

# Workers compensation guidelines for allied health treatment and hearing service provision

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Draft for consultation

State Insurance  
Regulatory  
Authority

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# About these Guidelines

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

## Purpose

These Guidelines outline the qualifications or experience required to be appropriately qualified for the purpose of providing allied health and hearing services to injured workers under section 60 (2C) (e) of the *Workers Compensation Act 1987* (the 1987 Act).

Under workers compensation legislation, employers are liable for the cost of any reasonably necessary medical or related treatment. However, employers are only liable for treatment for treatment provided by appropriately qualified service providers.

## Interpretation

These 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) Acts and the Workers Compensation Regulation 2016 and in a manner that supports the system objectives as described in section 3 of the 1998 Act.

## Commencement

These Guidelines will take effect and apply to new applications for approval by treating allied health providers and hearing service provides from gazettal on [date TBD] 2020.

These Guidelines replace the *Guidelines for the approval of treating allied health practitioners 2016 No 2* ('the former Guidelines').

## Application

These Guidelines will apply until SIRA amends, revokes or replaces them in whole or in part.

If any part of these Guidelines are found to be invalid or inapplicable, all other parts of the Guidelines remain in effect.

Treating allied health practitioners approved under the former Guidelines will continue to be approved under the former Guidelines for a period of 12 months and then have their approval transitioned to these Guidelines in accordance with the process outlined below.

## Providers eligible for SIRA approval

The following health providers require approval by SIRA in accordance with this Guideline to provide specified services in the workers compensation system:

- a) accredited exercise physiologists
- b) chiropractors
- c) counsellors
- d) osteopaths
- e) physiotherapists
- f) psychologists
- g) ear, nose and throat medical specialists supplying and fitting hearing aids
- h) a sole trader, partnership or company providing hearing services

## 1. Approval requirements for allied health providers

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

1. be appropriately qualified; and
2. satisfactorily complete the SIRA allied health provider online training program before applying for approval; and
3. apply in writing for approval using the application form available at the SIRA website; and
4. comply with the conditions of approval.

### 1.1 Appropriate qualifications for allied health 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, the allied health provider must

- a) obtain, and maintain, SIRA approval in accordance with these Guidelines; and
- b) must have an appropriate qualification as follows:

Provider	Appropriate qualifications
Accredited exercise physiologist	An accredited exercise physiologist who is accredited with Exercise & Sports Science Australia
Chiropractor, Osteopath, Physiotherapist, Psychologist	General registration with the Australian Health Practitioner Regulation Agency
Counsellor	Either of the following:

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|--|---|
|  | <ul style="list-style-type: none"> <li>i) A full clinical member of the Counsellors and Psychotherapists Association of NSW; or</li> <li>ii) a mental health social worker accredited with the Australian Association of Social Workers; or</li> <li>iii) A level 3 or 4 member of the Australian Counsellors Association.</li> </ul> |
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## 1.2 Exempt allied health providers

A treating allied health provider who only delivers services in the NSW public health system does not require approval by SIRA to deliver treatment services to workers compensation claimants in the NSW public health system.

Allied health providers exclusively delivering services to exempt categories of workers (police officers, paramedics or firefighters) in the NSW workers compensation system do not require approval by SIRA in accordance with these Guidelines.

## 1.3 Interstate allied health providers

Treating allied health providers who practice exclusively outside of NSW and provide services in practices outside of NSW to workers in the NSW workers compensation system living outside of NSW do not require approval under these Guidelines.

## 1.4 Conditions of approval for allied health providers

The approval by SIRA of an allied health provider is subject to the following conditions of approval under s60 (2C)(e) of the 1987 Act. The provider must:

1. deliver services in accordance with:
  - a. NSW workers compensation legislation and guidelines
  - b. SIRA procedures as described in the *NSW Workers Compensation Guide for Allied Health Practitioners*, including, but not limited to Allied Health Recovery Requests and requirements relating to approval for services
  - c. the nationally-endorsed *Clinical Framework for the Delivery of Health Services*<sup>1</sup> to individuals with a compensable injury
  - d. the principles of the health benefits of good work<sup>2</sup>
  - e. relevant SIRA workers compensation allied health provider maximum fees order/s current at the time of service.
2. provide and maintain a current email address to be used for all written communication from SIRA
3. notify SIRA (in writing within 14 days of any changes to:
  - a. registration, accreditation or membership status relevant to appropriate qualifications
  - b. their name or contact details as these appear in the public register of SIRA approved providers.
  - c. their provider email address, providing an updated email address

<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

- d. any other information contained in the application for approval, including all provider name and personal contact detail changes.
4. maintain throughout the period of approval, and provide evidence on SIRA's request, of a current professional indemnity insurance policy and public liability insurance policy (ensuring the amount of cover is appropriate to scope of practice and level of risk and is inclusive of run-off cover)
5. permit the publication of their provider number on the SIRA website
6. participate in independent consultant reviews as required by SIRA
7. participate in SIRA-initiated reviews as required by SIRA
8. 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 to the worker that will best meet their needs (for example, offering or accepting financial incentives for referral of workers)
9. complete any additional training at the request of SIRA, to the standard required by SIRA, within the prescribed timeframe and at the provider's own expense
10. 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:
  - a. in any role in any insurance compensation system in any Australian jurisdiction and
  - b. in the provision of health services.

Failure to comply with these conditions may result in SIRA rejecting an application for approval, suspending or revoking approval and may also affect future approval.

## **1.5 Grounds for declination of approval of an allied health provider**

SIRA may decline to approve an allied health provider that does not meet the conditions for approval in these Guidelines.

SIRA will decline to approve if the treating allied health provider's registration, accreditation or membership as a health practitioner under any relevant law is limited or subject to any condition imposed as a result of a disciplinary process, or the practitioner is suspended or disqualified from practice (section 60(2A)(d) of the 1987 Act).

## **1.6 Grounds for suspension or revocation of approval of an allied health provider**

SIRA may suspend or revoke an allied health provider's approval (under section 60(2A)(d) of the 1987 Act) during their period of approval on the following grounds:

- the treating allied health provider's registration, accreditation or membership as a health practitioner under any relevant law is limited or subject to any condition

imposed as a result of a disciplinary process, or the practitioner is suspended or disqualified from practice

- the treating allied health provider no longer meets or breaches any condition for approval
- such other reason deemed appropriate.

SIRA will suspend or revoke its approval from the date of limitation, condition, suspension, termination, revocation, or disqualification if the allied health provider's registration, accreditation or membership as a health provider under any relevant law is limited or subject to any condition imposed as a result of a disciplinary process, or the provider is suspended or disqualified from practice (section 60(2A)(d) of the 1987 Act).

SIRA will provide written notice (including electronically) to the provider of the intention to revoke the approval with an explanation as to the reason for the suspension or revocation through the contact details supplied to SIRA by the provider. Service providers can request SIRA to review its decision to suspend or revoke an approval in accordance with these Guidelines.

## 2. Approval requirements for hearing service providers

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

1. be appropriately qualified in accordance with these Guidelines and
2. apply in writing for approval using the application form on the SIRA website; and
3. comply with the conditions of approval in these Guidelines.

### 2.1 Appropriate qualifications for hearing service providers

To be appropriately qualified for the purposes of section 60 of the 1987 Act to give or provide hearing treatment or service to a worker in NSW, the person delivering hearing services must be either:

Provider	Appropriate qualifications
An ear, nose and throat specialist	<ol style="list-style-type: none"><li>1. Recognised by the Medical Board of Australia or by Medicare Australia as a specialist in otolaryngology (ear, nose and throat) - head and neck surgery <b>and</b></li><li>2. registered with the Australian Health Practitioner Regulation Agency as a specialist in otolaryngology - head and neck surgery</li></ol>
A sole trader, partnership or company providing hearing services	<ol style="list-style-type: none"><li>1. Listed on the Australian Government Department of Health website as a contracted hearing service provider under the Australian Government Hearing Services Program; and</li><li>2. who is themselves, or engages, either of the following:</li></ol>

	<p>a. an audiologist who:</p> <ul style="list-style-type: none"> <li>• is a university graduate with tertiary qualifications in audiology, and</li> <li>• specialises in the assessment, prevention and non-medical management of hearing impairment and associated disorders of communication, and is either: <ul style="list-style-type: none"> <li>○ an Audiology Australia Accredited Audiologist, or</li> <li>○ a full/ordinary member of the Australian College of Audiology</li> </ul> </li> </ul> <p>OR</p> <p>b. an audiometrist who:</p> <ul style="list-style-type: none"> <li>• holds a qualification from a registered training organisation such as TAFE NSW followed by on-the-job training, and is: <ul style="list-style-type: none"> <li>○ a full/ordinary member or is eligible for full/ordinary membership of the Australian College of Audiology; or</li> <li>○ a full/ordinary member of the Hearing Aid Audiology Society of Australia.</li> </ul> </li> </ul>
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## 2.2 Exempt hearing service providers

Hearing service providers exclusively delivering services to exempt categories of workers (police officers, paramedics or firefighters) in the NSW workers compensation system do not require approval under these Guidelines.

## 2.3 Interstate hearing service providers

Hearing service providers that practice exclusively outside of NSW and provide services in practices outside of NSW to workers in the NSW workers compensation system living outside NSW do not require approval under these Guidelines.

## 2.4 Conditions of approval for hearing service providers

The approval by SIRA of a hearing service provider is subject to the following conditions of approval under s60 (2C)(e) of the 1987 Act. The provider will:

1. deliver services in accordance with:
  - a. NSW workers compensation legislation and guidelines
  - b. the relevant SIRA workers compensation fees order/s.
2. maintain throughout their period of approval, and provide evidence on SIRA's request, a current professional indemnity insurance policy and public liability



insurance policy (ensuring the amount of cover is appropriate to their scope of practice, level of risk and is inclusive of run-off cover)

3. notify SIRA in writing within 14 days of any changes to:
  - a. registration, accreditation, membership or contract status relevant to appropriate qualifications
  - b. their name or contact details as these appear in the public register of SIRA approved providers.
  - c. their provider email address, providing an updated email address
  - d. any other information contained in the application for approval, including all provider name and personal contact detail changes.
4. permit their provider number being listed on the SIRA website
5. participate in SIRA-initiated reviews as required by SIRA
6. 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 to the worker that will best meet their needs (for example, offering or accepting financial incentives for referral of workers)
7. complete any training at the request of SIRA, to the standard required by SIRA, within the prescribed timeframe and at the provider's own expense
8. 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:
  - a. in any role in any insurance compensation system in any Australian jurisdiction and
  - b. in the provision of health services.

Failure to comply with these conditions may result in SIRA rejecting an application for approval, suspending or revoking approval and may also affect future approval.

## **2.5 Grounds for declination of approval of a hearing service provider**

SIRA may decline to approve a hearing service provider that does not meet the conditions for approval in these Guidelines.

SIRA will decline to approve:

- a qualified ear, nose and throat medical specialist if their registration as a health practitioner under any relevant law is limited or subject to any condition imposed as a result of a disciplinary process, or the practitioner is suspended or disqualified from practice (section 60(2A)(d) of the 1987 Act).
- a sole trader, partnership or company if their accreditation or contract under the Australian Government Hearing Services Program is, suspended, terminated or not renewed or their qualified staff's professional accreditation or membership is limited or subject to any condition imposed as a result of a disciplinary process,

or the practitioner is suspended or disqualified from practice (section 60(2A)(d) of the 1987 Act).

## 2.6 Grounds for suspension or revocation of approval of a hearing service provider

SIRA may suspend or revoke a hearing service provider's approval (under section 60(2A)(d) of the 1987 Act) during their period of approval on the following grounds:

- for a qualified ear, nose and throat medical specialist - if their registration as a health practitioner under any relevant law is limited or subject to any condition imposed as a result of a disciplinary process, or the practitioner is suspended or disqualified from practice (section 60(2A)(d) of the 1987 Act).
- for a sole trader, partnership or company - if their accreditation or contract under the Australian Government Hearing Services Program is, suspended, terminated or not renewed or their qualified staff's professional accreditation or membership is limited or subject to any condition imposed as a result of a disciplinary process, or the practitioner is suspended or disqualified from practice (section 60(2A)(d) of the 1987 Act).
- the hearing service provider no longer meets or breaches any conditions for approval
- such other reason deemed appropriate.

SIRA will suspend or revoke its approval from the date of limitation, condition, suspension, termination, revocation, disqualification or non-renewal.

SIRA will provide written notice (including electronically) to the provider of the intention to revoke the approval with an explanation as to the reason for the revocation through the contact details supplied to SIRA by the provider. Hearing service providers can request SIRA to review its decision to suspend or revoke an approval in accordance with these Guidelines.

# 3. Administration of approval processes

## 3.1 Application for approval

To apply for SIRA approval, an eligible provider is required to apply in writing for approval using the relevant form on the SIRA website.

## 3.2 Period of approval

Eligible providers will be approved by SIRA for a fixed period of time up to three years from date of approval (with an option for SIRA to extend, at SIRA's discretion).

In determining the period of an approval, SIRA will consider any relevant information, including the history of a provider's compliance with the workers compensation

legislation, SIRA fees orders and guidelines for a reasonable period preceding the lodgement of a request for approval.

### **3.3 Timing and notification of a SIRA decision to decline approval**

Where SIRA declines to approve a provider, SIRA will advise the provider via the email address supplied by the provider in the provider's application for approval. SIRA's decision will include:

- the reasons for that decision;
- a period of time, if any, before the provider may re-apply for approval and the reasons for that nominated period.

The provider may reapply after the nominated period. If the provider reapplies, they must do so by completing a new application form.

### **3.4 Timing and notification of a SIRA decision to suspend or revoke approval**

Where SIRA suspends or revokes approval, SIRA will advise the provider via the email address supplied by the provider. SIRA's decision will include:

- the reasons for that decision,
- a period of time, if any, before the provider may re-apply for approval and the reasons for that nominated period.

The provider may reapply after the nominated period by completing a new application form.

If an approved provider's SIRA approval is suspended or revoked for reasons other than those set out in part 1.6 (allied health providers) or 2.6 (hearing services providers), the suspension or revocation will take effect 28 days from when the practitioner is advised of SIRA's decision by email. SIRA will provide written notice electronically to the approved provider of the intention to suspend or revoke their approval with an explanation as to the reasons for the suspension or revocation. A suspension remains in effect until the date nominated that the suspension is to end, or the date SIRA approval is revoked, whichever is the earlier.

### **3.5 Review of a SIRA approval decision**

A provider who seeks approval as a treating allied health provider or hearing service provider and is not approved 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 the provider of the approval decision.

The request for review must be made within 14 calendar days of the date the provider receives notification by SIRA of the original decision. The request for review must outline the basis for the request to review and may include additional information in support of the application with specific reference to the criteria for approval that had not been met.

The review will be conducted by an independent officer who was not involved in the original decision. SIRA will undertake the internal review and notify the provider of the outcome within 21 calendar days after receiving the request for review or after receiving the last document or information SIRA may request from the health practitioner. The final decision and reasons for that decision will be issued to the provider to the email address supplied by the provider.

A request for review does not stay SIRA's decision to decline to approve.

### **3.6 Review of a SIRA decision to suspend or revoke**

Providers who have been provided with notice of SIRA's intention to suspend or revoke their approval will have the opportunity to have this decision reviewed internally by SIRA. The review will be conducted by an independent officer who was not involved in the original decision.

The request for review must be made within 28 calendar days of the date the practitioner receives the notification by SIRA. The request can address SIRA's reason(s) for suspension or revocation and include information on whether the reason(s) for suspension or revocation no longer exist.

SIRA will undertake the internal review and notify the provider of the outcome within 21 calendar days after receiving the request for review or after receiving the last document or information SIRA may request from the health practitioner. The final decision and reasons for that decision will be issued to the provider to the email address supplied by the provider.

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

### **3.7 SIRA will maintain a register of approved providers**

If SIRA approves a provider, SIRA will provide an approval number. The provider's name contact details and approval number will be included in the SIRA register of approved providers. The SIRA register of approved 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*.

### **3.8 Transitional arrangements for providers with current SIRA approval**

All approved providers with an active approval number listed on the SIRA website at the date of commencement ('current approved providers') of these Guidelines are taken to be approved providers under the former Guidelines for a period of 12 months from the date of commencement of these Guidelines.

After 12 months from the date of commencement of these Guidelines a current approved provider who has not signed and returned to SIRA an agreement to accept the conditions of approval in accordance with these Guidelines will cease to be an approved provider.

#### Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident 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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