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General Purpose Standing Committee No. 3
Parliament House
Macquarie St
Sydney NSW 2000

Dear Committee Chair

National Seniors Questions on Notice to the *Inquiry into registered nurses in New South Wales nursing homes*

National Seniors is pleased to provide a response to the questions on notice and supplementary question raised during the Public Hearing on 14 August 2015, regarding the impact of amendments to the *Aged Care Act 1997 (Cth)*.

National Seniors responses to the Committee's questions are as follows:

1. Clarification and referencing of the following statement is needed:

"Research by National Seniors has found that:

- Patients record greater satisfaction and better health outcomes on a number of clinical indicators when there are higher proportions of registered nurses."

In the report commissioned for National Seniors Australia by Access Economics in 2010, it was found through previous research that there is greater patient satisfaction and better health outcomes with care provided by registered nurses. Such health outcomes are related to the process of care, medication delivery, management of personal care, early detection of health complications, personal wellbeing, and the environment created by having a registered nurse around.

The reference is as follows,

Page 18 - National Seniors Australia. 2010. The Future of Aged Care in Australia.

Available at <http://nationalseniors.com.au/be-informed/research/publications/future-aged-care-australia>

Additional sources:

- Access Economics (2009). Nurses in residential aged care. *Report for The Australian Nursing Federation*.
http://anmf.org.au/documents/reports/Issues_Ensuring_quality.pdf
- Australian Nursing Federation (2009). Ensuring quality, safe and positive patient outcomes: why investing in nursing makes \$ense. *Issue Paper*.
http://anmf.org.au/documents/reports/Nurses_residential_aged_care.pdf
- Heath, H. (2010). Outcomes from the work of registered nurses working with older people in UK care homes. *International Journal of Older People Nursing*, 5(116-127).

2. Reference to section 104: Did the National Seniors campaign for the other States and Territories to have the same legislation?

National Seniors has a long standing reputation for continually advocating for changes to legislation that will improve the quality of life experienced by older Australians. As is indicated by our more recent work within the area of aged care:

- Actively worked with the Federal Government on the *Living Longer Living Better* reforms to the *Aged Care Act 1997*.
- Contacted differing government bodies in respect to prospective changes to legislation, e.g. the *Pharmaceuticals Benefit Scheme* or the *Dementia and Severe Behaviours Supplement*.
- Contributed to the Queensland government's 'positively ageless' seniors strategy.

For more submissions on aged care and research by the National Seniors Productive Ageing Centre please see <http://www.nationalseniors.com.au>.

3. Other States and Territories - How aged care is being delivered in the absence of legislation similar to section 104, and whether there are problems.

The South Australian state government currently stipulates within the *Supported Residential Facilities Regulations 2009* that "... a registered nurse must be on duty and another nursing staff member must be on close call at all times;" If the nursing home does not require nursing for more than 16 persons, "a registered nurse need not be on duty on the premises during the night shift if –

- (i) he or she is on close call; and
- (ii) there is another nursing staff member on duty during that time;"

If the home requires nursing care for more than 16 persons there is a minimum requirement of two nursing staff members, one of which must be a registered nurse. Finally, if a supported residential facility is not a nursing home yet provides nursing care, the proprietor must ensure that the staff of the facility includes a registered nurse.

The *Poisons Amendment Regulations 2010*, in Tasmania, otherwise known as the Department of Health and Human Services *Guidelines for the 'Administration of certain substances by aged-care workers in residential aged care services'*. Following the regulation changes in 2010, aged-care workers will be able to administer medications that are oral or topical to residents, provided there is a registered nurse onsite and the registered nurse has deemed the recipients condition as stable. The aged-care worker must have a minimum qualification of a Certificate III in aged care, home and community care or disability.

Whilst Victorian legislation mandates under the *Drugs, Poisons and Controlled Substances Act 1981* and the *Regulations 2006* that a registered nurse is required to administer a Schedule 8 or Schedule 4 poison to a person under his or her care. Under this Act, the aged care service provider is responsible for ensuring that a registered nurse manages the administration of medication to residents. Enrolled nurses cannot manage this administration to a care recipient, unless they are supervised by a registered nurse.

Following this the *Supported Residential Services (Private Proprietors) Act 2010* and *Regulations 2012, Division 6* in Victoria, requires the proprietor to ensure an

adequate number of appropriately trained staff are employed. It does not, however, explicitly state what number is appropriate. We do acknowledge the current Victorian government is investigating a nurse to patient ratio, however if the legislation is passed it will not be required in residential aged care facilities. Similarly, the Queensland government is investigating the use of a nurse to patient ratio.

Supplementary question:

1. *What recommendations to the NSW Government would you like to see come out of this inquiry?*

Overall National Seniors would like to see changes made to the *Public Health Act 2010* that allows for the continuation of quality care and ensures a high level of care is provided to care recipients. We believe that the State of New South Wales has the opportunity to become a national leader in aged care.

National Seniors would welcome recommendations from this Inquiry that:

- introduce a minimum nurse to care recipient ratio subject to periodic review to allow for flexibility to adjust the ratio in line with changing needs of care recipients;
- include minimum standard of qualifications such as a Certificate III, for nursing assistants and other carers;
- develop workforce strategies to ensure there is adequate supply of appropriately skilled staff for delivery of aged care services; and
- improve the monitoring and enforcement framework, ensuring that those who wish to stay within their community have the option to do so, as adequate care will be available.

We at National Seniors believe that any changes made to the *Public Health Act 2010* will need to ensure adequate quality of care and safety mechanisms are provided by appropriately skilled carers to older Australians.

Yours faithfully

Dr Irene Stein
NSW Policy Advisory Group Chair