

WORKERS COMPENSATION (HEARING AID FEES) ORDER 2020

under the

Workers Compensation Act 1987

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

Dated this 11 day of December 2019

Carmel Donnelly
Chief Executive
State Insurance Regulatory Authority

Explanatory Note

Treatment by a hearing service provider is a category of medical or related treatment as defined in section 59 of the of the *Workers Compensation Act 1987* (the Act). 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, as a result of a work-related injury, has suffered hearing loss.

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.

Workers are not liable for the cost of any medical or related treatment covered by this Order. Employers are liable for the cost of medical or related treatment up to the maximum amounts set out in this Order.

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

Workers Compensation (Hearing Aid Fees) Order 2020

1. Name of Order

This Order is the Workers Compensation (Hearing Aid Fees) Order 2020

2. Commencement

This Order commences on 1 January 2020.

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 Audiology Australia 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).

Audiology Entity is a registered business or company that provides reasonably necessary medical or related treatment and a hearing aid to a worker who, as a result of a work-related injury, has suffered hearing loss.

Ear, Nose and Throat specialist (ENT) means a Medical Practitioner who is recognised by the Medical Board of Australia or by Medicare Australia as a Specialist in otolaryngology (ear, nose and throat) head and neck surgery and who is registered with the Australian Health Practitioner Regulation Agency as a Specialist in otolaryngology head and neck surgery.

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*.

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 1269.4:2014, 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 either an Ear, Nose and Throat medical specialist or an Audiology entity qualified to provide treatment and supply hearing aids to injured workers. A Hearing Service Provider must be approved by the authority to deliver services in the NSW workers compensation system. The requirement to be approved does not apply to treatment provided interstate or to exempt workers.

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 2020 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. The requirement to be an approved hearing service provider does not apply to those providing services interstate or to exempt workers.

6. Treatment provided interstate or to exempt workers

Hearing service providers approved by the authority must submit their SIRA approval number when invoicing for treatment delivered under the NSW workers compensation system in a State/Territory other than NSW, or to exempt workers.

When a Hearing Service Provider is not approved by the Authority and delivering treatment under the NSW workers compensation system in a State/Territory other than NSW or to exempt workers, the service provider number for that service provided:

- interstate is INT0000
- to an exempt worker is EXT0000

and the payment classification code is the one that is relevant to the Hearing Service Provider as defined in Schedule A item column of this Order.

7. 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.

8. Requirements for an invoice

All invoices should 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 for the invoice to be processed. Refer to the relevant provider page on the SIRA website - <https://www.sira.nsw.gov.au/for-service-providers/A-Z-of-service-providers>

9. No pre-payment of fees

Under section 60(3), pre-payment of fees for a hearing aid and services is not permitted.

SCHEDULE A

<i>Item</i>	<i>Service description</i>	<i>Maximum amount (excl GST)</i>
AID002	Hearing needs assessment – Audiologist	\$214.20
AID002	Hearing needs assessment – Audiometrist	\$176.60
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	\$315.20
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. 	\$756.20 (monaural) \$1238.10 (binaural)
AID002	<u>Hearing aid repairs</u> <i>Payable only if a copy of manufacturer's invoice for repairs is provided</i>	Up to \$416.00
AID002	Hearing aid review/minor maintenance <i>Only applicable 12 months after supply</i>	\$151.30
AID003	12 months hearing aid battery/consumables supply	\$126.10 per hearing aid