

SIRA

Hearing Aid Fees and Practice Requirements

Contents

| | | |
|-----------|--|-----------|
| 1. | Hearing service provider services and maximum fees | 3 |
| 2. | Understanding this document | 8 |
| 3. | Practice requirements for hearing service providers | 8 |
| 3.1. | Hearing rehabilitation | 8 |
| 3.2. | Hearing accessories..... | 8 |
| 3.3. | Treating exempt workers..... | 8 |
| 3.4. | Best practice service provision via telehealth..... | 9 |
| 4. | Fee requirements for treatment | 9 |
| 5. | Penalties for non-compliance | 9 |
| 6. | How to invoice | 10 |
| 6.1. | What information should I include on invoices? | 10 |
| | 6.1.1. Example invoice format: | 10 |
| 6.2. | How is GST applied?..... | 11 |
| 6.3. | When do I submit an invoice? | 11 |
| 7. | Definitions | 11 |

1. Hearing service provider services and maximum fees

The information in this table sets out legally binding requirements extracted from the *Workers Compensation (Hearing Aid Fees) Order 2023* (Fees Order) (in relation to columns 1, 2, 3, and 5) and the *Workers Compensation Guidelines* (Guidelines) (in relation to column 4). These requirements are reproduced here for your convenience. The Fees Order¹ and Guidelines² are the ultimate source of your legal obligations. The full text of the Fees Order and the Guidelines can be accessed using the links and references provided at the bottom of this page. See part 2 for more information on using this table.

The maximum fees in this table apply to services provided on or after 1 February 2023. The related injury may have been received before, on or after this date.

| Hearing item code ¹ | Service ² | Service description ³ | Requires insurer pre-approval ⁴ | Maximum fee (\$) (excl. GST) ⁵ |
|--------------------------------|---|---|--|---|
| AID004 | Hearing needs assessment (audiologist) | The hearing needs assessment and report is to include: <ul style="list-style-type: none"> worker's clinical history hearing assessment as per Australian/New Zealand Standard 1269.4:2014 determination of worker's communication goals recommendation of hearing aid/s (with clinical rationale) and hearing aid accessories (where required) rehabilitation plan | Yes, insurer pre-approval is required, except for the initial hearing needs assessment where the hearing service provider is approved by SIRA and the nominated treating doctor has referred the worker to an ear, nose and throat medical specialist, to assess if the hearing loss is work-related and, if | \$225.50 (audiologist) |
| AID005 | Hearing needs assessment (audiometrist) | | | \$185.90 (audiometrist) |

^{1,2,3,5} *Workers Compensation (Hearing Aid Fees) Order 2023*, Government Gazette of the State of New South Wales, Number 4 – Health and Education of Friday 13 January 2023, p. 36 - 40; https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2023_2023-4.pdf

⁴ *Part 4: Compensation for medical, hospital, and rehabilitation expenses*, Workers Compensation Guidelines, SIRA, March 2021; <https://www.sira.nsw.gov.au/workers-compensation-claims-guide/legislation-and-regulatory-instruments/guidelines/workers-compensation-guidelines#part-4>

| Hearing item code ¹ | Service ² | Service description ³ | Requires insurer pre-approval ⁴ | Maximum fee (\$) (excl. GST) ⁵ |
|--------------------------------|--|--|---|--|
| | | | applicable, the percentage of binaural hearing loss | |
| AID006 | Supply of hearing aid/s (including remote control and charger if required) | <p>'Hearing aid' is a non-implantable electronic instrument designed and manufactured to provide amplification for people with a hearing loss.</p> <p>'Supply' includes the:</p> <ul style="list-style-type: none"> ordering and delivery of the aid/s to the hearing service provider, and provision of a 30-day trial of the aid by the worker and supply of batteries and consumables for the first 12 months. | Yes | Cost price of hearing aid/s including remote control, charger, batteries and consumables to maximum of \$2,500.00 per aid. |
| AID007 | Hearing aid accessories | <p>Hearing aid accessories supplement the use of a hearing aid to assist listening, communication and functioning in different environments.</p> <p>Note: Does not include remote control or charger (these are to be supplied as part of AID006).</p> | Yes | Cost price, including postage/freight to the provider. |
| AID008 | Handling Fee | The handling fee covers both hearing aid/s (monaural or binaural) and accessories and is payable on supply of the aid and accessories. | Yes | \$331.80 |

| Hearing item code ¹ | Service ² | Service description ³ | Requires insurer pre-approval ⁴ | Maximum fee (\$) (excl. GST) ⁵ |
|--|--------------------------|--|--|---|
| | | <p>Note: only one handling fee is billable per hearing aid/s at the time of supply whether they are supplied with accessories or not. The handling fee is not applicable once the hearing aid/s are supplied or for requests of accessories only.</p> | | |
| <p>AID009 (in person)</p> <p>AID309 (telehealth)</p> | <p>Fitting of device</p> | <p>A fitting fee is payable upon supply of hearing aids/s (monaural or binaural). This fee covers:</p> <ul style="list-style-type: none"> • fitting of the hearing aid/s and assessment that the device is suited to the worker • instructions and education on use of the device and accessories, tailored to the needs of the worker • provision of a device management plan outlining life expectancy, warranty, servicing recommendations, emergency support availability and battery requirements including the need for a charger if appropriate. <p>Note: Only one fitting fee is billable per hearing aid/s whether</p> | <p>Yes</p> | <p>\$651.70</p> |

| Hearing item code ¹ | Service ² | Service description ³ | Requires insurer pre-approval ⁴ | Maximum fee (\$) (excl. GST) ⁵ |
|--|-------------------------------|---|--|---|
| | | <p>it be provided in person or via telehealth.</p> <p>Note: Telehealth means delivery of consultations via video or telephone and can only be provided if the worker has consulted with the practitioner in the 12 months prior. The fee for a telehealth consultation includes any emails or other electronic communication to support the delivery of the treatment. No additional fee can be charged for a telehealth consultation (such as for use of a facility).</p> | | |
| <p>AID010 (in person)</p> <p>AID310 (telehealth)</p> | <p>Hearing rehabilitation</p> | <p>Assessment, planning and delivery of tailored best practice hearing rehabilitation for the worker, encompassing all necessary education, hearing rehabilitation and counselling to facilitate effective hearing and for the worker to achieve their communication goals.</p> <p>Note: Telehealth means delivery of consultations via video or telephone and can only be provided if the worker has consulted with the practitioner in the 12 months prior. The fee for a</p> | <p>Yes</p> | <p>\$651.70</p> |

| Hearing item code ¹ | Service ² | Service description ³ | Requires insurer pre-approval ⁴ | Maximum fee (\$) (excl. GST) ⁵ |
|--------------------------------|--|---|--|---|
| | | telehealth consultation includes any emails or other electronic communication to support the delivery of the treatment. No additional fee can be charged for a telehealth consultation (such as for use of a facility). | | |
| AID011 | New batteries / consumables | 12 months' hearing aid/s battery supply and consumables, as requested by the worker. Note: Cannot be supplied until 12 months after the initial supply of the hearing aid/s. | Yes | \$134.30 per hearing aid |
| AID012 | Hearing aid/s review / minor maintenance | Audiological services provided for hearing aid adjustment, maintenance and rehabilitation for optimal use. Note: Cannot be supplied until 12 months after the initial fitting of the hearing aid. | Yes | \$40.70/15 minutes (maximum 1 hour) |
| AID013 | Hearing aid repairs by manufacturer | Hearing aid repairs by manufacturer Note: Payable only if a copy of manufacturer's invoice for repairs is provided. | Yes | Up to \$437.90 |

2. Understanding this document

This document is intended to provide easily accessible information on fees, billing and approval processes in the NSW workers compensation scheme, drawn together from multiple sources into a single document. It is anticipated this will make administration of billing and approval processes easier for insurers and providers and reduce the potential for billing and coding errors.

This document refers to legally binding requirements imposed by the

- *Workers Compensation Act 1987* (1987 Act)
- *Workplace Injury Management and Workers Compensation Act 1998* (1998 Act)
- *Workers Compensation Guidelines* (Guidelines) and
- *Workers Compensation (Hearing Aid Fees) Order 2023* (Fees Order) (see link to fees order in footnote on page 3).

These are reproduced here for your convenience. The legislation, Fees Order and guidelines set out above are the ultimate source of your legal obligations.

The table in part 1 set out legally binding requirements:

- the requirements set out in columns 1, 2, 3 and 5 are extracted from the Fees Order, which is made under s 61(2) of *the 1987 Act*. The Fees Order sets the maximum fees for which an employer is liable under the *1987 Act* for any hearing treatment related services provided to a NSW worker. Costs must not exceed the maximum fee for the treatment or services specified in the Fees Order.
- the requirements set out in column 4 are derived from clause 4 of the *Guidelines*, which are made under section 376(1)(c) of the *1998 Act*, and under s 60(2A)(a) of the *1987 Act*. Clause 4 of *the Guidelines* specifies the types or classes of treatment or services that are exempt from the requirement for prior insurer approval set out in s 60(2A)(a).

This document also includes best practice guidance from SIRA.

The words 'must', 'required' (and variations of that word) or 'mandatory' indicate a legal requirement that must be complied with. The words 'should' or 'is expected' indicate recommended best practice.

3. Practice requirements for hearing service providers

To be appropriately qualified for the purposes of section 60 of *the 1987 Act* to give or provide a treatment or service to a worker in NSW, a hearing service provider as defined in Part 7 of this document must be approved by SIRA.

3.1. Hearing rehabilitation

Involves the assessment, planning and delivery of tailored best practice hearing rehabilitation for the worker, encompassing all necessary education, hearing rehabilitation and counselling to facilitate effective hearing and for the worker to achieve their communication goals.

3.2. Hearing accessories

To assist workers further, hearing aid accessories may be indicated to supplement the use of a hearing aid to assist listening, communication and functioning in different environments. The hearing service provider should provide the insurer with clinical justification as to how this accessory is reasonably necessary to meet a hearing goal.

3.3. Treating exempt workers

SIRA approval is not required to provide hearing services to exempt workers (defined below).

There is no requirement for exempt workers to seek pre-approval from their employer's insurer for treatment (as set out in column 4 of part 1).

However, the exempt workers are to be made aware that payment of treatment and services for exempt workers will be assessed by insurers based on whether the treatment or service is required as a result of the injury and is considered reasonably necessary and on the provision of properly verified costs. The maximum fees set out in part 1 apply to exempt workers.

3.4. Best practice service provision via telehealth

Telehealth means the delivery of a consultation via video or telephone by a practitioner. It is an extension of existing face-to-face services and can only be provided if the worker has consulted face-to-face with the hearing service provider in the 12 months prior. The hearing service provider must determine if telehealth is suitable on a case-by-case basis, taking into account clinical and person related factors and be satisfied that it will not compromise worker outcomes. The following factors should be considered:

- whether a physical assessment is required
- availability of support at the worker's location
- availability and access to a suitable device e.g. videoconferencing units/systems or a personal device capable of videoconferencing
- ability of the worker to participate, considering any physical, mental, social and cognitive barriers
- the worker's desire and consent to participate in a telehealth consultation
- ability to schedule telehealth session within the timeframes for a service
- the worker's access to fast internet connection and internet or mobile data quota/allowance
- the worker's capability/capacity to access care this way.

The worker retains the right to receive reasonably necessary medical and related treatment in the method of delivery that is most appropriate to them. This means the worker can nominate the best method of delivery of care for them at the time and vary this as their needs change.

4. Fee requirements for treatment

While you must not charge more than the maximum fees stated in this table and gazetted in the Fees Order, you may charge a lower fee.

Workers are not liable for the cost of any reasonably necessary medical or related treatment required as a result of an injury received by the worker (see section 60 of *the 1987 Act*). The employer is liable to pay these fees and, under section 61(2) of *the 1987 Act*, is not liable to pay the cost of treatment that is in excess of the maximum fees set by SIRA. These requirements regarding maximum fees apply to treatment provided under *the 1987 Act* outside of NSW.

Insurers may set their own fee limits for services to workers. These must not exceed the maximum fees in the relevant fees order.

Under section 60(3) of the *1987 Act* payments are to be made as costs are incurred, but only if properly verified. This means that:

- a fee must not be charged where a worker cancels or does not attend scheduled treatment services
- pre-payment of fees for reports and services must not be sought.

5. Penalties for non-compliance

This part provides information to help service providers understand the potential consequences of non-compliance with fees and practice requirements:

- SIRA and insurers have systems for monitoring compliance with billing and payments rules.

- The incorrect use of any item may result in the service provider being required to repay payments that have been incorrectly received.
- SIRA also reserves the right to refer misconduct to the relevant professional body, Health Professional Councils Authority, or the Health Care Complaints Commission.
- The workers compensation legislation provides for criminal penalties for a person who:
 - commits fraud on the workers compensation legislation (s 235A of the 1998 Act) or
 - knowingly makes a false or misleading statement relating to a claim (s 235C of the 1998 Act).

6. How to invoice

This part provides guidance to help service providers bill for services that have been delivered.

6.1. What information should I include on invoices?

To enable consistent data collection from service providers and insurers and ensure accurate payments, certain information should be included on invoices. An example invoice is included below to assist providers and insurers. Invoices should contain the following information:

- ✓ Worker's first and last name, and claim number
- ✓ Payee details
- ✓ ABN of the payee
- ✓ Name of the service provider who provided the service
- ✓ SIRA workers compensation approval number, or where treatment is provided:
 - interstate – Hearing service providers who practise exclusively outside of NSW and provide services in practices outside of NSW to workers in the NSW workers compensation scheme living outside of NSW are not required to be approved by SIRA. In these cases, providers should submit the service provider number **INT0000**.
 - to exempt workers – Hearing service providers providing treatment under the NSW workers compensation scheme to police officers, paramedics, fire fighters and coal miners) are not required to be approved by SIRA. In these cases, providers should submit the service provider number **EXT0000**.
- ✓ Date of service
- ✓ SIRA workers compensation payment classification code (as per part 1)
- ✓ List service cost for each SIRA workers compensation payment classification code and service duration (if applicable) as a separate line item
- ✓ Date of invoice (must be on the day of or after last date of service listed on the invoice)

6.1.1. Example invoice format:

Company Name

ABN: XXXXXX

SIRA approval number: [where appropriate]
XXXXX

INVOICE NUMBER: XXXX

INVOICE DATE: XXXX

[Insert payee details:

Street address

City, STATE/TERR, Postcode]

[To:
 Insert insurer name
 Street address
 City, STATE/TERR, Postcode]

[For:
 Worker: Insert first and last name
 Claim number: Insert worker's claim number]

| SIRA PAYMENT CLASSIFICATION CODE | SERVICE DESCRIPTION | NAME OF PRACTITIONER | DATE OF SERVICE | SERVICE DURATION | AMOUNT |
|----------------------------------|--|----------------------|-----------------|------------------|----------|
| AID004 | Hearing needs assessment - audiologist | John Smith | 10/02/2023 | 0.5 hours | \$225.50 |
| TOTAL | | | | | \$225.50 |

6.2. How is GST applied?

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.

6.3. When do I submit an invoice?

Invoices should be submitted within 30 calendar days of the service being provided.

7. Definitions

In this guide:

The 1987 Act means the *Workers Compensation Act 1987*.

The 1998 Act means the *Workplace Injury Management and Workers Compensation Act 1998*.

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 an Audiology Australia Accredited Audiologist or full/ordinary member 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 Hearing Aid Audiology Society of Australia (HAASA).

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.

Cost price means the price that a store or business pays for goods that are bought directly from the supplier. This is different to 'retail price' which is charged to consumers.

Exempt worker refers to specific classes of workers set out in Part 19H of Schedule 6 of the 1987 Act for which most of the amendments made to the Workers Compensation Acts in 2012 and 2015

do not apply. These classes of workers include police officers, paramedics, fire fighters, coal miners and volunteers prescribed by the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

Fees Order means the *Workers Compensation (Hearing Aid Fees) Order 2023*.

GST means the Goods and Services Tax payable under the GST Law.

GST Law has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

Guidelines means the *Workers Compensation Guidelines*.

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

Hearing aid accessories supplement the use of a hearing aid to assist listening, communication and functioning in different environments.

Hearing needs assessment includes obtaining a clinical history, hearing assessment as per Australian/New Zealand Standard 1269.4:2014, determination of communication goals, recommendation of hearing aid, clinical rationale for hearing aid, hearing aid accessories (where required) and rehabilitation plan appropriate to the worker and the device.

Hearing rehabilitation includes the assessment, planning and delivery of tailored best practice hearing rehabilitation for the worker, encompassing all necessary education, hearing rehabilitation and counselling to facilitate effective hearing and for the worker to achieve their communication goals.

Hearing service provider refers to an Audiology entity appropriately qualified to provide treatment and supply hearing aids to injured workers.

Insurer means the employer's workers compensation insurer.

Treatment provided interstate: A treatment provider does not require SIRA approval under *the Guidelines* to deliver treatment to a worker in the NSW compensation scheme where:

- the treatment provider practises exclusively outside of NSW and provides services in practices only outside of NSW; and
- the NSW worker is living outside of NSW.

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. 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.

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