

WORKERS COMPENSATION (HEARING AID FEES) ORDER 2018

under the

Workers Compensation Act 1987

I, Carmel Donnelly, Acting Chief Executive, State Insurance Regulatory Authority, make the following Order pursuant to section 61(2) of the *Workers Compensation Act 1987*.

Dated this 21st day of November 2017

Carmel Donnelly
Acting Chief Executive
State Insurance Regulatory Authority

Explanatory Note

Workers in NSW with hearing loss arising out of the course of employment where employment was the main contributing factor to the hearing loss can request a hearing aid. Treatment by a hearing service provider is a category of medical or related treatment under section 60 of the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for provision of reasonably necessary medical or related treatment and a hearing aid by a hearing service provider to an injured worker who has suffered hearing loss due to a work related injury. The effect of this Order is to prevent a hearing service provider from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

Schedule A to this Order provides for maximum fees for the provision of medical or related treatment and a hearing aid by a State Insurance Regulatory Authority approved hearing service provider, as defined in the Order. Schedule B outlines the procedure that must be followed for provision of medical or related treatment and a hearing aid.

The incorrect use of any item referred to in this Order can result in penalties, including the hearing service provider being required to repay monies that the hearing service provider has incorrectly received.

Workers Compensation (Hearing Aid Fees) Order 2018

1. Name of Order

This Order is the Workers Compensation (Hearing Aid Fees) Order 2018

2. Commencement

This Order commences on 1 January 2018.

3. Definitions

In this Order:

The Act means the *Workers Compensation Act 1987*.

Audiologist is a university graduate with tertiary qualifications in audiology who specialises in the assessment, prevention and non-medical management of hearing impairment and associated disorders of communication. An audiologist is required to be a full/ordinary member or be eligible for full/ordinary membership of either the Audiological Society of Australia (ASA) or full/ordinary membership of the Australian College of Audiology (ACAud).

Audiometrist holds a 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 is required to be a full/ordinary member or be eligible for full/ordinary membership of the Australian College of Audiology (ACAud) or full/ordinary membership of the Audiometrist Society of Australia (HAASA).

GST has the same meaning as in the *New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

Hearing needs assessment includes obtaining a clinical history, hearing assessment as per Australian/New Zealand Standard 1269.4:2005, determination of communication goals, recommendation of hearing aid and clinical rationale for hearing aid.

Hearing aid is a non-implantable electronic instrument designed and manufactured to provide amplification for people with a hearing loss.

Hearing service provider refers to providers approved by State Insurance Regulatory Authority (the Authority) to provide treatment and hearing aids to injured workers. A list of Authority approved hearing service providers is found at www.sira.nsw.gov.au or by phoning 13 10 50.

Hearing rehabilitation includes education of the injured worker in appropriate use of the hearing aid to meet their needs.

Insurer means an insurer within the meaning of the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* and includes Scheme agents, self-insurers and specialised insurers.

the Authority means the State Insurance Regulatory Authority.

4. Application of the Order

This Order applies to the provision of medical or related treatment and a hearing aid, made on or after the date of commencement of this Order, whether it relates to an injury received before, on or after that date.

5. Maximum Fees for an approved hearing service provider

- (1) The maximum fee amount for which an employer is liable under the Act for provision of medical or related treatment and a hearing aid by an Authority approved hearing service provider to an injured worker on or after 1 January 2018 is listed in Schedule A.
- (2) No fee is payable by or on behalf of an employer for treatment or a hearing aid provided by a person who is not an Authority-approved hearing service provider or for services not referred by an ear nose and throat (ENT) specialist trained in the relevant chapters of the *NSW workers compensation guidelines for the evaluation of permanent impairment* (see http://www.sira.nsw.gov.au/_data/assets/pdf_file/0007/76642/nsw-workers-comp-guidelines-perm-impair-4th-edition.pdf) and listed as a trained assessor on the SIRA website.

6. Goods and Services Tax

An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a hearing service provider to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

7. Requirements for an invoice

All invoices must be submitted within 30 calendar days of the service provided and must be itemised in accordance with Schedule A of this Order and comply with the Authority's itemised invoicing requirements (see <http://www.sira.nsw.gov.au/workers-compensation/health-practitioners-workers-compensation/invoicing>) for the invoice to be processed.

8. No pre-payment of fees

Pre-payment of fees for a hearing aid and services is not permitted.

SCHEDULE A

Maximum fees for a hearing aid and services provided on or after 1 January 2018

For the purpose of section 61(2) of the Act, the maximum fee for the provision of a hearing aid and a medical or related service in connection with a claim for compensation for hearing loss is as follows:

<i>Item</i>	<i>Service description</i>	<i>Maximum amount (excl GST)</i>
AID002	Hearing needs assessment – Audiologist	\$205.10
AID002	Hearing needs assessment – Audiometrist	\$169.10
AID003	Supply of hearing aid (including remote control)	Wholesale price of hearing aid to maximum of \$2500.00 per aid
AID002	Handling fee (monaural or binaural hearing aid/s) payable upon supply of hearing aid	\$301.70
AID002	Fitting of hearing aid including: <ul style="list-style-type: none"> • Fitting • Trial of hearing aid for up to 30 days • All necessary hearing rehabilitation for the injured worker within the first 12 months following supply and fitting • Maintenance as per the manufacturer's warranty. <i>Paid only once per worker in any five year period unless prior approval obtained from insurer.</i>	\$724.00 (monaural) \$1185.40 (binaural)
AID002	<u>Hearing aid repairs</u> <i>Payable only if a copy of manufacturer's invoice for repairs is provided</i>	Up to \$398.20
AID002	Hearing aid review/minor maintenance <i>Only applicable 12 months after supply</i>	\$144.90
AID003	12 months hearing aid battery/consumables supply	\$120.80 per hearing aid

SCHEDULE B – The Authority's procedures for the provision of a hearing aid

Workers in NSW with hearing loss arising out of the course of their employment where employment was the main contributing factor of the hearing loss can request a hearing aid as medical or related treatment under section 60 of the Act. The procedure for obtaining a hearing aid is outlined below.

OVERVIEW

Medical support for the provision of a hearing aid

The nominated treating doctor (NTD) is to make a referral for assessment to an ENT specialist who has undertaken training in the relevant chapters of the *NSW workers compensation guidelines for the evaluation of permanent impairment* and is listed on the Authority's website as a trained assessor of permanent impairment (hearing).

For the purposes of prescribing hearing aids, the ENT specialist will determine:

- the level of binaural hearing loss, and
- the proportion of the hearing loss that is attributable to workplace noise, and
- whether the worker would benefit from the provision of a hearing aid.

The ENT specialist may refer the worker to an Authority approved hearing service provider for the purposes of a hearing needs assessment and quote for the supply and fitting of a hearing aid. If the ENT specialist is an Authority approved hearing service provider the specialist may complete the hearing needs assessment and quote.

Selection of hearing aid and quote

The Authority's approved hearing service provider is to complete a hearing needs assessment, select a suitable hearing aid and prepare a quote for the supply and fitting of the hearing aid, in accordance with the Authority's fees and costs set out in Schedule A. The assessment and quote are submitted to the insurer.

A quote must be forwarded to the insurer and approval must be provided by the insurer prior to the supply and fitting of the hearing aid. The quote must include:

- (a) the worker's contact details,
- (b) a full description of the hearing aid to a maximum of \$2,500.00 per hearing aid,
- (c) an outline of why the hearing aid is reasonably necessary for the injured worker in overcoming the effect of the hearing impairment under section 60 of the Act including the clinical rationale for the selected hearing aid,
- (d) the audiogram the recommendations are based upon,
- (e) details of the person who provided the assessment and quote,
- (f) the hearing service provider details including ABN and the Authority's approval number
- (g) the service fee in accordance with the *Workers Compensation (Hearing Aids Fees) Order 2018*, including the handling and fitting fee.

Insurer approval

The insurer will make a decision on whether to approve the supply and fitting of the hearing aid. In making the decision, the insurer must consider the reported hearing needs of the worker, the quoted fee and cost.

Supply and fitting of hearing aid/s

Once approved, the worker is supplied and fitted with the recommended hearing aid for up to a 30-day trial. If the trial is successful, the hearing service provider advises the insurer and invoices for the supply and fitting of the hearing aid, in accordance with the approved quote. If the trial is unsuccessful, the provider advises the insurer and invoices for the hearing needs assessment only.

Review of hearing aid

After 12 months of use, the worker may visit the hearing service provider for a review of their hearing aid. If the worker requires ongoing use of their hearing aid, the hearing service provider will provide 12 months' supply of batteries.

Following this, additional batteries and minor maintenance which is not covered by the manufacturer's warranty can be obtained from any Authority approved hearing service provider as required, to the maximum fee set in Schedule A. The worker is required to sign and date the invoice for the supply of batteries or maintenance.

Request for replacement hearing aid

A request for a replacement hearing aid where:

- the hearing aid is lost or damaged and the loss or damage is not covered by warranty or other insurance, or
- the worker's hearing loss further deteriorates and the worker can no longer communicate effectively using the current hearing aid

must be supported by the worker's regular general practitioner. The request can be made using the *request for replacement hearing aid* found on the Authority's website (see http://www.sira.nsw.gov.au/__data/assets/pdf_file/0003/76818/declaration_form_request_for_replacement.pdf).