



Aged Care Legislation Amendment (Palliative Care Classification and Other Measures) Instrument 2022

I, Anika Wells, Minister for Aged Care, make the following instrument.

Dated 11 July 2022

Anika Wells
Minister for Aged Care

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1 Name

This instrument is the *Aged Care Legislation Amendment (Palliative Care Classification and Other Measures) Instrument 2022*.

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	23 July 2022.	23 July 2022

Note: This table relates only to the provisions of this instrument as originally made.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 *Aged Care Act 1997*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Accountability Principles 2014

1 After section 26

Insert:

27 Document about a care recipient to be provided with palliative care

- (1) For the purposes of paragraph 63-1(1)(m) of the Act, an approved provider of a residential care service must give the Secretary a document in relation to a care recipient who enters the service to be provided with non-respite care in the form of palliative care.
- (2) The document under subsection (1) must:
 - (a) be in a form approved by the Secretary; and
 - (b) contain the information required by the form; and
 - (c) be given within 14 days, or such longer period as the Secretary allows, after the approved provider notifies the Secretary of the entry of the care recipient into the service under section 63-1B of the Act.

27A Information or documents relating to care recipient with palliative care status

- (1) For the purposes of paragraph 63-1(1)(m) of the Act, an approved provider of a residential care service must, if requested by the Secretary, give the Secretary information or documents of the kind specified in the request in relation to a care recipient in the service who has been assessed as having palliative care status under subsection 36(2) of the *Classification Principles 2014*.
- (2) The approved provider must comply with the request within 7 days after the day the request was made.

2 In the appropriate position in Part 8

Add:

59 Application—amendment made by the *Aged Care Legislation Amendment (Palliative Care Classification and Other Measures) Instrument 2022*

Section 27, as inserted by the *Aged Care Legislation Amendment (Palliative Care Classification and Other Measures) Instrument 2022*, applies in relation to a care recipient who enters a residential care service to be provided with non-respite care in the form of palliative care on or after 23 July 2022.

Classification Principles 2014

3 Section 4 (definition of *medical practitioner*)

Repeal the definition.

4 Section 4B

Repeal the section.

5 At the end of subsection 36(1)

Add “through a residential care service”.

6 Subsections 36(2) and (3)

Repeal the subsections, substitute:

(2) If:

- (a) a document was given to the Secretary in relation to the care recipient in accordance with section 27 of the *Accountability Principles 2014*; and
- (b) according to the document, the care recipient had:
 - (i) a prognosis of a life expectancy of 3 months or less on the day the care recipient entered the residential care service to be provided with non-respite care in the form of palliative care; and
 - (ii) an AKPS score of 40 or less;

the Secretary must assess the care recipient as having palliative care status.

- (3) If the Secretary does not assess the care recipient as having palliative care status under subsection (2), the Secretary must complete the AN-ACC Assessment Tool in accordance with the AN-ACC Reference Manual in relation to the care recipient.

7 Paragraph 43(a)

Repeal the paragraph, substitute:

- (a) there has been a change in the care recipient’s cognitive ability, compounding factors, function, mobility or pressure sore risk; or

8 At the end of section 43

Add:

; or (f) the care recipient has:

- (i) ceased to be provided with residential care through a residential care service; and
- (ii) subsequently entered a residential care service to be provided with non-respite care in the form of palliative care.