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Minister for Health
Minister for the Central Coast
Leader of the Government in the Legislative Council

P08/238

Ms Beverly Duffy
Director
Legislative Council
General Purpose Standing Committee No.2
Parliament House
Macquarie Street
SYDNEY NSW 2000

15 JUN 2009

Dear Ms Duffy

Inquiry into the Program of Appliances for Disabled People (PADP)

I refer to the Legislative Council's General Purpose Standing Committee No.2 Final Report of their Inquiry into the Program of Appliances for Disabled People, which was released in December 2008.

Please find attached the Government's Response to each of the recommendations made by the Committee.

The person to contact at the NSW Department of Health for further information or assistance is Ms Cathrine Lynch, Director Primary Health & Community Partnerships, on telephone 9391 9919.

Yours sincerely

John Della Bosca MLC

*Received by me on
behalf of the Clerk
of the Parliament*

*Monday 15 June 2009
4-20 pm.*

NSW GOVERNMENT RESPONSE

to the

REPORT OF THE

LEGISLATIVE COUNCIL GENERAL PURPOSE STANDING COMMITTEE NO. 2

**INQUIRY INTO THE PROGRAM OF APPLIANCES
FOR DISABLED PEOPLE (PADP)**

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INTRODUCTION

In June 2008 the NSW Legislative Council's General Purpose Standing Committee No. 2 announced its Inquiry into the Program of Appliances for Disabled People (PADP) with the following Terms of Reference:

That the General Purpose Standing Committee No. 2 inquire into and report on the Program of Appliances for Disabled People (PADP), and in particular:

1. Adequacy of funding for present and projected program demand
2. Impact of client waiting lists on other health sectors
3. Effects of centralising PADP Lodgement Centres and the methods of calculating and implementing financial savings from efficiency recommendations
4. Appropriateness and equity of eligibility requirements
5. Future departmental responsibility for the PADP
6. Any-other related matter.

On 15 December 2008 the General Purpose Standing Committee No. 2 released its report.

The Committee made 21 recommendations.

This document details the NSW Government's response to each of the recommendations and outlines the action initiated, or planned, to address the issues raised in the Committee's report.

Recommendation 1

That the NSW Government increase the base recurrent funding level for PADP in 2008/09 to \$36.6million.

Response and Action

The Government partially support this recommendation.

The NSW Government has already announced an additional recurrent funding enhancement of \$5m from 2009/10 for NSW Health disability equipment programs.

The NSW Government will review recurrent funding requirements for the program following the implementation of major reforms currently in progress to improve the efficiency of the program, and the completion of quality initiatives such as new prescriber guidelines to improve the accuracy and appropriateness of prescriptions.

Recommendation 2

That the NSW Government:

- *acknowledge that under the United Nations Convention on the Rights of Persons with a Disability access to PADP should be provided on an entitlement (not eligibility) basis; and*
- *conduct financial modelling in conjunction with the Federal Government and the disability sector, in recognition of the financial implications of moving towards an entitlement model.*

Response and Action

The Government partially supports this recommendation.

The NSW Government is committed to an equitable framework for the provision of disability aids and equipment. This means ensuring where a person is unable to obtain this equipment themselves, or to do so would cause significant financial hardship, they are provided priority access to cost-effective equipment that meets their assessed needs.

The Government supports the principles of the UN Convention, but does not agree with the interpretation of the UN Convention made by the Inquiry. The Government's approach is based upon the principle of equity and is directed towards assisting those in greatest need who cannot obtain the equipment they need by any other means. This approach is consistent with the principles of the UN Convention.

The Government does not support a move away from eligibility criteria for Government-funded equipment programs. An entitlement approach would place unsustainable demands on the program, enabling people who can currently afford to purchase their own equipment, either in full or in part, or who have access to funding from other sources, such as private insurance agencies and compensation funds, to become eligible, leading to inequity of access.

The NSW Government supports the second point of the above recommendation. The NSW Minister for Health has written to the Hon Bill Shorten MP, Parliamentary Secretary for Disabilities and Children's Services in reference to this matter. The NSW Government is keen to progress financial modelling in conjunction with the Commonwealth and the other

States and Territories. This work will provide clearer evidence on which to base future planning for Government-funded programs for people with disabilities.

Recommendation 3

That the EnableNSW Advisory Council apply strict performance indicators to PADP waiting lists. Performance against these indicators should be published on the EnableNSW website monthly.

Response and Action

The Government supports this recommendation.

The NSW Government is committed to streamlining access to necessary equipment for people with disabilities, and to developing a fair, transparent process for decision-making about eligibility and priority for Government-funded equipment.

NSW Health is preparing a Discussion Paper on eligibility for Government-funded equipment programs, including priority access. The Discussion Paper will provide a framework for consultation with consumers and advocacy groups during the second half of 2009. Feedback from these key stakeholders will inform new policy and guidelines on eligibility and priority for the equipment programs and services that will be administered by EnableNSW.

The inaugural meeting of the EnableNSW Advisory Council (ENAC) was held in December 2008. The role of ENAC (refer Appendix A) is primarily "to provide advice to the Chief Executive, Health Support Services on the development of strategic policies, plans and initiatives relating to EnableNSW." ENAC supports the development and publication of performance indicators relating to the programs administered by EnableNSW.

The EnableNSW website was first published on the internet in October 2008. It is regularly updated with information for consumers, health professionals and the general public.

Current policies are already available on this website. To ensure ongoing transparency and accountability, the NSW Government will also publish the revised policies and procedures for eligibility and priority for equipment. It is expected these documents will be completed by early 2010.

NSW Health applies Key Performance Indicators (KPIs) to its programs to monitor performance. This includes the disability support programs administered by EnableNSW.

EnableNSW is working towards state-wide KPIs for each of the programs it will manage. It is intended that when available these indicators will be published on the Enable website. As the responsibility for each PADP lodgement centre is transferred from the Area Health Services, state-wide performance against indicators, including estimated waiting times, will be published quarterly by EnableNSW. The process of transitioning lodgement centres has started, and this process is expected to be completed by December 2010.

Initiatives to reduce equipment wastage caused by incorrect or inappropriate equipment prescriptions are being progressed. This includes new state wide equipment request processes, equipment recycling, and the enhancement of Area based equipment loan pools with equipment for trial purposes.

Every effort is made to minimise waiting times for approved aids and equipment for people with disabilities. It should be noted that there may be a waiting time associated with the

manufacture of some equipment provided through PADP, such as wheelchairs and seating systems, where this equipment specially ordered, imported or custom made.

Where an equipment request is being progressed, every effort is made to provide temporary equipment, such as through local equipment loan pools.

Recommendation 4

That EnableNSW ensure that all PADP Advisory Committees meet monthly to consider high cost and complex applications

Response and Action

The Government supports this recommendation.

The NSW Government recognises the importance of both specialist and consumer advice regarding applications for high cost and complex items of equipment. Under the current policy, PADP Advisory Committees are expected to meet monthly to consider high cost and complex applications. The Chief Executive, Health Support Services has written to the Chief Executives of each Area Health Service, reminding them of the policy regarding monthly meetings.

'Statewide Advisers' were included in the establishment of EnableNSW. Statewide Advisers ensure that equipment decisions under each program are based on relevant evidence. In future, the Statewide Advisers will be able to review high cost and complex applications and advise the Manager, EnableNSW on outcomes, technology and research in their respective fields of professional expertise. In addition to the Statewide Advisers, the Manager of EnableNSW will be able to refer complex applications to a panel comprised of specialist clinicians, technical experts and consumers for independent advice.

In consultation with the EnableNSW Advisory Council, EnableNSW is currently refining the details of the review process that will eventually replace PADP Advisory Committees. The new centralised review and advisory process is being designed to deliver prompt, consistent, fair and transparent decision-making across all NSW Health equipment programs. These new processes will be applied to each centre as it transitions to EnableNSW.

Recommendation 5

That the NSW Minister for Health initiate discussions with the Federal Treasurer regarding ways to increase tax relief for the costs associated with a disability.

Response and Action

The Government supports this recommendation.

There are currently two main mechanisms for tax relief for the costs associated with a disability:

- (1) NSW directs some of its GST allocation towards disability services and programs;
and
- (2) some deductions can be claimed by individuals with a disability in their personal tax returns.

The Commonwealth Government collects more than 80% of total tax revenue in Australia. Through the collection of GST, NSW taxpayers contribute to other States. The NSW Government recognises that there is an urgent need for the Council of Australian Governments (COAG) to restructure the State/Commonwealth funding model, inherited by the Rudd Government.

The NSW Minister for Health has written to the Federal Treasurer. The Hon Wayne Swan MP requesting advice on ways to increase tax relief for the costs associated with a disability.

Recommendation 6

That EnableNSW publicly report the results of its performance against its Key Performance Indicator to pay supply invoices within government terms. These results should be published on the Enable website monthly.

Response and Action

The Government supports this recommendation.

The process of transferring budgets for PADP from Area Health Services to EnableNSW will occur gradually from 2009.

Once the responsibility for PADP has been transitioned, EnableNSW will be accountable for all budget funds over which it has control via regular reporting to the Chief Executive, Health Support Services, the Director-General NSW Health and the Minister for Health. Once budget control is transferred to EnableNSW it is expected that performance against Key Performance Indicators relating to payment of supply invoices will be met.

Commencing October 2009 it is anticipated that reporting of Key Performance Indicators for services transitioned to EnableNSW regarding supply invoices will be posted quarterly on the EnableNSW website.

Recommendation 7

That NSW Health increase the allowance to cover the cost of a disability added to Income Bands 2 and 3 as a matter of urgency.

Response and Action

The Government supports this recommendation in principle.

In recognition of the increased cost of disability over recent years, the NSW Government will review the allowance for the cost of disability for people in Bands 2 and 3.

Options for new income tiers will be explored in a Discussion Paper on eligibility and priority that will be released later in 2009. NSW Health, in conjunction with EnableNSW, is aiming for a simpler, more streamlined approach to financial eligibility that will apply across all NSW Health equipment programs. Feedback from key stakeholders in response to the Discussion Paper will inform the development of new income tiers to be introduced across all the equipment programs managed by EnableNSW in 2010.

Recommendation 8

That NSW Health abolishes the \$100 co-payment for PADP recipients.

Response and Action

This recommendation requires further consideration.

The NSW Government is giving careful consideration to the impact of implementing this recommendation. The Government recognises that many people with disabilities on low incomes struggle to make the co-payment, and that in some instances the administration costs involved in collecting the co-payment may outweigh the sum recovered.

This issue will be covered in the forthcoming Discussion Paper on eligibility and priority, to be released for consultation later in 2009. The NSW Government will consider mechanisms for cost recovery across all NSW Health equipment programs following feedback from key stakeholders to the Discussion Paper.

Recommendation 9

That NSW Health examine the evidence received by General Purpose Standing Committee No. 2 regarding the abolition of the \$100 co-payment, in its proposed review of the financial eligibility criteria for PADP.

Response and Action

The Government supports this recommendation.

Please refer to the Government response to Recommendations 7 & 8.

Recommendation 10

That NSW Health ensure that EnableNSW assist with the cost of repairing items supplied by non-government organisations, as per the NSW Health Policy on PADP.

Response and Action

The Government supports this recommendation.

The NSW Government supports continuation of the current policy of assisting with repairs and maintenance of equipment supplied by non-government organisations, where the person with the disability would have been eligible to receive the equipment under PADP.

If the person would have been declined the equipment from PADP, then the program does not accept responsibility for repairs or maintenance.

It is noted that PADP retains ownership of any equipment that it supplies. In the event that an eligible person requests repairs or maintenance by PADP for equipment originally supplied by a non-government organisation, the person may be asked to transfer ownership of the equipment to PADP. This may be necessary to cover any liability issues in connection with the repairs and maintenance carried out.

EnableNSW will maintain an interest in the costs associated with repairs and maintenance for all NSW Health equipment programs. At present, the Area Health Services are responsible for repairs and maintenance. Once centralisation of PADP lodgement centres is complete, EnableNSW will assume responsibility for requests for repairs and maintenance. The Chief Executive, Health Support Services has written to the Chief Executives of Area Health Services regarding adherence to policy guidelines on this matter.

Recommendation 11

That NSW Health immediately commence supplying one single use feeding set per day to PADP clients who require tube feeding, as per Therapeutic Goods Administration policy.

Response and Action

The Government notes this recommendation.

NSW Health complies with current Therapeutic Goods Administration (TGA) guidelines regarding the supply of single use devices for PADP clients who require tube feeding. The current PADP guidelines are also consistent with the findings of relevant research and evidence on this subject.

EnableNSW has noted this recommendation and recognises that in special circumstances, it is appropriate to supply a feeding set on a daily basis. Applications for daily supply will be considered and carefully reviewed, particularly where these are for neonates and people with compromised immune systems. The majority of people who require enteral feeding will continue to receive three sets per week.

EnableNSW is working with the Greater Metropolitan Clinical Taskforce, Home Enteral Nutrition (HEN) Network to ensure that appropriate evidence based guidelines are applied to the provision of HEN products.

Recommendation 12

That the NSW Minister for Health:

- *Initiate through the Council of Australian Governments process a national review on the guidelines and policy for equipment use, including enteral feeding tubes: and*
- *Make a submission to the Therapeutic Goods Association on this specific issue.*

Response and Action

This recommendation requires further consideration.

The Council of Australian Governments is already considering a national review on the guidelines and policy for equipment use. At this stage, Home Enteral Nutrition items are not included in that review.

The NSW Government will examine whether it is appropriate to make a submission to the Therapeutic Goods Administration on this subject.

Recommendation 13

That the NSW Government implement a vehicle modification subsidy scheme for people with a disability.

Response and Action

The Government does not support this recommendation.

The NSW Government funds various forms of targeted transport assistance for people with disabilities. This includes taxi vouchers, concessions and community transport services. These programs are delivered through a number of different Government departments and agencies, including the Ministry of Transport (which has lead responsibility for this area), the Department of Ageing, Disability and Home Care, the Department of Education and Training, and NSW Health.

It is noted that the Victorian scheme presented as a model in the Inquiry provides a subsidy once every seven years and only for new motor vehicles.

Consideration will, however, be given to establishing a cross-Agency working group to investigate possible options that would better meet the broad range of needs of individuals and families for transport assistance in the future.

Recommendation 14

That to improve the efficiency of the equipment assessment and delivery process, NSW Health complete Stage 1 of PADP reforms by the end of 2009.

Response and Action

The Government does not support this recommendation.

It is not achievable, or desirable, to transition all of the Area-based Lodgement Centres by the end of 2009.

The process of transferring responsibility for PADP from the Area Health Services to EnableNSW has started and will continue throughout 2009 and 2010. A gradual transition of responsibility is planned. There is currently considerable variation between the Lodgement Centres, increasing the complexity of transition. If the transition were to occur too quickly, this would potentially cause confusion for clients and may adversely impact service delivery.

As an interim measure, EnableNSW will introduce some quality initiatives to improve the efficiency of assessment, procurement and delivery of equipment across the State. For example, clinician education and implementation of the new PADP equipment prescription processes will be completed by June 2009.

Recommendation 15

That NSW Health ensure that there is supplier representation on the EnableNSW Advisory Council.

Response and Action

The Government does not support this recommendation.

The EnableNSW Advisory Council (ENAC) consists of thirteen members. The Terms of Reference for ENAC (Appendix B) stipulate that three positions are representational ones for the Disability Council of NSW, NSW Department of Health and the NSW Department of Ageing Disability and Home Care. The ten other members were appointed following an Expression of Interest (EOI) process. Disability equipment suppliers were able to apply. A total of 62 expressions of interest were received for membership of the Council.

All applications were assessed against the criteria outlined in the EOI and appointments were based on an individual's skills, knowledge and experience. Other than the three designated positions membership is not representational.

The NSW Government recognises the important role that suppliers play in providing equipment and services to people with disabilities. EnableNSW is working collaboratively with all suppliers to ensure that the reforms being made to disability support services such as PADP result in a more efficient and better service for all stakeholders, most importantly the person receiving the equipment.

During 2008, EnableNSW met with representatives of industry groups and also held a number of supplier forums including one for suppliers of rehabilitation and disability equipment. A supplier forum for all suppliers to EnableNSW was held in May 2009. EnableNSW will continue to engage with suppliers through planned meetings, information sessions and the EnableNSW website, which has a supplier webpage.

EnableNSW is currently developing strategic procurement projects for all its programs. Once the procurement directions for each disability program have been identified, all suppliers, including small businesses, will be engaged on the service, equipment and procurement needs of the program. For example:

- All procurement projects will include an industry information session where all relevant vendors will be invited to attend and present their company and products to a group of clinicians.
- Prior to any tender release all vendors will be invited to attend a forum to discuss the procurement plans, the reasoning behind the tender, the tender expectation, and will have the opportunity to ask questions.

ENAC will also consider these projects and advise EnableNSW on the adequacy of consultation mechanisms with stakeholders, including suppliers. ENAC members will be invited to attend the forums with industry groups, allowing them to review and report on the forums.

Recommendation 16

That EnableNSW consider the viability of equipment suppliers in rural and regional areas as part of its new procurement strategy.

Response and Action

The Government supports this recommendation.

In developing and implementing new procurement strategies and objectives for each program, the goal of EnableNSW is to achieve best overall value for money from each supplier. Issues of pre and post-supply service, turnaround times and the need to maintain a healthy supply market are key considerations in regard to procurement. Consideration is also given to the long term outcomes rather than short term cost savings.

EnableNSW is aware of the difficulties experienced by people with disabilities living in rural and regional areas. One of the advantages of centralised negotiation of service agreements is that people with disabilities receive satisfactory and consistent supply regardless of where they live in the State.

Recommendation 17

That the NSW Government collect data on current, unmet and future demand for disability equipment in New South Wales as a matter of priority.

Response and Action

The Government supports this recommendation.

The number of disability-related services that are funded by various Government agencies at Local, State and Commonwealth levels means that it is difficult to identify the totality of unmet demand.

It is unlikely that any single agency has complete data on current unmet demand, or that data alone will provide a reliable basis on which to predict future unmet demand.

The Minimum Data Set collected by all States and Territories for the Commonwealth States and Territories Disability Agreement (CSTDA) is the largest data collection in Australia, but does not provide the level of detail to which this recommendation refers.

The Australian Institute of Health and Welfare has undertaken studies of equipment programs, most recently in 2003, but these have relied on aggregated data sets that provide a broad overview rather than precise statistics.

EnableNSW is gradually building a process via the NSW Health information technology system that will provide more reliable data on demand trends for equipment in NSW. It is expected that sufficient and more reliable data will begin to be available by the end of 2010, allowing for some trend analysis and services demand projections.

Recommendation 18

That EnableNSW conduct a public awareness campaign informing PADP stakeholders of its website and 1800 number before June 2009.

Response and Action

The Government supports this recommendation.

EnableNSW is utilising a variety of methods to raise public awareness of its services through various media, including posters, website details, fact sheets and cards advertising the 1-800 number.

The 1-800-Enable number is listed in the White Pages telephone directory, along with the website. Information is also available on the White Pages® OnLine site, Directory Assistance (1223), sensis.com.au, 1234 and Call Connect**.

A link has been set up from all of the EnableNSW programs (the Artificial Limb Scheme, the Home Respiratory Program and the Program of Appliances for Disabled People) to point to the EnableNSW free call number. In addition to these sources of public information, the number and website are listed on all PADP external documentation, such as fact sheets.

EnableNSW is also taking advantage of opportunities to engage with stakeholders through participation in events such as the three-day disability equipment expo held in Sydney in March 2009. In addition, fact sheets will be distributed at clinical training sessions that will be held throughout 2009 prior to the introduction of new Equipment Request Forms at each Lodgement Centre.

Recommendation 19

That EnableNSW ensure that access to PADP information is made available to people with sensory impairments by March 2009.

Response and Action

The Government supports this recommendation.

EnableNSW is progressively developing a series of Fact Sheets on all of the programs that it administers, including PADP. As these fact sheets are developed, they are being published on the Enable website and in HTML formats that can be read by print readers and provide easier access for people with visual impairments.

The Enable website conforms to the NSW Government's sensory impairment standards.

Recommendation 20

That EnableNSW ensure that PADP information is made more accessible to people from culturally different backgrounds, including being made available in a variety of community languages.

Response and Action

The Government supports this recommendation.

The Fact Sheets referred to in the response to Recommendation 19 will be translated into community languages and will be available to print and download from the Enable website. In addition, people of linguistically diverse backgrounds will be able to utilise the Telephone Interpreter Service (TIS) when making inquiries to the EnableNSW freecall service.

Cultural awareness training, including how to work with interpreters, will be covered in EnableNSW staff training to ensure that people from culturally and linguistically diverse backgrounds receive appropriate customer service. EnableNSW encourages people with multi-lingual skills to apply for vacant positions.

Recommendation 21

That the EnableNSW Advisory Council consider ways to improve coordination and integration of NSW Health and Department of Ageing, Disability and Home Care disability support services, beginning immediately.

Response and Action

The Government supports this recommendation.

The NSW Government is committed to improving coordination and integration of services for people with disabilities. The EnableNSW Advisory Council, which includes a senior officer from the Department of Ageing, Disability and Home Care, will undertake this consideration as part of its work plan. This will be undertaken with a view to providing advice to the NSW Health and DADHC Senior Officer's Group on ways to improve coordination and integration of those services identified in the report.

GOVERNANCE OF ENABLENSW PROGRAMS

EnableNSW will be accountable to the Director-General, NSW Department of Health through the Chief Executive, Health Support Services for the financial management and day to day operation of the EnableNSW programs.

EnableNSW Advisory Council

The EnableNSW Advisory Council will provide advice to the Chief Executive, Health Support Services on the development of strategic policies, plans and initiatives relating to EnableNSW. ENAC will report to the Director General through the Chief Executive, Health Support Services.

The EnableNSW Advisory Council will have the following functions:

1. To seek the views of providers and consumers of disability services, and of other members of the local community, on the EnableNSW strategic policies, plans and initiatives for the provision the NSW Health disability support services within it resources, and to advise the Chief Executive, Health Support Services of those views.
2. To advise the Chief Executive, Health Support Services on how best to support, encourage and facilitate community, consumer and health service provider involvement in the planning of EnableNSW services.
3. To promote formal and informal communication between EnableNSW, Health Support Services and key stakeholders.
4. To publish reports (annually or more frequently) as to its work and activities.
5. Other functions as are requested by the Director-General, and accepted by the Council.

ENABLENSW ADVISORY COUNCIL

Terms of Reference

The EnableNSW Advisory Council (ENAC) will facilitate the involvement of service providers, consumers and other key stakeholders of EnableNSW in the development of strategic policies, plans and initiatives related to the provision of the five NSW Health disability support services. These services are:

- Program of Appliances for Disabled People (PADP)
- Artificial Limb Service (ALS)
- Home Respiratory Programs:
 - Home Oxygen Service (HOS)
 - Ventilator Dependent Quadriplegia (VDQ) program
 - Children's Home Ventilation Program (CHVP)

Membership

The EnableNSW Advisory Council (ENAC) is to consist of between 9 and 13 members, with membership to be determined by the Director-General, NSW Health.

Except for three representational members described in a, b and c below, members sit on the committee in their own right and not as representatives of any organisation of which they may be a member or which may have put forward their nomination.

1. Representation on the Committee must include:
 - a. A delegate of the Director-General representing the NSW Department of Health
 - b. A delegate of the Director-General representing the Department of Ageing, Disability and Home Care
 - c. The Executive Officer, Disability Council of NSW or the EO's delegate.
 - d. Clinicians, appointed by the Director-General, who have experience in the provision and prescription of equipment for people with disabilities
 - e. Consumers, appointed by the Director-General, who can represent the interests of people with disabilities who require equipment
 - f. Other appointments as deemed suitable by the Director-General
 - g. At least four people (who may be referred to in c, d, e or f above) who have a physical disability and requires equipment to participate in community living
 - h. At least one person (who may be referred to in a, b, c, d, e, f or g above) person who has expertise, knowledge or experience in relation to Aboriginal health and disability support
 - i. At least one (who may be referred to in a, b, c, d, e, f, g or h above) person who has expertise, knowledge or experience in relation to health and/or disability services in rural and remote areas of NSW
2. Within the above criteria, the council membership will include membership which has knowledge, skills and experience in each program area.
3. Within the above criteria, the council membership will as much as possible reflect a gender balance and the cultural diversity of the people of NSW.
4. Appointments will be made by the Director-General following an Expression of Interest process from interested individuals.
5. One member of ENAC will be appointed as Chair of the committee. This appointment will be made by the Director-General.
6. If a member is unable to attend a meeting of ENAC, the member may not nominate a delegate to attend on their behalf.

REFERENCES

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