aged Care (Home Care Subsidy Amount) Determination 2013*.

3 Authority

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

5 Definitions

In this determination:

Act means the *Aged Care Act 1997*.

Aged Care Transitional Workforce Supplement Guidelines means the document with that title published by the Department, as existing on the commencement of the *Home Care Subsidy Amendment (Transitional Workforce Supplement and Various Measures) Determination 2014*.

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).

enteral feeding supplement means the enteral feeding supplement referred to in section 44-14 of the Act.

extended aged care at home—dementia has the meaning given by section 15.8 of the *Flexible Care Subsidy Principles 1997* as in force immediately before 1 August 2013.

oxygen supplement means the oxygen supplement referred to in section 44-13 of the Act.

reviewable decision has the meaning given by section 15.

suspension period, in relation to the provision of home care, means the period for which the provision of home care is suspended under section 46-2 of the Act.

transition care has the meaning given by section 15.28 of the *Flexible Care Subsidy Principles 1997*.

Part 2—Amount of home care subsidy

Division 2.1—Amount of home care subsidy

6 Amount of home care subsidy

- (1) For subsection 48-1(3) of the Act, the amount of home care subsidy payable to an approved provider in respect of a day for a care recipient receiving home care is the sum of the following amounts:
 - (a) the basic subsidy amount in respect of that day worked out under Division 2.2;
 - (b) the amount of the viability supplement in respect of that day worked out under Division 2.3;
 - (c) the amount of the transitional workforce supplement (if applicable) in respect of that day worked out under Division 2.4;
 - (d) the amount of the dementia and cognition supplement (if applicable) in respect of that day worked out under Division 2.5;
 - (e) the amount of the veterans' supplement (if applicable) in respect of that day worked out under Division 2.6;
 - (f) the amount of the top-up supplement (if applicable) in respect of that day worked out under Division 2.7;
 - (g) the amount of the oxygen supplement (if applicable) that would be payable in respect of that day if the care recipient were receiving residential care on that day;
 - (h) the amount of the enteral feeding supplement (if applicable) that would be payable in respect of that day if the care recipient were receiving residential care on that day.
- (2) However, if the provision of home care to a care recipient is suspended, under section 46-2 of the Act, on a day mentioned in paragraph 8(2)(b), (4)(b) or (5)(b):
 - (a) the amount of home care subsidy payable to an approved provider for the care recipient in respect of that day is the sum of the following amounts:
 - (i) the amount mentioned in that paragraph;
 - (ii) the amount of the viability supplement in respect of that day worked out under Division 2.3;
 - (iii) the amount of the workforce supplement (if applicable) in respect of that day worked out under Division 2.4; and
 - (b) no amount of a supplement mentioned in paragraphs (1)(d) to (h) is payable in respect of that day.

Division 2.2—Basic subsidy

7 Basic subsidy amount—general

Subject to section 8, the basic subsidy amount payable in respect of a day for a care recipient is the amount mentioned in the following table that corresponds to the level of home care mentioned in the table that the care recipient received on that day.

Basic subsidy amount		
Item	Level of home care	Amount
1	Level 1	\$20.55
2	Level 2	\$37.38
3	Level 3	\$82.20
4	Level 4	\$124.95

8 Basic subsidy amount—during suspension period

- (1) If the provision of home care to a care recipient is suspended, on a temporary basis, under section 46-2 of the Act, the basic subsidy amount payable for the care recipient in respect of a day during the suspension period is the amount worked out in accordance with subsection (2), (4) or (5).

Note: The home care agreement under which the home care is provided is taken to remain in force during the suspension period, and the care recipient is taken to have been provided with home care, as required by the agreement, on each day of the suspension period: see the *Home Care Subsidy Principles 2013*.
- (2) If the provision of home care is suspended because the care recipient is receiving transition care, or is attending hospital for the purpose of receiving hospital treatment, the amount is the following:
 - (a) for up to 28 consecutive days in the suspension period—the amount mentioned in the table in section 7 for the level of home care that the care recipient is taken to have been provided with on the day;
 - (b) for a subsequent consecutive day in the suspension period—the amount that is 25% of the amount mentioned in the table in section 7 for the level of home care that the care recipient is taken to have been provided with on the day.
- (3) If a suspension period starts in a financial year and ends in the next financial year, then, for the purpose of calculating the number of consecutive days in subsection (2), the number of days restarts on 1 July of that next financial year.
- (4) If the provision of home care is suspended because the care recipient is receiving respite care for which subsidy is payable to an approved provider, the amount is the following:
 - (a) for up to 28 days in a financial year when the provision of home care is suspended because the care recipient is receiving the respite care—the

Part 2 Amount of home care subsidy

Division 2.2 Basic subsidy

Section 8

amount mentioned in the table in section 7 for the level of home care that the care recipient is taken to have been provided with on the day;

- (b) for a subsequent day in the financial year when the provision of home care is suspended because the care recipient is receiving the respite care—the amount that is 25% of the amount mentioned in the table in section 7 for the level of home care that the care recipient is taken to have been provided with on the day.

Note: The 28 days mentioned in paragraph (a) do not need to be consecutive days.

- (5) If the provision of home care is suspended for a reason other than those mentioned in subsection (2) or (4), the amount is the following:
 - (a) for up to 28 days in a financial year when the provision of home care to the care recipient is suspended for a reason other than those mentioned in subsection (2) or (4)—the amount mentioned in the table in section 7 for the level of home care that the care recipient is taken to have been provided with on the day;
 - (b) for a subsequent day in the financial year when the provision of home care to the care recipient is suspended for a reason other than those mentioned in subsection (2) or (4)—the amount that is 25% of the amount mentioned in the table in section 7 for the level of home care that the care recipient is taken to have been provided with on the day.

Note: The 28 days mentioned in paragraph (a) do not need to be consecutive days.

- (6) If the care recipient transfers from one level of home care (the *previous level of home care*) to another level of home care (the *new level of home care*) during a financial year, then, for the purpose of calculating a number of days for subsection (2), (4) or (5) for the new level of home care, any days when the provision of the previous level of home care was suspended are to be disregarded.

Division 2.3—Viability supplement

9 Viability supplement amount

The amount of the viability supplement payable in respect of a day for a care recipient is the amount mentioned in the following table that corresponds to the ARIA value for the location where the care recipient resided on that day.

Amount of viability supplement		
Item	ARIA value	Amount
1	Less than 3.52	\$0.00
2	At least 3.52 but less than 4.67	\$4.21
3	At least 4.67 but less than 5.81	\$5.06
4	At least 5.81 but less than 7.45	\$7.08
5	At least 7.45 but less than 9.09	\$8.50
6	At least 9.09 but less than 10.55	\$11.89
7	At least 10.55	\$14.27

Division 2.4—Transitional workforce supplement

10 When the transitional workforce supplement applies

The transitional workforce supplement applies to a care recipient in respect of a day if:

- (a) the day is on or after 12 December 2013 and before 1 July 2014; and
- (b) the approved provider is eligible to receive home care subsidy for the care recipient in respect of the day; and
- (c) the approved provider conducting the home care service was eligible to receive the workforce supplement on 11 December 2013.

11 Circumstances in which the transitional workforce supplement ceases to apply

- (1) The transitional workforce supplement ceases to apply to a care recipient in respect of a day if:
 - (a) the Secretary decides that the approved provider is no longer eligible for the transitional workforce supplement; or
 - (b) the approved provider requests, in writing, the Secretary to cease payment of the transitional workforce supplement.
- (2) Before deciding under paragraph (1)(a) that the approved provider is no longer eligible for the transitional workforce supplement, the Secretary must notify the approved provider that it is being considered. The notice must:
 - (a) be in writing; and
 - (b) invite the approved provider to make submissions, in writing, to the Secretary within 28 days after receiving the notice; and
 - (c) inform the approved provider that, if no submissions are made within the period, the Secretary will make a decision under paragraph (1)(a) on the day after the last day for making submissions.
- (3) In deciding whether to make a decision under paragraph (1)(a) that the approved provider is no longer eligible for the transitional workforce supplement, the Secretary must:
 - (a) consider any submissions made within the period mentioned in paragraph (2)(b); and
 - (b) have regard to the eligibility criteria specified in the *Aged Care Transitional Workforce Supplement Guidelines*.
- (4) The Secretary must notify, in writing, the approved provider of the decision and the date of effect of the decision.
- (5) The notice must be given to the approved provider within 28 days after the end of the period for making submissions. If the notice is not given within that period, the Secretary is taken to have decided not to make a decision under paragraph (1)(a) that the approved provider is no longer eligible for the transitional workforce supplement.

12 Reviewable decision

- (1) A decision by the Secretary under paragraph 11(1)(a) that an approved provider is no longer eligible for the transitional workforce supplement is a reviewable decision.
- (2) Part 6.1 of the Act applies to the reviewable decision mentioned in subsection (1) as if a reference in that Part to this Act included a reference to these Principles.

13 Amount of the transitional workforce supplement

The transitional workforce supplement for a particular day is 1% of the basic subsidy amount that is payable in respect of the day for the care recipient under section 7.

Division 2.5—Dementia and cognition supplement

18 When dementia and cognition supplement applies

- (1) The dementia and cognition supplement applies to a care recipient (in this Division called an *eligible care recipient*) in respect of a day if:
 - (a) there was in force on that day a home care agreement under which the care recipient was to be provided with home care, whether or not the care was provided on that day; and
 - (b) subsection (2), (3), (4) or (5) applied to the care recipient on that day; and
 - (c) if subsection (2), (3) or (4) applied to the care recipient on that day—the approved provider had a record of the assessment mentioned in that subsection that was conducted in relation to the care recipient; and
 - (d) an amount of veterans' supplement is not payable under section 20 in respect of that day for the care recipient; and
- (2) This subsection applies to a care recipient on a day if:
 - (a) the care recipient has been assessed in accordance with the Psychogeriatric Assessment Scales, as that tool exists on 1 August 2013; and
 - (b) the assessment was conducted by a registered nurse, clinical nurse consultant, nurse practitioner or medical practitioner; and
 - (c) the assessment resulted in a score of 10 or more.
- (3) This subsection applies to a care recipient on a day if:
 - (a) the care recipient is from a culturally or linguistically diverse background; and
 - (b) the care recipient has been assessed in accordance with the Rowland Universal Dementia Assessment Scale, as that tool exists on 1 August 2013; and
 - (c) the assessment was conducted by a registered nurse, clinical nurse consultant, nurse practitioner or medical practitioner; and
 - (d) the assessment resulted in a score of 22 or less.
- (4) This subsection applies to a care recipient on a day if:
 - (a) the care recipient is an Aboriginal person, or a Torres Strait Islander, who lives in a rural or remote area; and
 - (b) the care recipient has been assessed in accordance with the Kimberley Indigenous Cognitive Assessment (KICA-Cog), as that tool exists on 1 August 2013; and
 - (c) the assessment was conducted by:
 - (i) a registered nurse, clinical nurse consultant, nurse practitioner or medical practitioner; or
 - (ii) another health practitioner who is trained in the use of the tool mentioned in paragraph (b); and
 - (d) the assessment resulted in a score of 33 or less.
- (5) This subsection applies to a care recipient on a day if, immediately before 1 August 2013, the care recipient was receiving care, or was approved to receive

care, in respect of a place allocated for the provision of flexible care in the form of extended aged care at home—dementia.

19 Dementia and cognition supplement amount

The amount of the dementia and cognition supplement payable in respect of a day for an eligible care recipient is the amount that is 10% of the basic subsidy amount that is payable in respect of the day for the care recipient under section 7.

Division 2.6—Veterans' supplement

20 When veterans' supplement applies

- (1) The veterans' supplement applies to a care recipient (in this Division called an *eligible care recipient*) in respect of a day if:
- (a) on that day:
 - (i) there was in force a home care agreement under which the care recipient was to be provided with home care by an approved provider, whether or not the care was provided on that day; and
 - (ii) the care recipient was a veteran who had an accepted mental health condition; and
 - (b) the care recipient has, before, on or after that day, authorised:
 - (i) the Secretary of the Department administered by the Minister administering the *Veterans' Entitlements Act 1986*; and
 - (ii) 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.

- (2) 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.

21 Veterans' supplement amount

The amount of the veterans' supplement payable in respect of a day for an eligible care recipient is the amount that is 10% of the basic subsidy amount that is payable in respect of the day for the care recipient under section 7.

Division 2.7—Top-up supplement

22 When top-up supplement applies

The top-up supplement applies to a care recipient (in this Division called an *eligible care recipient*) in respect of a day (the *relevant day*) if:

- (a) on a day (the *eligibility start day*) within the period of 28 days ending immediately before 1 August 2013, the care recipient was being provided with care in respect of a place allocated for the provision of flexible care in the form of extended aged care at home—dementia; and
- (b) during the relevant day, there was in force a home care agreement under which the care recipient was to be provided with home care level 4 by an approved provider, whether or not the care was to be provided on the relevant day; and
- (c) there has not been 28 consecutive days within the period beginning on the eligibility start day and ending on the relevant day during which:
 - (i) care of a kind mentioned in paragraph (a); or
 - (ii) home care in accordance with a home care agreement;was not provided to the care recipient.

Note: If the provision of home care to the care recipient is suspended for a period under section 46-2 of the Act, the home care agreement under which the home care is provided is taken to remain in force during the suspension period, and the care recipient is taken to have been provided with home care, as required by the agreement, on each day of the suspension period: see the *Home Care Subsidy Principles 2013*.

23 Top-up supplement amount

The amount of the top-up supplement payable in respect of a day for an eligible care recipient is \$2.47.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	FRLI registration	Commencement	Application, saving and transitional provisions
Aged Care (Home Care Subsidy Amount) Determination 2013 (a)	10 July 2013 (<i>see</i> F2013L01339)	1 Aug 2013	
Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013 (b)	26 Sept 2013 (<i>see</i> F2013L01749)	Sch 1: 27 Sept 2013	—
Home Care Subsidy Amenement (Transitional Workforce Supplement and Various Measures) Determination 2014	28 Jan 2014 (<i>see</i> F2014L00096)	29 Jan 2014	—

- (a) Division 2.4 of the *Aged Care (Home Care Subsidy Amount) Determination 2013* was disallowed by the House of Representatives on 12 December 2013
- (b) The *Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013* was disallowed in full by the Senate on 12 December 2013.

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Pt 1	
s 2	rep LIA s 48D
s 4	rep LIA s 48C
s 5	am F2014L00096
s 6	am F2014L00096
Pt 2	
Div 2.4	
Div 2.4 of Pt 2.....	ad F2014L00096
s 10	ad F2014L00096
s 11	ad F2014L00096
s 12	ad F2014L00096
s 13	ad F2014L00096
Div 2.5	
s 18	am F2014L00096

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]