Community Services and Health Legislation Amendment Bill 1988

Date Introduced: 21 April 1988
House: House of Representatives
Presented by: The Hon. P.R. Staples, MP., Minister for Housing and Aged Care

Digest of Bill

Purpose

To implement new nursing and personal care staffing and related funding arrangements in nursing homes; to provide improved respite care arrangements; and to remove impediments to transfer between Health Insurance Funds by members.

Background

The Government has since 1986 been implementing a program of reform. This reform program addresses issues raised by a number of major reports into aged care services produced during the 1980s, culminating in the Report of the Nursing Homes and Hostels Review 1986. A phased implementation of the reform program has already resulted in the following changes: introduction of a needs based planning system for the distribution and expansion of nursing home and hostel places; development of geriatric assessment services; development of quality of life and quality of care standards in nursing homes; increased hostel recurrent funding; new arrangements for the capital funding of new hostels; the introduction of the first stages of a new national standard funding scheme for financing nursing home care.

This legislation introduces the second stage of the new funding scheme. The first stage concerned infrastructure costs while this legislation concerns nursing and personal care. A resident classification system has been developed by the Commonwealth/State Working Party on Nursing Home Standards which categorises nursing home patients according to their care requirements. This allows funding of nursing and personal care staff according to the assessed care needs of patients in nursing homes.
Other elements of the reform program included in this legislation concern respite care arrangements, small nursing homes and the funding of geriatric assessment, geriatric nurse training and nurse re-skilling.

Main Provisions

Amendments to the Aged or Disabled Persons Homes Act 1954

Clause 5 amends section 10D of the Act by substituting new paragraphs (1)c and (1)d for the old paragraph (1)c and by adding new subsections (4), (5) and (6). These changes introduce a new respite care supplement to be paid in addition to nursing home benefit and subsidy to hostels in respect of respite care patients.

Amendments to the National Health Act 1953

Clause 12 and clause 30 concern the transfer of members between Heath Insurance Funds and remove or reduce waiting periods that are at present imposed.

Clause 19 inserts new sections 40AFA to 40AFF in the Act in order to introduce the resident classification system. Provision is made for the classification of patients according to principles to be determined by the Minister. The secretary is given the power to classify patients but appeal to the Minister against such a classification is allowed for. Principles regulating the classification of patients and which patients are to be classified may under clause 29 be disallowed by either house of parliament.

Clause 21 inserts a new section 4AGA which sets out formulas for determining standard fees for each classification of patients.

Clause 22 and 24 insert new sections 40AI and 47A which set out arrangements for the payment of a benefit for each patient in a nursing home. The amount of the benefit is to be the difference between the fee (provided for in Clause 21) and the patient contribution, with the result that the cost to the patient will not increase at each fee adjustment.

Clause 27 inserts a new section 49AA to provide (in conjunction with the Clause 5 amendments to the Aged and Disabled Persons Homes Act 1954) for supplementary respite care benefits.

Clause 28 inserts a new sub-sections 62(2A) which provides a new offence relating to the provision of false or misleading information by proprietors in relation to the provision of respite care.
For further information, if required, contact the Law and Government Group.

22 June 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

© Commonwealth of Australia 1988

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.