



Approval of Care Recipients Principles 2014

I, Mitch Fifield, Assistant Minister for Social Services, make the following principles.

Dated 20 June 2014

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Assistant Minister for Social Services

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Part 1—Preliminary

1 Name of principles

These principles are the *Approval of Care Recipients Principles 2014*.

2 Commencement

These principles commence on 1 July 2014.

3 Authority

These principles are made under the *Aged Care Act 1997*.

4 Definitions

In these principles:

Act means the *Aged Care Act 1997*.

in-patient hospital episode has the meaning given by section 4 of the *Subsidy Principles 2014*.

transition care has the meaning given by section 4 of the *Subsidy Principles 2014*.

Note: A number of expressions used in these principles are defined in the Act, including the following:

- (a) flexible care;
- (b) home care;
- (c) respite care.

Part 2—Eligibility to receive care

5 Purpose of this Part

For sections 21-2, 21-3 and 21-4 of the Act, this Part specifies additional criteria that a person must meet to be eligible to receive residential care, home care or flexible care.

6 Residential care

- (1) For paragraph 21-2(c) of the Act, a person is eligible to receive residential care only if:
 - (a) the person is assessed as:
 - (i) having a condition of frailty or disability requiring continuing personal care; and
 - (ii) being incapable of living in the community without support; and
 - (b) for a person who is not an aged person—there are no other care facilities or care services more appropriate to meet the person’s needs.
- (2) In deciding if a person meets the criteria mentioned in subsection (1), the Secretary must consider the person’s medical, physical, psychological and social circumstances, including (if relevant) the following:
 - (a) evidence of a medical condition, as decided by a suitably qualified medical practitioner;
 - (b) evidence of absence or loss of physical functions, as established by assessment of capacity to perform daily living tasks;
 - (c) evidence of absence or loss of cognitive functioning, as established by:
 - (i) a medical diagnosis of dementia or other condition; or
 - (ii) assessment of capacity to perform daily living tasks; or
 - (iii) evidence of behavioural dysfunction;
 - (d) evidence of absence or loss of social functioning, as established by:
 - (i) information provided by the person, a carer, family, friends or others;
or
 - (ii) assessment of capacity to perform daily living tasks;
 - (e) evidence that the person’s life or health would be at significant risk if the person did not receive residential care.

7 Home care

Home care—levels 1 and 2

- (1) For paragraph 21-3(c) of the Act, a person is eligible to receive home care at level 1 or level 2 only if:
 - (a) the person is assessed as having needs that can only be met by a coordinated package of care services; and
 - (b) the person is assessed as requiring a low level of home care; and
 - (c) the person prefers to remain living at home; and

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- (d) the person is assessed as being able to live at home with the support of home care at level 1 or level 2; and
 - (e) for a person who is not an aged person—there are no other care facilities or care services more appropriate to meet the person’s needs.

Home care—levels 3 and 4

- (2) For paragraph 21-3(c) of the Act, a person is eligible to receive home care at level 3 or level 4 only if:
 - (a) the person is assessed as having needs that can only be met by a coordinated package of care services; and
 - (b) the person is assessed as requiring a high level of home care; and
 - (c) the person prefers to remain living at home; and
 - (d) the person is assessed as being able to live at home with the support of home care at level 3 or level 4; and
 - (e) for a person who is not an aged person—there are no other care facilities or care services more appropriate to meet the person’s needs.

8 Flexible care—transition care

For paragraph 21-4(c) of the Act, a person is eligible to receive flexible care in the form of transition care only if the person:

- (a) is assessed as satisfying all of the following requirements:
 - (i) the person is in the concluding stage of an in-patient hospital episode;
 - (ii) the person is medically stable;
 - (iii) the person has the potential to benefit from transition care; and
- (b) is in hospital at the time the assessment is undertaken; and
- (c) would be assessed as eligible to receive residential care if the person applied for residential care.

Part 3—Limitation of approvals

9 Purpose of this Part

For section 22-2 of the Act, this Part specifies matters and circumstances to which approval of a person as a care recipient of one or more types of aged care may be limited.

10 Residential care provided as respite care

- (1) Approval of a person as a recipient of residential care may be limited to respite care if respite care is appropriate to the needs of the person, the person's carer or both.
- (2) If a person's approval is limited to residential care provided as respite care, the approval may be limited to:
 - (a) low level residential respite care; or
 - (b) high level residential respite care.
- (3) However, if the person is approved as a recipient of high level residential respite care, the limitation of the approval does not prevent the person receiving low level residential respite care.

11 Home care

- (1) Approval of a person as a recipient of home care may be limited to one of the following levels of home care:
 - (a) level 1;
 - (b) level 2;
 - (c) level 3;
 - (d) level 4;where level 4 is the highest level of home care and level 1 is the lowest.
- (2) However, if a person is approved as a recipient of a particular level of home care, the limitation of approval to that level does not prevent the person receiving home care at a lower level.

Part 4—Date of effect of approval

12 Purpose of this Part

For paragraph 22-5(2)(b) of the Act, this Part sets out the circumstances in which the Secretary may be satisfied that a person who was provided with care before being approved as a recipient of that type of care urgently needed the care when it started.

13 Care provided in emergency circumstances

The Secretary may be satisfied that the person urgently needed the care when the care started if the Secretary is satisfied that an emergency existed when the care started.

Part 5—Lapsing of approval

14 Purpose of this Part

For section 23-3 of the Act, this Part specifies:

- (a) the entry period for flexible care in the form of transition care; and
- (b) circumstances in which a person's approval as a recipient of flexible care in the form of transition care lapses.

15 Entry period

For paragraph 23-3(1)(a) of the Act, the entry period for a person who is approved as a recipient of flexible care in the form of transition care is 4 weeks beginning on the day after the approval is given under subsection 22-1(2) of the Act.

16 Circumstances in which approval lapses

- (1) For subsection 23-3(3) of the Act, the approval of a person as a recipient of flexible care in the form of transition care lapses if the person is not provided, for a period of at least 1 day after the entry period for the person's approval ends, with the care in respect of which the person is approved.
- (2) For subsection (1), the *entry period* for the person's approval is the period specified in section 15.

Part 6—Transitional provisions

17 Residential care started before 1 July 2014 but approval given on or after that date

- (1) This section applies to a person:
 - (a) who started to be provided with residential care (other than residential care provided as respite care) before 1 July 2014; and
 - (b) who is approved as a recipient of residential care under section 22-1 of the Act on or after 1 July 2014; and
 - (c) whose approval as a recipient of residential care is taken to have had effect from the day on which the care started because of subsection 22-5(2) of the Act.
- (2) The approval may be limited to a high level of residential care or a low level of residential care.
- (3) However, if the person is approved as a recipient of a high level of residential care, the limitation of the approval does not prevent the person receiving residential care at any classification level.

- (4) In this section:

high level of residential care has the meaning given by section 9.3 of the *Classification Principles 1997* as in force immediately before 1 July 2014.

low level of residential care has the meaning given by section 9.3 of the *Classification Principles 1997* as in force immediately before 1 July 2014.