



Aged Care Legislation Amendment (Registered Nurse Supplement) Instrument 2024

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

Dated 18 June 2024

Anika Wells
Minister for Aged Care

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1 Name

This instrument is the *Aged Care Legislation Amendment (Registered Nurse Supplement) Instrument 2024*.

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 | 1 July 2024. | 1 July 2024 |

Note: This table relates only to the provisions of this instrument as originally made.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 following:

- (a) the *Aged Care Act 1997*;
- (b) the *Aged Care (Transitional Provisions) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Subsidy Principles 2014

1 Section 4

Insert:

group A facility, for a payment period: see subsection 70AM(1A).

group B facility, for a payment period: see subsection 70AM(1B).

2 Subsection 70AM(1)

Repeal the subsection, substitute:

(1) A residential facility is a *qualifying facility* for a payment period if it is a group A facility for the payment period or a group B facility for the payment period.

(1A) A residential facility is a *group A facility* for a payment period if all of the following criteria are met:

- (a) an exemption from section 54-1A of the Act in relation to the facility is not in force at any time during the period;
- (b) a report in relation to the facility and the period has been submitted in accordance with section 44B of the *Accountability Principles 2014*;
- (c) the total number of days of eligible residential care provided in respect of care recipients at the facility during the period, divided by the number of days in the period, is no more than 60;
- (d) the total number of hours, on days during the period on which residential care was provided at the facility, that a registered nurse was not on site and on duty at the facility is no more than the number of such days in the period multiplied by 3.

Note: Residential care might be provided at a facility through more than one residential care service.

(1B) A residential facility is a *group B facility* for a payment period if all of the following criteria are met:

- (a) an exemption from section 54-1A of the Act in relation to the facility is not in force at any time during the period;
- (b) a report in relation to the facility and the period has been submitted in accordance with section 44B of the *Accountability Principles 2014*;
- (c) the total number of days of eligible residential care provided in respect of care recipients at the facility during the period, divided by the number of days in the period, is no more than 30;
- (d) the total number of hours, on days during the period on which residential care was provided at the facility, that a registered nurse was not on site and on duty at the facility is:
 - (i) more than the number of such days in the period multiplied by 3; and
 - (ii) no more than the number of such days in the period multiplied by 12.

Note: Residential care might be provided at a facility through more than one residential care service.

Aged Care (Subsidy, Fees and Payments) Determination 2014

3 Section 64H

Insert:

group A facility has the same meaning as in the *Subsidy Principles 2014*.

group B facility has the same meaning as in the *Subsidy Principles 2014*.

4 Subsection 64ZU(3)

Omit “and (6)”, substitute “, (6), (6A) and (6B)”.

5 Subsection 64ZU(5) (at the end of the heading)

Add “—*group A facilities*”.

6 Subsection 64ZU(5)

Omit “qualifying”, substitute “group A”.

7 Subsection 64ZU(5) (table heading)

Omit “qualifying”, substitute “group A”.

8 Subsection 64ZU(6)

Omit “qualifying”, substitute “group A”.

9 Subsection 64ZU(6) (table heading)

Omit “qualifying”, substitute “group A”.

10 After subsection 64ZU(6)

Insert:

Facility amount—group B facilities

(6A) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 1, MM 2, MM 3 or MM 4, is \$14,249.

(6B) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 5, MM 6 or MM 7, is the amount set out in the following table for the average daily care count for the facility for the period.

| Facility amount—group B facilities in MM categories 5 to 7 | | |
|---|---|-----------------------------|
| Item | Average daily care count | Facility amount (\$) |
| 1 | Less than or equal to 5 | 39,698 |
| 2 | More than 5 but less than or equal to 10 | 35,535 |
| 3 | More than 10 but less than or equal to 15 | 32,703 |
| 4 | More than 15 but less than or equal to 20 | 27,424 |
| 5 | More than 20 but less than or equal to 25 | 21,759 |
| 6 | More than 25 but less than or equal to 30 | 16,523 |

Average daily care count

11 Subsection 64ZU(7)

Omit “and (6)”, substitute “, (6) and (6B)”.

***Aged Care (Transitional Provisions) (Subsidy and Other Measures)
Determination 2014***

12 Section 81

Insert:

group A facility has the same meaning as in the *Subsidy Principles 2014*.

group B facility has the same meaning as in the *Subsidy Principles 2014*.

13 Subsection 91S(3)

Omit “and (6)”, substitute “, (6), (6A) and (6B)”.

14 Subsection 91S(5) (at the end of the heading)

Add “—*group A facilities*”.

15 Subsection 91S(5)

Omit “qualifying”, substitute “group A”.

16 Subsection 91S(5) (table heading)

Omit “qualifying”, substitute “group A”.

17 Subsection 91S(6)

Omit “qualifying”, substitute “group A”.

18 Subsection 91S(6) (table heading)

Omit “qualifying”, substitute “group A”.

19 After subsection 91S(6)

Insert:

Facility amount—group B facilities

(6A) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 1, MM 2, MM 3 or MM 4, is \$14,249.

(6B) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 5, MM 6 or MM 7, is the amount set out in the following table for the average daily care count for the facility for the period.

| Facility amount—group B facilities in MM categories 5 to 7 | | |
|---|---------------------------------|-----------------------------|
| Item | Average daily care count | Facility amount (\$) |
| 1 | Less than or equal to 5 | 39,698 |

| Facility amount—group B facilities in MM categories 5 to 7 | | |
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| Item | Average daily care count | Facility amount (\$) |
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| 5 | More than 20 but less than or equal to 25 | 21,759 |
| 6 | More than 25 but less than or equal to 30 | 16,523 |

Average daily care count

20 Subsection 91S(7)

Omit “and (6)”, substitute “, (6) and (6B)”.