



To Aged Care Peak Bodies

Re: Legislative Changes Relevant to the Aged Care Assessment Program

This notice is to advise you of the commencement of a number of legislative changes relevant to the Aged Care Assessment Program (ACAP).

A number of changes affecting aged care were made in December 2008. Changes were made to the:

1. *Aged Care Act 1997* (see *Aged Care Amendment (2008 Measures No. 2) Act 2008*); and
2. *Aged Care Principles 1997* (see *Approval of Care Recipients Amendment Principles 2008 (No.2)*).

The key objectives of the amendments were to:

1. Reduce the number of unnecessary assessments (and reassessments) performed by ACATs to improve assessment waiting times;
2. Ensure that ACAT reassessments are conducted only for the people who genuinely need them; and
3. Improve the equity of access for some forms of flexible care by allowing a person to access care at a lower level in the community.

The introduction of these legislative changes will reduce the number of ACAT assessments needed and is expected to improve timeliness in assessments.

The changes affect ACAT approvals in the following ways:

There are changes to the lapsing of some approvals as follows:

Care not received

From 1 July 2009 all current approvals for the following care types **will not lapse** if a person has not received the type of care:

- Residential respite care (high and low level)
- High level residential care
- Extended Aged Care at Home (EACH)
- EACH Dementia (EACH D) Package

This means all approvals made for these care types **on or after 1 July 2008** - and which were not time limited so that they expired before 1 July 2009 - **will not lapse**.

Approvals will continue to lapse for Community Aged Care Packages (CACPs) if a person is not provided with community care within 12 months starting on the day after the approval is given.

Approvals will also continue to lapse for low level residential care if a person is not provided with the care within 12 months starting on the day after the approval is given.

Approvals will also continue to lapse for transition care if a person is not provided with the care within 4 weeks beginning on the day after approval.

Changes to the lapsing of some approvals (continued)

Break in care

From 1 January 2009 all current approvals for people who have received high level residential care or residential respite care (high and low level) **will not lapse** irrespective of when the approval was made and even if there is a break in care. This was already the case from 20 March 2008 for CACP, EACH and EACH D.

Approvals will continue to lapse for low level residential care if a person has commenced receiving care, and there is a break in care lasting more than 28 days which occurs after the lapsing period of 12 months (beginning on the day after approval) ends.

Approvals will also continue to lapse for transition care if a person has commenced receiving care, and there is a break in care of at least one day after the lapsing period of four weeks (beginning on the day after approval) ends.

There are changes to eligibility for approvals for EACH D or EACH Package as follows:

From 1 January 2009 if a person is eligible to receive an:

- EACH D Package – the person is also eligible for an EACH Package or a Community Aged Care Package (CACP) as an alternative to an EACH D Package
- EACH Package – the person is also eligible for a CACP as an alternative to an EACH Package

The Commonwealth:

1. is currently updating (due to be completed by 1 August 2009) the:
 - Residential Care Manual; and
 - Draft Community Packaged Care Guidelines.
2. has distributed to all ACATs the revised versions of the following forms through Medicare Australia:
 - Aged Care Client Record (ACCR) (3020(0709)); and
 - 21 day extension form (2670(0709)) for residential respite care.
3. is advising all:
 - clients with a current approval at 1 July 2009 who are yet to receive care; and
 - Service Providers – Residential and Community.
4. has an addendum to the *Guide to Changes to the Regulatory Framework for Aged Care* and updated the relevant Frequently Asked Questions. These documents are available at www.health.gov.au
5. can provide an article for your organisation's newsletter or other publication on these changes.
6. has prepared a document which explains the circumstances when a reassessment by an Aged Care Assessment Team (ACAT) is, and is not, necessary. This document is attached below.

If you have any further queries regarding these changes, please write to The Director, Aged Care Assessment Program Section, MDP32, Department of Health and Ageing, GPO Box 9848, Canberra ACT 2601.

Yours faithfully

<authorised for electronic transmission>

Keith Tracey-Patte
Assistant Secretary, Community Programs Branch

AGED CARE ASSESSMENT TEAM REASSESSMENT REQUIREMENTS

This document explains the circumstances when a reassessment by an Aged Care Assessment Team (ACAT) is, and is not, necessary.

It is important to note this information is divided into two categories that set out the requirements for people that are approved and:

- **HAVE NOT** received care; and
- **HAVE** received care

CARE NOT RECEIVED	
ACAT APPROVAL	IS REASSESSMENT REQUIRED?
<p>The client is approved for:</p> <ul style="list-style-type: none"> • High level residential care 	<p>No – from 1 July 2009 all current approvals will not lapse.</p> <p>All approvals made on or after 1 July 2008 – and which were not time limited so they expired before 1 July 2009 - will not lapse.</p>
<p>The client is approved for:</p> <ul style="list-style-type: none"> • High level residential respite care • Low level residential respite 	<p>No – as above.</p>
<p>The client is approved for flexible care in the form of:</p> <ul style="list-style-type: none"> • Extended Aged Care in the Home (EACH) • Extended Aged Care in the Home Dementia (EACHD) 	<p>No – as above.</p>
<p>The client is approved for:</p> <ul style="list-style-type: none"> • Low level residential care • Community Aged Care Package (CACP) 	<p>Yes – if care was not provided within 12 months starting the day after approval.</p> <p>OR</p> <p>Yes – if their care needs change.</p>
<p>The client is approved for:</p> <ul style="list-style-type: none"> • Low level residential respite care 	<p>Yes – if their care needs change and they require high level residential respite care.</p>
<p>The client is approved for:</p> <ul style="list-style-type: none"> • Transition Care 	<p>Yes – if care is not provided within 4 weeks beginning the day after the approval date.</p>

CARE RECEIVED

ACAT APPROVAL	IS REASSESSMENT REQUIRED?
<p>The client has entered:</p> <ul style="list-style-type: none"> • High level residential care 	<p>No – from 1 January 2009 all current approvals will not lapse if care has commenced and there is a break in care.</p>
<p>The client has entered:</p> <ul style="list-style-type: none"> • Low level residential care 	<p>Yes – if there is a break in care of more than 28 days (excluding approved leave) outside the 12 month lapsing period.</p> <p>Yes - if the first ACFI results in a High Level classification and the provider wishes to claim a high care ACFI subsidy rather than the interim low subsidy.</p> <p>No – if the resident has aged in place as follows:</p> <ul style="list-style-type: none"> • An ACFI reappraisal is conducted that results in a High Level classification (e.g. on expiry of an existing classification, or a voluntary reappraisal following a transfer, or following a major change in care needs) or • a Departmental Review Officer confirms the resident's ACFI classification during a classification review. <p>Yes – on transfer if the resident has aged in place and wishes to pay an accommodation charge to the new home rather than rolling over an existing bond.</p>
<p>The client has received:</p> <ul style="list-style-type: none"> • Low level residential respite care • High level residential respite care 	<p>No – if care was received on or after 1 January 2009 approvals for these types of care will not lapse.</p>
<p>The client has commenced an episode of:</p> <ul style="list-style-type: none"> • Transition care 	<p>Yes – if there is a break in care of at least one day after the entry 4 week entry period.</p> <p>No – if the client enters hospital from Transition Care, concludes their hospital episode and re-enters Transition Care (from hospital) within the 4 week entry period.</p>
<p>The client has commenced a:</p> <ul style="list-style-type: none"> • Community Aged Care Package (CACP) Package • Extended Aged Care in the Home (EACH) Package • Extended Aged Care in the Home Dementia (EACHD) 	<p>No – if care was received on or after 20 March 2008, approvals for these types of care will not lapse.</p> <p>If the client has received care on or after that date, the client does not need to be in care on the 'entry period' lapsing date.</p>

ALL TYPES OF CARE

Prior to 20 March 2008, approvals for all care types lapsed if care had commenced and there was a break in care of at least one day after the 'entry period' ended.