

LSS Rules Review 2021-2022

Summary of Changes

This document summarises the proposed changes to the Lifetime Support Scheme Rules (LSS Rules). Whilst the majority of changes are cosmetic in nature (e.g. rewording a Rule to clarify its meaning, ensuring consistent usage of terminology, restructuring the document, etc.), some changes have been highlighted as they are considered important for the community's consideration and feedback.

General changes to the LSS Rules (2018)

- Revised definitions to clarify the language and inclusion of additional definitions to ensure relevant terms are defined.
- Minor changes throughout the Rules to clarify requirements and improve readability.
- The use of the terms 'Participant' and 'Decision Maker' has been reviewed throughout the Rules and (where relevant) the term has been changed to '*Participant or Decision Maker or both, as the case may require*'.
For example, Part 10 Rule 3.1
The Participant or Decision Maker or both, as the case may require should be involved in the decision-making processes relating to their Home Modifications and agree to any proposed modifications.
- The addition of Editorial Notes to emphasise principles of statutory interpretation.
- Restructured each Part to ensure a consistent approach, including bringing identified Exclusions together into one section for each Part and introducing a section called 'Preliminary' in selected Parts.
- Ensured consistency of language throughout the Rules (e.g. clarifying whether days are business or calendar days, consistency in how the number of days is referenced in different Parts, consistency in whether circumstances need to be exceptional, limited, or specifically outlined, reference to eligible injuries, etc.).
- Reinforced linkages between the Rules, the *Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013* (SA) (the Act), and the terms Motor Vehicle Accident and Motor Vehicle Injury.
- Renamed some Parts to better reflect the purpose of the Part or updated terminology. Part 1 has been renamed Introduction, Part 9 has been renamed Assistive Technology, Part 10 has been renamed Home Modifications, Part 12 has been renamed Prosthetic Services, Part 19 has been renamed Ambulance Services. Part 21 has been renamed Medical Treatment including Pharmaceutical Products.
- Part 10 - Home Modifications and Accommodation in the 2018 version of the LSS Rules has been split into two Parts, with a new part exclusively addressing Accommodation in Part 8. It should be noted that relevant content from Part 8 - Approved Providers of Attendant Care Services in the 2018 version of the LSS Rules has been included in Part 1, Rule 10.

Detailed changes to the LSS Rules by Part:**Preamble**

The addition of a Preamble which incorporates the former Part 1 Rules 1.1 and 1.2 as well as additional principles of statutory interpretation. The Preamble also includes references to the *Acts Interpretation Act 1915* (SA) and the model litigant rules.

Part 1 – Introduction

Part 1 underpins the philosophy, interpretation and definitions used throughout the LSS Rules. Amendments within this Part have been outlined below for clear interpretation and to clarify the extent of the changes to the proceeding Parts.

- General changes (as detailed at the start of this summary document).
- Renamed this Part from Preliminary to Introduction.

Amendments to the Scheme Principles

- A comprehensive review of the Scheme Principles has been undertaken.
- The Scheme Principles section has been moved to the start of this Part and renamed Philosophy. This has been changed to be more consistent with the structure of other Rules in South Australia (e.g., the South Australian Civil and Administrative Tribunal (SACAT) Rules).
- Part 1, Rule 1.1 has been added to outline the overall aim of the Rules (e.g. to provide clear guidance regarding the operation and decision-making regarding the LSS).
- Part 1, Rule 1.2.1 – Impact of the Motor Vehicle Injury on a Participant
A new principle has been included to reinforce the purpose of the Scheme and the relationship to the Motor Vehicle Injury.
- Part 1, Rule 1.2.2 – Necessary and reasonable treatment, care and support
The existing principle regarding necessary and reasonable treatment, care and support has been split into three (Rules 1.2.2, 1.2.4 and 1.2.5) due to the importance of “necessary and reasonable”, “person-centred care” and “choice and independence” as principles underpinning the LSS. This Rule focuses on “necessary and reasonable” and reinforces that treatment, care and support is provided on the basis of necessary and reasonable considerations, as defined by these Rules and prescribed by the Act.
- Part 1, Rule 1.2.3 – Financial sustainability
This principle has been amended to reinforce the financial management of the Scheme for the long term and to clarify the importance of the affordability to the community to benefit all South Australians in the future who are not yet injured, but who may be injured in the future.

- Part 1, Rule 1.2.4 – Person-Centred Approach

As outlined above, the existing principle regarding necessary and reasonable treatment, care and support has been split into three (Rules 1.2.2, 1.2.4 and 1.2.5). This Rule reinforces that the LSA supports LSS Participants through a “person-centred approach”.

- Part 1, Rule 1.2.5 – Choice and independence

As outlined above, the existing principle regarding necessary and reasonable treatment, care and support has been split into three (Rules 1.2.2, 1.2.4 and 1.2.5). This Rule expands the concept of choice and independence and reinforces the role of the Participant or their Decision-Maker.

- Part 1, Rule 1.2.6 Local Government, State, Commonwealth or other jurisdictional supports

This is a new principle that has been included to reinforce the concept that supports available to the community from Local Government, State and Commonwealth Governments should be accessed, and are not replaced by support from the LSS funds. This relates to areas of funding such as ageing, children and their available educational supports, as well as other disability services.

The inclusion of this principle does not change the LSA’s practice or funding. This principle has been included to ensure transparency for Participants.

- Part 1, Rule 1.2.7 Co-contribution

This is a new principle to introduce the concept of co-contribution as an option for Participants. There have been examples where Participants would prefer a higher specification of product or modifications than what is considered necessary and reasonable (e.g. a Participant wanting floor to ceiling tiling in a bathroom, when standard height is considered necessary and reasonable).

The LSA has proposed the introduction of this principle to ensure Participants have the option to choose higher specification products or modifications, subject to their co-contribution of the difference between the LSA’s funding and the higher cost.

This principle has not been included to reduce the LSA’s funding. The LSA will continue to fund what is considered necessary and reasonable.

The inclusion of these principles provides a Participant with a transparent opportunity to choose to contribute to the cost of items or services that are above what is considered to be necessary and reasonable under the LSS.

This principle is intended to introduce more flexibility for the Participant, without reducing the LSA’s liability to fund treatment, care and support.

- Part 1, Rule 1.2.8 Dignity, individuality and diversity of Participants

Two principles have been combined to have one focus on dignity, individuality and diversity. Previously, there was a specific principle regarding child Participants. This has been incorporated into Rule 1.2.8.

- The last two principles in Part 1 of the 2018 version of the LSS Rules have been removed as their content has been incorporated into Part 1 Rules 1.2.4 and 1.2.5.

Rule 2 - Interpretation

- The previous Definitions section has been moved to Rule 2.1 of this Part and grouped under an Interpretation section.
- The current Definitions have been revised and reworded to support clear interpretation, as well as new Definitions added to provide clarity of their purpose and meaning in the Rules.
- The definition relating to the FIM™ and WeeFIM® assessments have been broadened to allow for alternative assessment approaches to be used in an overseas setting. This recognises that alternative approaches may need to be used.
- A definition for Decision Maker has been added to support clear interpretation. An Editorial Note has also been added to further assist.
- A definition for Participant has been added to clarify their purpose and meaning in the Rules.
- The definition relating to Rehabilitation has been updated to reflect the set of interventions and services intended to be covered.
- The definition relating to Schedule of Fees has been updated to reflect that provider fees may be published on the LSA's website.
- The table below identifies definitions that have been added and amended in the Rules.

New Definition:	Amended Definition:
Australian Standards	Act
Brachial Plexus Avulsion	Appropriately Qualified
Business Day	ASIA Impairment Scale Score
Calendar Day	Assessed Care Needs
Community Access Support	Assessor
Decision Maker	Attendant Care Worker
Expert Review Panel (ERP)	Certificate
In Writing	Discharge Plan
Interim Participant	Dispute
Lifetime Participant	Domestic Services
Medical Specialist	Eligible Injury
Metacarpophalangeal Joint	Family
Model Litigant	Functional Independence Measure™ - FIM™

New Definition:	Amended Definition:
Motor Vehicle Accident	Greenwood Burns Scale
Offeree	Home Environment
Orthosis	Home Modification
Participant	Motor Vehicle Injury
Participant Choice	Motor Vehicle Modification
Person-Centred Approach	MyPlan
Pharmaceutical Products	Prosthesis
Public Holiday	Rehabilitation
Proximal	Rental Property
Public Holiday	Return to Work Corporation of South Australia (RTWSA)
Reimbursement Arrangement	Review
Review Officer	Schedule of Fees
Rules	Support Services
Self-Directed Support	Treatment, care and support needs
Self-Directed Support Agreement	WeeFIM®
Service Order	WeeFIM® Age Norm
Service Provider	Westmead PTA Scale
Treatment, Care and Support (TCS)	Workplace Modifications
TCS Travel Plan	

- An Editorial Note has been added to Rule 2.2 (reading the Rules as a whole) to clarify interpretation.
- Rule 2.4 (eligible to participate in the Scheme) has been amended to include buy-in. An Editorial Note has been added.

- Rule 2.6 (power to waive compliance with Rules)

The Rules relating to the LSA's discretion to waive a Rule or amend time limits have been brought together. Previously they were contained in different sections of Part 1.

The discretion to waive a Rule or amend a time limit has been removed from the time limits relating to the submission of Applications to enter the LSS.

Although having the flexibility to amend Rules or time periods is important to ensure appropriate support is provided to LSS Rules, it is proposed that this flexibility is removed for applications relating to eligibility. This means that the LSA will not be able to waive or vary timeframes relating to applications and applicants have certainty regarding requirements.

Rule 2.6 was also reviewed to clarify that the LSA may decide to waive compliance itself or may do so as a result of a request from another party and ensure relevant functions were outlined clearly – Review Officer and Expert Review Panel – rather than assumed by using the general term of the LSA. An Editorial Note has also been added.

Remainder of Part 1

- Part 1, Rule 5 Suspension of participation

This Rule has been expanded to outline when suspension of a Participant may occur. Previously the Rules only required the LSA to notify the Participant In Writing.

The proposed changes introduce boundaries to suspension, to ensure the powers to suspend a Participant are limited to specific circumstances.

Rule 5.4 also provides for the suspension to not occur if the Participant or Decision-Maker has taken reasonable actions to rectify their non-compliance.

- Part 1, Rule 7 Sending documents to the LSA

Rules 7.3 and 7.4 have been amended to clarify the LSA's treatment of documents sent to the LSA via email or mail, in relation to when the correspondence is taken to be received.

- Part 1, Rule 9 Medical documentation

Rule 9.1.1 has been amended to include full details of the applicant's personal details relevant to the application process. This amendment assists the LSA in ensuring the medical documentation is identified and relates to the Participant.

- Part 1, Rule 10 Approved providers

The requirement for Approved Providers has been revised and incorporated into Part 1, Rule 10 (previously was included in Part 8 of the Current Rules). New Rules have been added to this Part to:

- Clarify the use of approved providers under the LSS. Previously the Rules only referred to attendant care providers.
- Establish terms and conditions for approved providers. Whilst terms and conditions are already included through contractual arrangements, it is proposed to be included in the Rules for transparency and support a Scheme-wide approach.
- Clarify the sharing of information, in relation to service providers, with other agencies.

This has been included in the Rules to support the LSA in its management of service providers and facilitate the introduction of scheduled rates.

These proposed changes do not change the range of treatment care and support services provided to Participants.

- Part 1, Rule 14 Privacy and confidentiality/release of information
Rules 14.1 and 14.2 have been added to ensure the LSA's responsibilities to share information is outlined clearly in the Rules.
- Part 1, Rule 15 Commencement date
Rule 15.2 has been added to clarify the updated version of the Rules is to apply to all decision making for Applicants and Participants from the date of commencement of the Rules.
Whilst the Rules have always been intended to be treated in this way, the Rule has been added to ensure there is no doubt about the intended application of a new version of the Rules.

Part 2 – Eligibility for Participation in the Scheme

- General changes (as detailed at the start of this summary).
- Part 2, Rule 3.5.1 Injury criteria for limb amputations
Rule 3.5.1.1.a has been amended to clarify that amputations above the first metacarpophalangeal joint of the thumb and the index finger are captured. For example, that the amputation of a hand is included. This Rule now reads as follows:
a. **of** the upper limb Proximal to the first Metacarpophalangeal joint of the thumb and the index finger; or
Rule 3.5.1.1.b has been amended to be consistent with terminology used in Rule 3.5.1.1.a (above). The term Proximal has the same meaning as the current wording of 'through or above'. This Rules now reads as follows:
b. of the lower limb **Proximal to** the ankle.
These changes do not alter the injuries that are accepted into the LSS. The changes have been proposed to clarify the application of the criteria.
- Part 2, Rule 3.6.4 Injury criteria for burns
Rule 3.6.4 has been amended to include references to Rules 3.6.2 and 3.6.3 when assessing eligibility for lifetime participation. This reflects the intended operation of this Rule.
Whilst this change expands the intended coverage relating to burns injuries, it reflects the LSA's application of the burns injury criteria.
- Part 2, Rule 4 Making an application
The Rule relating to making an application have been expanded to clarify the LSA's requirements. This includes:
 - Reinforcing that an application should be made as soon as practicable, and no later than three years from the date of the Motor Vehicle Accident.
 - Requiring that an application be made using the form published by the LSA.
 - Clarifying that all information that can be reasonably obtained be attached to the application. This change recognises that sometimes collecting all of the required information may take time and the interests of the LSA and the injured person is on ensuring an application is received expeditiously.
 - Clarifying the extension provision under Rule 4.5 applies to making an application.

- Clarifying there is a maximum of five years for a person to make an application to be accepted into the LSS. This Rule also establishes a connection to Part 1, Rule 2.6 to ensure consistency.

The period of five years for an application to be made already exists (reflecting the initial three years plus a possible two year extension (Part 2, Rule 4.1 and 4.2). The proposed change makes the time period clearer, for transparency purposes.

- Part 2, Rule 6 The LSA's determination

Rule 6.2 has been expanded to outline the decisions the LSA can make when determining eligibility. The LSA can accept, extend interim participation, not accept, suspend or defer making a decision.

This provides clarity to all parties regarding the decisions the LSA can make regarding eligibility.

- Part 2, Rule 7 Interim participation timeframes

Rule 7 has been amended to allow for other exceptions to the maximum period for interim participation. Previously this Rule (8.5) only referred to a child Participant having to be six years or older before an assessment for lifetime participation can be made. The proposed change to this Rule broadens the reasons for an alternative timeframe for interim participation.

Note: refer to the discussion regarding Part 2, Rule 12 for further information regarding interim participation timeframes for child and other Participants.

This change does not alter interim and lifetime participation timeframes.

- Part 2, Rule 12 Exceptional circumstances

Rule 12 has been added to provide guidance on what may be considered exceptional circumstances. Previously the only circumstance outlined in the Rules applied to child Participants. The proposed changes:

- Clarify that a child Participant may remain an Interim Participant until they are 18 years of age, unless their injury has stabilised and the lifetime impact of their injury is apparent. This change is intended to provide certainty for parents or Decision Makers.
- Introduces factors that the LSA will consider when using its discretion in applying exceptional circumstances. These factors will be used when considering whether a late application is accepted or interim participation should be extended.

The proposed change for child Participants may mean they remain longer in the Scheme as an interim Participant, as a lifetime participation decision does not need to be made until they reach adulthood. Currently the Rules extend interim participation until a child Participant is eight years old, which may not be a sufficient timeframe to allow for the lifetime impact of the injury to be determined.

Part 3 – Rules for Disputes about Eligibility for Participation

- General changes (as detailed at the start of this summary).
- The previous Rule requiring the LSA to apply the principles of natural justice has been moved to the Preamble and revised to focus on the principles of model litigation.
- Part 3 has been reviewed to ensure consistency of language regarding Dispute applications and Dispute applicants. The Part uses the terminology 'Dispute application' and 'Dispute applicant' without a capitalised 'A' to ensure the terms are not related to the defined term, 'Application', which relates to applications to the LSS, but maintain consistency with the dispute terminology and processes outlined in the Act.

Part 4 – Necessary and Reasonable Treatment, Care and Support Decision Making in the Scheme

- General changes (as detailed at the start of this summary).
- Part 4, Rule 2.4 Funeral services
Rule 2.4 replaces the phrase ‘exceptional cases’ with ‘limited circumstances’. The change is proposed to differentiate this Rule from the exceptional circumstances outlined in Part 2 of the Rules, which relates specifically to eligibility.
This change does not alter the LSA’s current practice.
- Part 4, Rule 3.1 Necessary and reasonable criteria
Rule 3.1 replaces the phrase ‘case by case’ with ‘individual’ to be consistent with a person-centred approach which is focused on the individual Participant.
This change does not alter the LSA’s current practice.
- Part 4, Rules 3.5.1 and 3.5.2 Benefit to the Participant
Rules 3.5.1 and 3.5.2 have been amended to focus on services that are ‘expected to’ assist/progress/maintain rather than ‘will’. This better reflects the LSA’s application of these Rules.
This change does not alter the LSA’s current practice.
- Part 4, Rule 3.6.8 Local, State and Commonwealth Government supports
Rule 3.6.8 has been added to reflect the inclusion of this item in the scheme principles (in Part 1) and reflects the importance of considering other supports available to the Participant.
This change does not alter the LSA’s current practice.
- Part 4, Rule 3.7 Co-contribution
Rule 3.7 has been added to reflect the inclusion of this item in the scheme principles (in Part 1).
This change increases the options available to Participants. It is important to note that the introduction of ‘co-contribution’ does not reduce the treatment care and support services the LSA will fund.
The LSA will continue to fund the same level of necessary and reasonable treatment care and support services.
- Part 4, Rule 3.8.4 Appropriateness of provider
Rule 3.8.4 has been added to include Participant choice. This reflects the considerations the LSA currently undertakes and is an important part of the LSA’s decision-making processes.
This change does not alter the LSA’s current practice.
- Part 4, Rule 3.10 Relationship to Motor Vehicle Injuries
Rule 3.10 has been revised to be consistent with language used in the scheme principles.
These changes do not alter the LSA’s current practice.
- Part 4, Rule 4 Treatment, care and support service exclusions
Rule 4 has been amended to be consistent with wording relating to approved providers in Part 1.

These changes do not alter the LSA's current practice.

Part 5 – Treatment, Care and Support Needs Assessments

- General changes (as detailed at the start of this summary).
- Part 5, other general changes

The language regarding the engagement of Assessors or Service Providers has been clarified and made consistent throughout the Part.

These changes do not alter the LSA's current practice.

- Part 5, Rule 3.3 Requiring an assessment

Rule 3.3 has been added to clarify the LSA's need to determine whether Participant needs are directly related to the Motor Vehicle Injury or Motor Vehicle Accident, as required under the Act. This Rule has been included for transparency.

This change does not alter the LSA's current practice.

Part 6 – Treatment and Rehabilitation

- General changes (as detailed at the start of this summary).
- Part 6, Rule 3 Hearing Impairment

Rule 3 has been added to provide guidance on necessary and reasonable considerations when reviewing Treatment care and support needs relating to hearing impairment. Previously the Rules provided no guidance in this area.

This change will assist the LSA in ensuring consistent and appropriate decision-making regarding hearing impairment for Participants.

- Part 6, Rule 4 Vision Impairment

Rule 3 has been added to provide guidance on necessary and reasonable considerations when reviewing Treatment care and support needs relating to vision impairment. Previously the Rules provided no guidance in this area.

This change will assist the LSA in ensuring consistent and appropriate decision-making regarding vision impairment for Participants.

- Part 6, Rule 5 Treatment and Rehabilitation funding exclusions

Rule 5 has been expanded to provide further guidance regarding exclusions, with a focus on:

- Reinforcing the role of State and Commonwealth Governments, and other jurisdictions to fund benefits under their schemes.
- Reinforcing the focus of the LSA on injuries that are a direct result of the Motor Vehicle Accident.
- Clarifying boundaries regarding the LSA's reimbursement of TCS. The LSA will only reimburse TCS where it is pre-approved and the receipts are received within twelve months of the relevant service.

The change regarding reimbursements is a change in practice. Although prior approval is already required, there has been no time limit regarding receipts for reimbursements. The lack of a time limit regarding receipts causes administrative difficulties for the LSA in verifying the evidence of the travel or purchase and its connection to the Motor Vehicle Injury. Twelve months is proposed as a reasonable timeframe to expect receipts to be provided.

The other changes to this Rule do not change the LSA's current practice.

Part 7 – Support, attendant care and domestic services

- General changes (as detailed at the start of this summary).

- Part 7, Rule 2.2 Support services – assistance dogs

Rule 2.2 has been amended to refer to 'community participation' rather than 'social isolation'. This change broadens the considerations relating to the use of assistance dogs.

This change reflects the factors the LSA consider when making a decision regarding funding in this area and does not change the LSA's current practice.

- Part 7, Rule 4.1.5 Domestic Services – gardening services

Rule 4.1.5 has been amended to clarify funding regarding gardening. The proposed change limits gardening to no longer than two hours each month.

The benchmark of two hours of gardening services per month reflects the LSA's practice, as the LSS Rules focuses funding on achieving safe and easy access for the Participant.

- Part 7, Rule 4.2 Domestic Services – necessary and reasonable criteria

Rule 4.2 has been amended to reflect the LSA's considerations when determining whether funding of the Domestic Services is necessary and reasonable.

This change does not alter the LSA's current practice.

- Part 7, Rule 4.3 Domestic Services – domestic partner or family member

Rule 4.3 clarifies that the LSA does not pay domestic partners or family members to provide attendant care services. The Rule provides for the funding of other services to allow a domestic partner or family member to provide care (provided they are appropriately trained).

This change does not alter the LSA's current practice.

- Part 7, Rule 5.1.2 Support, attendant care and Domestic Services for Participants who are children

Rule 5.1.2 was added to clarify that the LSA does not fund care tasks that it is reasonable to expect a family member or legal guardian to perform for a child.

This change does not alter the LSA's current practice.

- Part 7, Rule 5.2 Support, attendant care and Domestic Services for Participants who are children

Rule 5.2 has been amended to reinforce that the LSA does not fund services that replace the usual care and supervision provided by or paid for by a parent or guardian.

This change does not alter the LSA's current practice.

- Part 7, Rule 6 Support and attendant care services for Participants who have caring responsibilities

Rule 6.1 was amended to better outline the extent of the support offered under the LSS for Participants with caring responsibilities. An editorial note has also been added.

- Part 7, Rule 7.1 Alternatives to support and attendant care service provision

Rule 7.1 was amended to ensure focus is on child Participants and improve consistency with other Rules.

This change does not alter the LSA's current practice.

- Part 7, Rule 10 Respite services

Rule 10 has been added to provide guidance regarding where the LSA may support respite services. Previously the Rules provided no guidance regarding the availability of respite care.

This change will assist the LSA in ensuring consistent and appropriate decision-making regarding the funding of respite services.

- Part 7, Rule 11 Exclusions

Rule 11 combines the exclusions contained in Part 7 into one section, to improve transparency and readability.

The changes to Rule 11 are:

- Rule 11.2.1. The words 'subsequent to' have been included in the Rule to clarify that an injury, condition or circumstances that emerges after the Motor Vehicle Accident (and is not related to the Motor Vehicle Accident or Motor Vehicle Injuries) is not funded by the LSS.
- Rule 11.3.2. A Rule has been added to establish a benchmark of a standard household for the funding of maintenance or Domestic services. This has been done to provide guidance to the LSA and Participant about what is considered necessary and reasonable to fund.
- Rule 11.4.2. A Rule has been added to reinforce that the LSA does not pay for services that can be funded through State and Commonwealth Governments or other jurisdictional supports.

Including the concept of a 'standard home' will assist the LSA in ensuring consistent decision-making across the Scheme. There may be some reduction in services for Participants with large homes or properties. This is considered reasonable in the context of ensuring a sustainable Scheme for the community.

Part 8 of the 2018 version of the LSS Rules – Approved providers of attendant care services

- The requirements of Part 8 within the 2018 version of the LSS Rules have been incorporated into the approved provider Rules under Part 1.
- The requirements under Part 8, Rule 2 of 2018 version of the LSS Rules allowing for special circumstances in appointing attendant care providers has been removed as the Rules under Part 1 regarding Approved Provider allow for the approval of a provider at any time.

Part 8 - Accommodation

- General changes (as detailed at the start of this summary).
- Part 8 is proposed to be the 'Accommodation' Part. Part 8 now incorporates existing accommodation requirements from Part 10 of the 2018 version of the LSS Rules as well as:
 - Part 8, Rule 1.1 Transitional accommodation - definition
Rule 1.1 has been added to provide a simplified definition for transitional accommodation.
 - Part 8, Rule 1.2.2 Transitional accommodation – impact to receipt of treatment, care and support
Rule 1.2.2 has been amended to include a reference to the impact on the Participant's ability to receive appropriate treatment, care and support services.
 - Part 8, Rule 1.2.3 Transitional accommodation – connection to Motor Vehicle Injury

Rule 1.2.3 has been amended to reinforce the relationship to the Motor Vehicle Injury.

- Part 8, Rule 2.1 Specialist Disability Accommodation - definition

Rule 2.1 has been added to include a definition for Specialist Disability Accommodation (SDA) that reflects current terminology.

- Part 8, Rule 2.2.1 Specialist Disability Accommodation – factors

Rule 2.2.1 has been amended to clarify that the cost effectiveness of modifications to the Participant's usual place of residence is considered when determining whether specialist disability accommodation is necessary and reasonable.

- Part 8, Rule 2.2.2 Specialist Disability Accommodation – factors

Rule 2.2.2 has been amended to focus on a new home, as existing residence is covered by Rule 2.2.1.

- Part 8, Rule 2.3 Specialist Disability Accommodation – high level support

Rule 2.3 has been added to recognise that Specialist Disability Accommodation may be required when the behaviour of a Participant requires specialist, high level support.

- Part 8, Rule 2.5 Specialist Disability Accommodation – contribution above ordinary housing and living costs

Rule 2.5 has been amended to reflect the LSA is contributing to housing and living costs (above ordinary expenditure), rather than paying for those costs.

- Part 8, Rule 3 Specialist Disability Accommodation – respite accommodation

Rule 3 has been added to operate in conjunction with the Respite Rule under Part 7.

- Part 8, Rule 4.2 Specialist Disability Accommodation – exclusions

Rule 4.2 has been added to outline the exclusions under Part 10 apply to Part 8 as well. This reduces duplication and supports consistent decision-making.

The changes to this Part do not alter the LSA's current practice.

Part 9 – Assistive Technology

- General changes (as detailed at the start of this summary).
- Part 9, other general changes

The title and content of this Part has been amended (from 'Equipment' to 'Assistive Technology' and references added to 'mainstream personal devices') to reflect current terminology.

References to DES (Domiciliary Equipment Services) have been removed, as the organisation is no longer the LSA's contracted supplier.

- Part 9, Rule 2.4.1 Prescription form

Rule 2.4.1 has been added to require the LSA's prescription form be used when recommending assistive technology. This Rule applies to providers and is part of the LSA's processes to support necessary and reasonable decision-making.

- Part 9, Rule 2.4.3 Contingency plan

Rule 2.4.3 has been added to clarify that contingency plans are sometimes required to support safety for Participants. This Rule applies to providers.

- Part 9, Rule 4.1 Assistive technology funding exclusions
Rule 4.1 has been amended to allow for the LSA to co-contribute to future replacements of general household or leisure items where the item is required for therapeutic or disability management purposes.
- Part 9, Rule 5.2 Participant contribution to assistive technology
Rule 5.2 has been added to provide further clarity regarding when a Participant might be asked to contribute to assistive technology. For example, the treatment of technology already owned by the Participant and the LSA's approach to initial purchases and subsequent replacements or upgrades.
- Part 9, Rule 6 Ownership of LSA funded assistive technology
Rule 6 has been amended to clarify the ownership and hire arrangement of assistive technology.
- Part 9, Rule 8.2 Maintenance and repair of assistive technology
Rule 8.2 has been added to clarify that Participants are responsible for the everyday care and maintenance of assistive technology.
- Part 9, Rule 11.2.5 Work, health and safety considerations
Rule 11.2.5 has been added to ensure work, health and safety issues are taken into consideration.
- Part 9, Rule 12 Information and communication technology
Rule 12 has been amended to incorporate co-contribution and the approach for replacement devices. This acknowledges that Participants may have existing information and communication items that require upgrades to meet the necessary and reasonable needs of the Motor Vehicle Injuries.
- Part 9, Rule 16 Orthoses, footwear and walking aids
Rule 16 has been amended to incorporate co-contribution and the approach for replacement items. This Rule also acknowledges that prescribed mainstream footwear may be an appropriate alternative to specialist footwear. Previously the Rules did not specifically provide for prescribed mainstream footwear.
- Part 9, Rule 18 Assistive technology for exercise and fitness
Rule 18 has been amended to incorporate co-contribution.
- Part 9, Rule 19 Assistive technology for recreation and leisure purposes
Rule 19 has been amended to incorporate co-contribution and outlines the factors that the LSA will consider in making decisions regarding recreation or leisure items.
- Part 9, Rule 20 Exclusions
Rule 20 has combined the exclusions under this Part into this Rule and added the following exclusions:
 - Replacing LSA funded items that have been on-sold.
 - Funding items the Participant already owns.
 - Upgrades or accessories not considered by the LSA to be necessary or reasonable.
 - Repairs and maintenance of items previously funded by the LSA, but now replaced.

The changes to this Part do not alter the LSA's current practice.

Part 10 – Home Modifications

- General changes (as detailed at the start of this summary).
- Rule 6.4 – Maintenance and repair
Rule 6.4 has been added to clarify the LSA's requirements that required (and relevant) maintenance and repairs be done prior to LSA funded Home Modifications.
- Part 10, Rule 6.5 – Additional Home Modifications
Rule 6.5 has been amended to include the list of parties who may be responsible for the cost of additional building works or higher cost finishes.
- Part 10, Rule 8.4 – Cost of relocating
Rule 8.4 has been amended to clarify that the LSA will only fund the cost of relocating when the move is required due to the Motor Vehicle Injuries.
- Part 10, Rule 9.3 – Rebuilding
Rule 9.3 has been amended to clarify that the LSA must consider the cost effectiveness of rebuilding, compared to other options.
- Part 10, Rule 14.2 – Subsequent Home Modifications
Rule 14.2 has been amended to clarify the LSA does not consider it reasonable that multiple major Home Modifications are funded by the LSS.
Whilst this has been the LSA's approach to major Home Modifications, it has not been outlined in the Rules.
- Part 10, Rule 17 – Exclusions
Rule 17.1.15 has been added to clarify that the LSA does not fund ordinary living expenses.

The changes to this Part do not alter the LSA's current practice.

Part 11 – Motor Vehicle Modifications

- General changes (as detailed at the start of this summary).
- Part 11, Rule 3.3 Age and condition of motor vehicle
Rule 3.3 has been added to establish vehicle requirements for the LSA to fund vehicle modifications – to be generally less than 5 years old or have travelled less than 80,000kms. This Rule has been added to provide guidance.
- Part 11, Rule 3.10 Comprehensive car insurance
Rule 3.10 has been added to outline the LSA may require the Participant to maintain comprehensive car insurance on the modified vehicle. This Rule has been added to ensure adequate insurance is in place to repair the vehicle in the event of an accident. Note that the Rule provides for the LSA to pay any additional insurance costs that are due to the funded modification.
- Part 11, Rule 4.3 Replacement of motor vehicle
Rule 4.3 has been added to clarify the LSA's approach to funding the refitting of existing modifications to a new vehicle. This Rule has been added to manage the decisions to replace motor vehicles.

The changes to this Part do not alter the LSA's current approach to motor vehicle modifications.

Part 12 – Prosthetic Services

- General changes (as detailed at the start of this summary), including the renaming of this Part from 'Artificial limb service' to 'Prosthetic Services'.
- Part 12, Rule 2.2 Recreational activity
Rule 2.2 has been added to clarify the basis of providing recreational prosthesis, in addition to a primary prosthesis.

The changes to this Part do not alter the LSA's current practice.

Part 13 – Education Support Services

- General changes (as detailed at the start of this summary).

Part 14 – Vocational Support Services

- General changes (as detailed at the start of this summary).

Part 15 – Temporary Overseas Travel and Participants Living Overseas

- General changes (as detailed at the start of this summary).
- Part 15, Rule 2 – Notice

The Rule regarding Notice has been established to clarify the LSA's requirements when Participants travel overseas. For example, notice is required to be given, the notice must be in writing and relevant information regarding the travel must be provided to assist the LSA in determining whether it is necessary and reasonable to fund treatment, care and support during the travel.

- Part 15, Rule 3.2 – criteria regarding the LSA's consideration of its funding of treatment, care and support

The old Rule 2 has been amended to clarify the LSA's requirements regarding planning for the travel. Adequate planning by the Participant or Decision Maker assists the LSA in ensuring it can fund relevant treatment, care and support during the overseas travel. This Rule has been reworded to introduce new documentation in the form of a TCS Travel Plan. The changes to this Rule will reinforce a clear understanding between the Participant and the LSA, to clarify the Participant or their Decision Maker is expected to play an active role in planning the supports required prior to leaving Australia.

- Part 15, Rule 3.3.3 – Circumstances where the LSA will not fund treatment, care and support when travelling or living overseas.

Rule 3.3.3 has been added to clarify the LSA will not fund treatment, care and support related to the overseas travel if the Participant or Decision Maker has not informed the LSA in accordance with the Rules. Whilst this is the intended consequence of not informing the LSA, it was not explicitly stated in the Rules.

- Part 15, Rule 3.2 – Use of overseas broker.

Rule 3.2 in the 2018 version of the LSS Rules has been deleted as arrangements for funding may vary, based on the country being visited.

- Part 15, Rule 4.4 Self-directed support

Rule 3.4 has been added to acknowledge that overseas Participants may be offered the opportunity of self-directed support, as provided for under Part 16.

The changes to this Part do not significantly alter the LSA's current practice.

Part 16 – Self-Directed Support and Reimbursement Arrangements

- General changes (as detailed at the start of this summary).
- This Part has been comprehensively reviewed to establish appropriate infrastructure for Self-Directed Support arrangements, including:
 - Reinforcing choice by the Participant to enter into a Self-Directed Support agreement.
 - Clarifying that a Participant who refuses Self-Directed Support continues to receive funding of treatment, care and support, in the normal manner.
 - Outlining requirements for the agreement to be entered into.
 - Clarifying circumstances where the agreement might end.
 - Clarifying the LSA's rights if the agreement ends earlier than expected.

The LSA does not currently have any Self-Directed Support Agreements in place. It is the LSA's intention to support the use of Self-Directed Support Agreements in some circumstances in the future. The proposed changes to this Part will facilitate that future use.

Rule 6 Reimbursement Arrangements

A new Rule has been added to clarify requirements regarding reimbursements. This Rule links with provisions regarding reimbursement in Part 6, Rule 5.1.4.

Rule 6 establishes a Reimbursement Agreement, the circumstances a Reimbursement Agreement might end and obligations on the Participant or Decision Maker, or both as the case may require.

Rule 6 is consistent with the requirements in Part 6, Rule 5.1.4 to establish a time limit of 12 months for receiving receipts for reimbursement. As discussed earlier in this summary, the time limit is a change in practice. Although prior approval is already required, there has been no time limit regarding receipts for reimbursements. The lack of a time limit regarding receipts causes administrative difficulties for the LSA in verifying the evidence of the travel or purchase and its connection to the Motor Vehicle Injury. Twelve months is proposed as a reasonable timeframe to expect receipts to be provided.

Part 17 – Buying into the Scheme

- General changes (as detailed at the start of this summary).
- Part 17, Rule 4.1 – What the buy in amount includes

Rule 4.1 has been amended to allow for discounting (to account for return on investment) in the buy-in calculation approach.
- Part 17, Rule 4.2 – Structure of Buy in Agreement

Rule 4.2 has been added to allow for the option of a guaranteed minimum time period or lifetime. This provides more flexibility for people considering buy-in. Previously, a person could only buy-in for their lifetime.
- Part 17, Rule 5.4 Structure of buy-in amount

Rule 5.4 has been amended to be more general regarding alternative structures for the buy-in amount. Previously the Rule specified one alternative.

- Part 17, Rule 7.1 Buy in funds reimbursement

Rule 7.1 has been amended to allow for agreement to be reached between the LSA and the Participant regarding buy-in reimbursement in the circumstances that the buy-in Participant dies.

The proposed changes provide more flexibility for the person and LSA when considering buy-in arrangements.

Part 18 – Rules for Review of Participant’s Treatment, Care and Support Needs

- General changes (as detailed at the start of this summary).
- Part 18, Rule 1.2 Model Litigant

Rule 1.2 has been amended to clarify that the LSA should conduct itself as a Model Litigant, consistent with the change in Part 3.

- Part 18, Rule 2.7 Delay in reassessment being completed

Rule 2.7 has been added to allow for reassessments to be extended where they are unlikely to be completed within the required timeframe (14 Calendar Days).

The changes to this Part do not alter the LSA’s current practice.

Part 19 – Ambulance Services

- General changes (as detailed at the start of this summary), including the renaming of this Part and changes to reflect current practice and extent of services funded by the LSS.

Part 20 – Dental Treatment

- General changes (as detailed at the start of this summary).
- Part 20, Rule 2.1 Information required to assess needs.

Rule 2.1 has been amended to include the requirement for a fully itemised account or quotation, and an outline of the goals of the proposed treatment. The LSA will request this from the relevant medical specialist.

- Part 20, Rule 2.2 Second opinion

Rule 2.2 has been added to clarify when the LSA may seek a second opinion regarding the proposed dental treatment.

- Part 20, Rule 2.3 Dental request prior to treatment

Rule 2.3 has been added to ensure the LSA can assess the need for dental treatment before the services have commenced. Note that emergency treatment is excluded from this requirement.

- Part 20, Rule 3.1 Dentures

Rule 3.1 has been expanded to clarify when the LSA will replace dentures lost or damaged in the Motor Vehicle Accident.

The changes to this Part do not alter the LSA’s current practice.

Part 21 Medical Treatment including Pharmaceuticals Products

- General changes (as detailed at the start of this summary), including the renaming of the Part and content to reflect current terminology.
- Part 21, Rule 1.1.3 Specialised liquid nutrition

Rule 1.1.3 was added to include specialised liquid nutrition (Gastronomy feeds), reflecting current clinical practice.

- Part 21, Rule 1.1.7 Other specialised medical treatments

Rule 1.1.7 was amended to be more general.

- Part 21, Rule 2.2.2 – urgent treatment

Rule 2.2.2 was amended to clarify the meaning of ‘urgent’ to be life-threatening (as an example).

- Part 21, Rule 2.2.3 – Medical treatment

Rule 2.2.3 was amended to clarify that medical practitioners should reference relevant MBS or AMA item numbers when providing services. This assists the LSA in its invoice processing and analysis of services being funded.

- Part 21, Rules 3 and 4 Necessary and reasonable pharmaceuticals

Rules 3 and 4 have been amended to simplify requirements regarding Pharmaceutical Products.

The changes to this Part do not alter the LSA’s current practice.

Part 22 – Workplace and Education Facility Modifications

- General changes (as detailed at the start of this summary).