



National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2021 Measures No. 1) Rules 2021

I, Samantha Taylor, as delegate of the Minister for Families and Social Services, make the following rules.

Dated 28 October 2021

Samantha Taylor
Acting Commissioner of the NDIS Quality and Safeguards Commission

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1 Name

This instrument is the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2021 Measures No. 1) Rules 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	15 November 2021.	15 November 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *National Disability Insurance Scheme Act 2013*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Amendments

National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

1 Section 4

Insert:

mealtime management means:

- (a) individual planning for the provision of meals to participants, including planning in relation to the environment in which meals are provided and the supports required to provide the meals to participants; or
- (b) the provision of supports to participants to consume meals.

2 Section 4 (definition of *National Disability Insurance Scheme (Quality Indicators) Guidelines*)

Repeal the definition.

3 Part 4 (heading)

Repeal the heading, substitute:

Part 4—Conditions of registration

4 Subsection 13B(4)

Repeal the subsection, substitute:

- (4) The audit must commence no later than:
 - (a) 18 months after the beginning of the period for which the provider's registration is in force; or
 - (b) such longer period after the beginning of that period as the Commissioner allows.

5 At the end of Part 4

Add:

13C Restrictions on providing high intensity personal daily activity supports

The registration of each registered NDIS provider registered to provide high intensity daily personal activities is subject to the condition that the provider must not provide a support mentioned in Schedule 2 if the support is not set out in the provider's certificate of registration.

6 Paragraph 20(1)(a)

Repeal the paragraph, substitute:

- (a) be assessed by an approved quality auditor, using the method specified in column 3 of that item, as meeting each standard that:
 - (i) is specified in a Schedule mentioned in column 2 of that item; and

(ii) applies to the provider; and

7 Subsection 20(3) (table items 32 to 37)

Repeal the items, substitute:

31A	specialist disability accommodation and one or more other classes of supports	Schedules 1 and 7	certification.
32	specialised support coordination	Schedules 1 and 6	certification.
33	specialised supported employment	Schedule 1	certification.
34	hearing services	Schedule 8	verification.
35	customised prosthetics	Schedule 8	verification.
36	group and centre-based activities	Schedule 1	certification.

8 Section 24

Repeal the section, substitute:

24 Matters to be taken into account in assessments

The quality indicators set out in the *National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018* (as existing from time to time) must be taken into account in assessing the following:

- (a) whether an applicant for registration as a registered NDIS provider meets the NDIS Practice Standards;
- (b) whether a registered NDIS provider is complying with those standards.

Note: The *National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018* could in 2021 be viewed on the Federal Register of Legislation website (<https://legislation.gov.au>).

9 At the end of Part 3 of Schedule 1

Add:

16A Emergency and disaster management

Emergency and disaster management includes planning that:

- (a) ensures that the risks to the health, safety and wellbeing of participants that may arise in an emergency or disaster are considered and mitigated; and
- (b) ensures the continuity of supports critical to the health, safety and wellbeing of participants in an emergency or disaster.

10 After clause 26 of Schedule 1

Insert:

26A Mealtime management

- (1) This standard applies to a provider that is responsible for providing supports to participants who require mealtime management.
- (2) Each participant requiring mealtime management receives meals that are:
 - (a) nutritious, and of a texture that is appropriate to their individual needs; and
 - (b) appropriately planned, and prepared in an environment and manner that meets their individual needs and preferences; and
 - (c) delivered in a way that is appropriate to their individual needs and ensures that the meals are enjoyable.

11 Schedule 2 (note)

Repeal the note, substitute:

Note: See sections 13C and 20.

12 Subclause 1(1) of Schedule 2

Repeal the subclause, substitute:

- (1) An NDIS Practice Standard in this Schedule applies to a person or entity who:
 - (a) is applying to be registered to provide high intensity daily personal activities; and
 - (b) has requested in the application for registration that the support mentioned in the standard be set out in the person's or entity's certificate of registration;in the same way that the standard applies to an NDIS provider who is registered to provide those activities and has that support set out in the provider's certificate of registration.

Note: See section 20 for the applicants that must be assessed as meeting, and the providers that must comply with, the standards specified in this Schedule.

13 Subclause 3(1) of Schedule 2

Repeal the subclause, substitute:

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if complex bowel care is set out in the provider's certificate of registration.

14 Subclause 4(1) of Schedule 2

Repeal the subclause, substitute:

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if enteral (nasogastric tube-jejunum or duodenum) feeding and management is set out in the provider's certificate of registration.

15 After clause 4 of Schedule 2

Insert:

4A Severe dysphagia management

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if severe dysphagia management is set out in the provider's certificate of registration.
- (2) Each participant requiring severe dysphagia management receives appropriate support that is relevant and proportionate to their individual needs and preferences.

16 Subclause 5(1) of Schedule 2

Repeal the subclause, substitute:

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if tracheostomy management is set out in the provider's certificate of registration.

17 Subclause 6(1) of Schedule 2

Repeal the subclause, substitute:

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if in-dwelling, in-out and suprapubic catheter urinary management is set out in the provider's certificate of registration.

18 Subclause 7(1) of Schedule 2

Repeal the subclause, substitute:

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if ventilator management is set out in the provider's certificate of registration.

19 Subclause 8(1) of Schedule 2

Repeal the subclause, substitute:

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if subcutaneous injections is set out in the provider's certificate of registration.

20 Subclause 9(1) of Schedule 2

Repeal the subclause, substitute:

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if complex wound management is set out in the provider's certificate of registration.

21 Clause 2 of Schedule 4

Omit "use of regulated restrictive practices", substitute "implementation of behaviour support plans".

Part 2—Application, saving and transitional provisions

National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

22 At the end of Part 7

Add:

31 Application of amendments made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2021 Measures No. 1) Rules 2021*

Definitions

- (1) In this section:

amending Rules means the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2021 Measures No. 1) Rules 2021*.

existing registered NDIS provider means a person or entity who was a registered NDIS provider immediately before 15 November 2021.

Delayed application of emergency and disaster management standard for existing registered NDIS providers

- (2) Clause 16A of Schedule 1, as inserted by the amending Rules, applies in relation to an existing registered NDIS provider on and after 24 January 2022.

Delayed application of mealtime management standard for existing registered NDIS providers

- (3) Clause 26A of Schedule 1, as inserted by the amending Rules, applies in relation to an existing registered NDIS provider on and after 13 December 2021.

Application of amendments to applications for registration

- (4) The amendments of this instrument made by the amending Rules apply in relation to an application under section 73C of the Act:
- (a) made on or after 15 November 2021; or
 - (b) made but not decided before 15 November 2021, if the assessment under paragraph 73E(1)(c) of the Act has not been made before that day.

Application of amendments to mid-term audits

- (5) Subject to subsections (2) and (3), the amendments of this instrument made by the amending Rules apply in relation to a mid-term audit under section 13B of this instrument carried out on or after 15 November 2021.