

Workers compensation guidelines for the approval of hearing service providers

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1. About these Guidelines

The State Insurance Regulatory Authority (SIRA) is the government organisation 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) only apply to treating hearing service providers working within the NSW workers compensation system and outline the requirements to be **appropriately qualified** for the purpose of providing hearing treatment and services.

1.2. Guideline-making power

Under workers compensation legislation, employers are liable for the cost of any reasonably necessary medical or related treatment received by a worker because 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 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

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), together with the regulations and workers compensation guidelines made under those Acts.

These 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.

The information in these Guidelines is within the legislated guideline-making powers, and therefore compliance with the Guidelines is mandatory for hearing service providers seeking to obtain and maintain SIRA approval. The exception is **Appendix 1 - Approval processes to provide services**, which 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.

1.4. Commencement

These Guidelines will take effect and apply to new applications for approval to be hearing service providers, as well as existing hearing service providers from [date TBD] 2021. A 12-month transitional arrangement for existing hearing service providers is outlined below at part 1.6.

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

1.5. Definitions

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

- **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.
- **Audiometrist:** is a natural person who 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.
- **Audiology entity:** is a registered business (sole trader or partnership) or company that provides treatment, by an audiologist or audiometrist, for 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 these Guidelines (current hearing service providers) will continue to be approved for a period of up to 12 months from the date of commencement as part of the transition to the three-year approval cycle.

To remain SIRA-approved, 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 these Guidelines within 12 months from the date of commencement. The practitioner must receive written confirmation from SIRA that their approval has been transitioned to the Guidelines to deliver treatment services after 12 months from the date of commencement of these 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 these Guidelines, or has not received written confirmation from SIRA of their continued approval after submitting such an application within the 12-month transition period, will cease to be a hearing service provider.

2. Approval requirements for hearing service providers

Employers are liable for the cost of any reasonably necessary treatment only when provided by an appropriately qualified and SIRA-approved provider (with the exemptions outlined in section 2.3 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 either:

- an audiologist, who is an Audiology Australia Accredited Audiologist or full/ordinary member of the Australian College of Audiology (AcAud) or

- an audiometrist, who is a full/ordinary member or eligible for full/ordinary membership of AcAud or full/ordinary member of the Hearing Aid Audiology Society of Australia (HAASA).

2.1. Providers eligible for SIRA approval

SIRA approves audiology entities to be qualified hearing service provider within the NSW workers compensation. To be appropriately qualified, the audiology entity must:

- demonstrate that the person providing hearing treatment is a qualified audiometrist or audiologist, and
- be an accredited service provider contracted under the Commonwealth 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 section 2.1 of these Guidelines
- b) delivery of services in accordance with:
 - NSW workers compensation legislation
 - SIRA procedures described in the Guidelines
 - The relevant sections 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*¹
 - the principles of the health benefits of good work²
- c) maintenance of a current professional indemnity insurance policy and public liability insurance policy throughout the period of approval, and provision of evidence on SIRA's request (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 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) declaration of any real, perceived, or potential conflict of interest to the referrer and worker at time of referral or, if a conflict or potential conflict of interest arises after referral, as soon as it arises
- f) completion of 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
- g) 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:

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

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

- in any role in any insurance compensation system in any Australian jurisdiction and
 - in the provision of health services
- h) notify SIRA (in writing within seven days) if they become 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 have been convicted of a criminal offence or have any pending charges
 - 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
- i) SIRA's administrative requirements:
- respond to or participate in SIRA communication and reviews in the form, timeframes and manner required and requested by SIRA
 - provide and maintain an email address to be used for all written communication from SIRA
 - have in place robust systems and processes to ensure all conflict of interest issues are considered and mitigated
 - participate in independent reviews arranged by insurers, in the form, timeframes and manner required by 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
 - their provider email address, providing an updated email address

2.3. Grounds for declinature of SIRA approval

Failure to comply with the conditions outlined in section 2.2 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 may suspend or revoke a hearing service provider's approval during its period of approval for any non-compliance with the legislation and/or conditions of approval in clause 2.2.

SIRA will suspend or revoke its approval from the date of limitation, condition, suspension, revocation, or disqualification if the registration, accreditation or membership as a health practitioner of the 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 these Guidelines.

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 exclusively in the NSW public health system does not require approval by SIRA to deliver treatment services 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 these Guidelines:

- police officers
- paramedics
- firefighters
- coal miners and
- bushfire fighters, emergency service and rescue association volunteers.

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

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 processes to provide services

1. Application for SIRA approval

To apply for SIRA approval, a practitioner 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 suspend or revoke 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, including 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 a hearing service provider's SIRA approval is suspended or revoked for reasons other than those set out in section 2.6, the suspension or revocation will take effect 28 calendar days from when the hearing service provider is advised of SIRA's decision by email.

SIRA will provide written notice electronically to the hearing service provider of the intention to suspend or revoke their approval, with an explanation as to the reasons for the suspension or revocation, through the contact details supplied to SIRA by the hearing service provider.

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 seeking SIRA approval who is not approved, or a hearing service provider who has been given notice of SIRA's intention to suspend or revoke its approval, 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 should 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 may 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 the 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 after receiving the last document or information SIRA may request from 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 practitioners. The SIRA register of approved practitioners 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 request SIRA by email that their details be removed from the register as publicly available and not disclosed to the public.

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

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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