

# Workers compensation guidelines for the approval of hearing service providers

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# Contents

<b>1. About the Guidelines.....</b>	<b>4</b>
1.1. Purpose.....	4
1.2. Guideline-making powers.....	4
1.3. Interpretation.....	4
1.4. Commencement.....	4
1.5. Definitions.....	4
1.6. Transitional arrangements for practitioners with current SIRA approval.....	5
<b>2. Approval requirements for hearing service providers.....</b>	<b>5</b>
2.1. Hearing service providers eligible for SIRA approval .....	6
2.2. Conditions of approval for hearing service providers.....	6
2.3. Grounds for declinature of SIRA approval.....	7
2.4. Grounds for suspension or revocation of SIRA approval of a hearing service provider.....	7
2.5. Cases where an audiology entity does not require SIRA approval.....	7
2.5.1. Practitioners delivering services exclusively in the NSW public health system.....	7
2.5.2. Practitioners delivering services exclusively to specified classes of workers .....	8
2.5.3. Interstate practitioners delivering services exclusively outside NSW.....	8
2.6. Period of SIRA approval.....	8
<b>Appendix 1 – Approval process.....</b>	<b>9</b>
1. Application for SIRA approval .....	9
2. Timing and notification of a SIRA decision to decline approval.....	9
3. Timing and notification of a SIRA decision to suspend or revoke approval.....	9
4. Review of a SIRA approval decision .....	9
5. SIRA will maintain a register of hearing service providers .....	10

# 1. About the Guidelines

The State Insurance Regulatory Authority (SIRA) is responsible for regulating and administering workers compensation, motor accidents compulsory third party (CTP) insurance and home building compensation insurance in New South Wales (NSW).

## 1.1. Purpose

The *Workers compensation guidelines for the approval of hearing service providers* (the Guidelines) apply to treating hearing service providers working within the NSW workers compensation system. The Guidelines outline the requirements to be **appropriately qualified** for the purpose of providing hearing treatment and services.

## 1.2. Guideline-making powers

Under workers compensation legislation, employers are liable for the cost of any reasonably necessary medical or related treatment and services received by a worker as a result of an injury. Section 60(2A) of the *Workers Compensation Act 1987* (1987 Act) outlines circumstances where the worker's employer is not liable for the costs of any treatment or service, including where the treatment or service is given or provided by a person who is not **appropriately qualified** to give or provide the treatment or service.

Section 60(2C)(e) of the 1987 Act provides that the workers compensation guidelines may make provision for specifying the qualifications or experience that a person requires to be **appropriately qualified** to provide a treatment or service to an injured worker, including by providing that a person is not appropriately qualified unless approved or accredited by the Authority.

## 1.3. Interpretation

The Guidelines are to be read in conjunction with relevant provisions of the *Workers Compensation Act 1987* (1987 Act) and the *Workplace Injury Management and Workers Compensation Act 1998* (1998 Act), together with the regulations and workers compensation guidelines made under those Acts.

The Guidelines support the system objectives as described in section 3 of the 1998 Act. Specifically, to provide prompt treatment of injuries, effective and proactive management of injuries, and necessary medical and vocational rehabilitation following injuries, to assist injured workers and to promote their return to work as soon as possible.

Compliance with the Guidelines is mandatory for hearing service providers seeking to obtain and maintain SIRA approval. **Appendix 1 - Approval process**, is included to provide information on how the Guidelines will be administered.

If any part of the Guidelines is found to be invalid or inapplicable, all other parts of the Guidelines remain in effect. The Guidelines and any approval given under them will apply until SIRA amends, revokes or replaces them in whole or in part.

## 1.4. Commencement

The Guidelines will take effect and apply to new applications for approval to be hearing service providers, as well as existing hearing service providers from **16 May 2022**. A six-month transitional arrangement for existing hearing service providers is outlined below at Part 1.6.

## 1.5. Definitions

Terms used in the Guidelines have the same meaning as provided for under the workers compensation legislation. In the Guidelines:

- **Audiologist:** is a university graduate with Australian a postgraduate tertiary qualification in audiology (or overseas equivalent) who specialises in the assessment, prevention and non-medical management of hearing impairment and associated disorders of communication and balance. An audiologist must be an Audiology Australia Accredited Audiologist or full/ordinary member of the Australian College of Audiology.
- **Audiometrist:** is a person who holds an audiometry qualification from a registered training organisation, such as TAFE NSW, followed by on-the-job training. An audiometrist also specialises in the non-medical assessment and management of communication difficulties caused by hearing loss. An audiometrist must be a full/ordinary member of the Australian College of Audiology or full member of the Hearing Aid Audiology Society of Australia.
- **Audiology entity:** is a registered business or company that provides reasonably necessary medical or related treatment (hearing services) as a result of a work-related hearing loss.
- **Hearing service provider:** refers to a SIRA-approved audiology entity as per section 60(2C)(e) of the 1987 Act.

## 1.6. Transitional arrangements for practitioners with current SIRA approval

Hearing service providers with an active approval prior to the commencement of the Guidelines (current hearing service providers) will continue to be approved for a period of up to six months from the date of commencement of the Guidelines as part of the transition to the three-year approval cycle.

To remain SIRA approved, within six months from the date of commencement of the Guidelines a current hearing service provider must submit an application for approval declaring they meet and will adhere to the conditions of approval in accordance with the Guidelines. The practitioner must receive written confirmation from SIRA that their approval has been transitioned to deliver treatment and services under the Guidelines after six months from the date of commencement of the Guidelines.

A current hearing service provider who has not signed and returned to SIRA an application declaring they meet and agree to comply with the conditions of approval in accordance with the Guidelines or has not received written confirmation from SIRA of their continued approval after submitting such an application within the six-month transition period, will cease to be a hearing service provider in the NSW workers compensation system.

## 2. Approval requirements for hearing service providers

Employers are liable for the cost of any reasonably necessary treatment only when provided by a SIRA-approved hearing service provider (with the exemptions outlined in Part 2.5 of the Guidelines).

To obtain and maintain SIRA approval to provide treatment or services in the NSW workers compensation system, a hearing service provider is to comply with the following requirements:

- be appropriately qualified
- apply in writing for approval using the application form available on the SIRA website, and
- comply with the conditions of approval once approved by SIRA.

The hearing service provider must ensure that services delivered under the NSW workers compensation system are provided by audiologists and audiometrists who meet the definitions set out in Part 1.5 of the Guidelines.

## 2.1. Hearing service providers eligible for SIRA approval

SIRA approves audiology entities to be hearing service providers within the NSW workers compensation system. To be a hearing service provider, an audiology entity must:

- demonstrate that the person providing hearing treatment or services is a qualified audiometrist or audiologist, and
- be an accredited service provider contracted under the Australian Government Hearing Services Program.

SIRA-approved audiology entities are referred to as hearing service providers.

## 2.2. Conditions of approval for hearing service providers

To be appropriately qualified for the purposes of s60(2C)(e) of the 1987 Act, the hearing service provider (and the audiologist/audiometrist providing services through the hearing service provider) must meet, and continue to meet, the following conditions:

- a) the requirements for approval as outlined in Part 2 of the Guidelines.
- b) deliver services in accordance with:
  - NSW workers compensation legislation
  - SIRA procedures described in Appendix 1 to the Guidelines
  - Part 4 of the *Workers Compensation Guidelines*
  - the relevant SIRA workers compensation hearing aid fees order/s effective on the date the service is delivered
  - the nationally endorsed *Clinical Framework for the Delivery of Health Services*<sup>1</sup>
  - the principles of the health benefits of good work.<sup>2</sup>
- c) hold and maintain a current professional indemnity insurance policy and public liability insurance policy throughout the period of approval and provide evidence at SIRA's request (the HSP must ensure the amount of cover is to be appropriate to the scope of practice and level of risk and is inclusive of run-off cover).
- d) not ask for or accept any inducement, gift, or hospitality from individuals or companies, or enter into arrangements that could be perceived to provide inducements, that may influence, or be seen to influence, their ability to provide treatment and services to the worker that will best meet their needs (for example, offering or accepting financial incentives for referral of workers or for the prescription of certain hearing aids)
- e) on application and at any other time as soon as it arises declare any actual, potential or perceived conflict of interest to SIRA when seeking approval to be a hearing service provider, which may include but is not limited to any private interest of the HSP, family or other relationships that conflict with performance of duties of an approved HSP under the Guidelines.
- f) declare any actual, potential or perceived, conflict of interest to the worker at time of referral or, if a conflict or potential conflict of interest arises after referral, as soon as it arises.
- g) complete any additional training at the request of SIRA, to the standard required by SIRA, within the prescribed timeframe and at the hearing service provider's own expense.

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<sup>1</sup> <https://www.sira.nsw.gov.au/for-service-providers/treatment-advice-centre/clinical-framework>

<sup>2</sup> Australian and New Zealand Consensus Statement on the Health Benefits of Work: Position Statement: Realising the Health Benefits of Work

- h) not have been convicted of any criminal offence within the last 10 years, or have any pending criminal charges, any civil proceedings lodged against them or their practice, or any pending or upheld complaint made about them to insurance, compensation or health authorities, government agencies or statutory bodies regarding their conduct:
  - in any role in any insurance compensation system in any Australian jurisdiction and
  - in the provision of health services.
- i) notify SIRA (in writing within seven days) of becoming aware that:
  - information provided to SIRA in their application, including the conflict-of-interest declaration, was incorrect or incomplete
  - there are changes to accreditation, membership or contract status relevant to appropriate qualifications
  - they are the subject of any criminal investigation by any law enforcement agency
  - a complaint has been made about them to insurance, compensation or health authorities, government agencies or statutory bodies regarding their conduct:
    - in any role in any insurance compensation system in any Australian jurisdiction and
    - in the provision of health services.
- j) respond to, or participate, in SIRA communication and reviews in the form, timeframes and manner required by SIRA:
  - provide and maintain an email address to be used for all written communication from SIRA.
  - notify SIRA (in writing within 14 days) of any changes to their name or contact details as these appear in the public register of SIRA approved providers.

### **2.3. Grounds for declinature of SIRA approval**

Failure to comply with the eligibility criteria set out in Part 2.1 of the Guidelines and the conditions set out in Part 2.2 of the Guidelines may result in SIRA declining an application for approval/reapproval.

### **2.4. Grounds for suspension or revocation of SIRA approval of a hearing service provider**

SIRA will suspend or revoke its approval from the date of limitation, condition, suspension, revocation, or disqualification if the accreditation or membership as a hearing service provider and/or the audiologist/audiometrist providing services through the hearing service provider do not meet the requirements outlined in the legislation or in Part 2.1 of the Guidelines.

SIRA may suspend or revoke a hearing service provider's approval at any time during its period of approval for any non-compliance with the legislation and/or conditions of approval in Part 2.2 of the Guidelines. SIRA will notify a HSPs suspension or revocation of approval in writing providing reasons for the decision and the date the suspension or revocation will take effect.

### **2.5. Cases where an audiology entity does not require SIRA approval**

#### **2.5.1. Practitioners delivering services exclusively in the NSW public health system**

An audiology entity (and the audiologist/audiometrist providing services through the audiology entity) delivering services to injured workers exclusively in the NSW public health system does not require approval by SIRA to deliver treatment to a worker receiving treatment in the NSW public health system.

### 2.5.2. Practitioners delivering services exclusively to specified classes of workers

An audiology entity (and the audiologist/audiometrist providing services through the audiology entity) exclusively delivering services to the following classes of workers in the NSW workers compensation system does not require SIRA approval in accordance with the Guidelines:

- police officers
- paramedics
- firefighters.

These are known as 'exempt categories of workers' as set out in clause 25 of Part 19H of Schedule 6 to the 1987 Act for which most changes made to the 1987 Act in 2012 do not apply.

In addition, the Guidelines do not apply to an audiology entity exclusively delivering services to:

- coal miners, as set out in clause 26 of Part 19H of Schedule 6 to the 1987 Act
- dust disease matters, as defined in the *Workers Compensation (Dust Diseases) Act 1942*
- claims made under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

### 2.5.3. Interstate practitioners delivering services exclusively outside NSW

An audiology entity (and the audiologist/audiometrist providing services through the audiology entity) does not require SIRA approval under the Guidelines if:

- it practices exclusively outside NSW and
- it provides services outside NSW to workers in the NSW workers compensation system and
- the worker being treated is living outside NSW.

## 2.6. Period of SIRA approval

The SIRA approval of hearing service providers will be for a fixed period of up to three years (with an option for SIRA to extend at its discretion), which will commence on a date specified by SIRA.

In determining the period of approval, SIRA will consider any relevant information, including the history of a hearing service provider's compliance with the workers compensation legislation, SIRA fees orders and guidelines, for a reasonable period of time preceding the lodgement of a request for approval.

## Appendix 1 – Approval process

### 1. Application for SIRA approval

To apply for SIRA approval, an audiology entity should apply in writing for approval using the relevant form on the SIRA website. The application will be processed by a SIRA officer. A decision to decline, suspend or revoke approval will be assessed by a manager-level SIRA officer.

### 2. Timing and notification of a SIRA decision to decline approval

SIRA will process applications for approval and provide notification of its decision within 21 days of receipt.

Where SIRA declines to approve an audiology entity, SIRA will advise the audiology entity in writing of the decision, when the decision will take effect and the reasons for that decision, and the period of time, if any, before the audiology entity may re-apply for approval and the reasons for that nominated period.

The audiology entity may re-apply after the nominated period by completing a new application form.

### 3. Timing and notification of a SIRA decision to suspend or revoke approval

Where SIRA suspends or revokes approval, SIRA will advise the hearing service provider in writing of the decision, including the reasons for that decision and period of time, if any, before the hearing service provider may re-apply for approval and the reasons for that nominated period.

The hearing service provider may re-apply after the nominated period by completing a new application form.

If SIRA's approval of a hearing service provider is suspended or revoked for reasons set out in:

- Part 2.1 of the Guidelines, the suspension or revocation will take effect from date of limitation, condition, suspension, revocation, or disqualification:
  - of membership of Audiology Australia, the Australian College of Audiology or the Hearing Aid Audiology Society of Australia
  - as an accredited service provider contracted under the Australian Government Hearing Services Program.
- Part 2.2 of the Guidelines, the suspension or revocation will take effect from the date the hearing service provider is advised of SIRA's decision by email.

A suspension remains in effect until the date nominated for the suspension to end, or the date SIRA approval is revoked, whichever is earlier.

### 4. Review of a SIRA approval decision

An audiology entity whose application for approval has been declined, or a hearing service provider whose approval has been suspended or revoked, as set out in Part 2.1 of the Guidelines, is ineligible for a review of the decision.

An audiology entity whose application for approval has been declined, or a hearing service provider whose approval has been suspended or revoked under Part 2.2 of the Guidelines, can seek a review of the decision by submitting a written request to SIRA at the email address provided by SIRA in the letter notifying it of the approval/suspension/revocation decision.



Applications for review must be lodged within 28 calendar days of receipt of the decision/reasons for the decision. The request for review should outline the basis for the request to review and include additional information, such as:

- review of non-approval: information in support of the application, with specific reference to the criteria for approval that had not been met
- review of decision to suspend/revoke: additional information to address SIRA's reason(s) for suspension or revocation and include information on whether the reason(s) for suspension or revocation no longer exist.

The review will be conducted by an independent officer who was not substantially involved in the original decision. SIRA will notify the audiology entity/hearing service provider of the outcome within 21 calendar days after receiving the request for review or where more time is needed SIRA will set a date following discussion with the audiology entity/hearing service provider. The final decision and reasons for that decision will be issued to the practitioner to the email address supplied by the practitioner.

A request for review does not stay SIRA's decision to decline to approve or suspend or revoke the approval.

## **5. SIRA will maintain a register of hearing service providers**

If SIRA approves a hearing service provider, SIRA will provide an approval number. The hearing service provider's name, contact details and approval number will be included in the SIRA register of approved hearing service providers. The SIRA register of approved hearing service providers is publicly available on the SIRA website. It is a public register as defined in section 3 of the *Privacy and Personal Information Protection Act 1998*.

A hearing service provider may email a request to SIRA, to remove their details from the register if they do not want their details made publicly available.

## **Disclaimer**

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident compulsory third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers.

However, to ensure you comply with your legal obligations, you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website [legislation.nsw.gov.au](http://legislation.nsw.gov.au)

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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