

**INQUIRY INTO THE EXERCISE OF THE FUNCTIONS OF
THE LIFETIME CARE AND SUPPORT AUTHORITY AND
LIFETIME CARE AND SUPPORT ADVISORY COUNCIL -
THIRD REVIEW**

Name: Mr Mark Harris

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Partially Confidential

My submission describes my personal experience with LTCSA and how i have been put through undue stress trying to get what i am intitled to and describes how this has happened to others in my position. It also mentions how i have had to go without important medication due to LTCSA and that i would like the option of opting out of LTCSA.

April 20, 2010

The Director
Standing Committee on Law & Justice
Parliament House
Sydney

Dear Sir,

Third Review of the Lifetime Care & Support Authority

On the 26th February 2009, on my way to work, I rode into the side of a Government bus that turned right in front of me, it was the driver's 2nd day on the job. I suffered severe injuries from this accident that left me a complete T3 Paraplegic.

A few weeks after my accident, when I had regained consciousness, I signed up to the Lifetime Care and Support Authority (LTCSA). At this time I had a meeting with LTCSA representative [omitted by the resolution of the Committee] assured my fiancée, Nicky Matthews, and myself that LTCSA would supply me with any equipment I might need both for medical, sport and social reasons to help restore my life as close as possible to what it was before the accident. [omitted] also said that Nicky's accommodation would also be taken care of for my entire stay in hospital and rehabilitation.

The problems first started when I was still in Royal North Shore Hospital when Nicky had to fight to get her accommodation at Bluegum Lodge, a nearby hospital approved accommodation. When I moved to "Moorong", the spinal unit of Royal Rehabilitation in Ryde, Nicky moved there with me as she was able to find accommodation in the grounds. After staying there for over a month Nicky was contacted by LTCSA and told she was no longer able to stay on site at Royal Rehabilitation because [omitted] had made a mistake and that we weren't covered for this. After several heated discussions on the phone and one meeting, LTCSA finally admitted fault and let Nicky stay. So after all that stress we ended up back where we started.

The next big incident with LTCSA was when I applied for my tennis chair, a modified wheelchair designed especially for tennis. After the first meeting with [omitted] where he said LTCSA would happily approve any equipment designed to help me get back to my previous life, I did not expect to have any problems when applying for a tennis chair. The reason I didn't expect any problems was that I have been a keen tennis player my whole life and had been playing at rehab since day one. I had even applied for a tournament that started the day I left rehab, the South Coast Wheelchair Open, in which I came runner up in the doubles. However, even with all these positives on my side, LTCSA were not convinced that I needed a tennis chair and were happy to let me continue to develop more bad habits by playing in a basketball chair that hindered my ability.

Once again after months of heated arguments LTCSA sent out an unbiased and approved Doctor to assess whether or not I was eligible for a tennis chair. Sure enough within 10 minutes of talking to me she was convinced that I was definitely worthy of receiving a tennis chair and so my tennis chair was approved by LTCSA.

I had another problem with LTCSA when they sent me the wrong dressing type for my leg which caused the skin graft on my leg to break down. When I complained about this LTCSA sent out the correct dressings but to the wrong address.

After being out of rehabilitation for 5 months my chemist told me that they were going to have to cut me off unless I could get LTCSA to pay their bills within the next week. LTCSA had not paid any of the 4 bills sent to them from [omitted] Pharmacy [omitted]. The total was now up to \$2,500. Not surprisingly LTCSA did not pay their bills by the end of the next week despite being contacted by [omitted], the chemist, from [omitted] Pharmacy. This forced the Pharmacy to cut me off, despite them not wanting to, in order to take a stand. This caused me to go without important antibiotics for my wedding and honeymoon.

Eventually LTCSA did pay the Chemist in two installments and I was allowed to get my medication again although it has put [omitted] Pharmacy off dealing with LTCSA and they will not be taking on anyone else that is tied up with the scheme.

Another problem that I have with LTCSA is that there is no privacy. Anytime I require any medication or tests done I have to let several people know and they then have to pass this information onto more people.

From such a good start LTCSA has just gone down and down in my opinion. While recognising that LTCSA fulfills a very worthwhile role, it is of most benefit to those unable to manage their own affairs, possibly as the result of the accident in which they were involved. I do not see why I should have to deal with them after the initial two year period as I did not cause my accident and am perfectly able to manage my own affairs. Instead, I believe LTCSA should fulfill their obligation to me by means of a lump sum payment.

I am thoroughly disappointed with the attentiveness of the LTCSA staff and often find myself going round and round in circles trying to get an answer. It is not just me that is having these problems. While at rehab, other patients who were a part of LTCSA were also having problems and having to fight for everything, just in case they didn't have enough to deal with. One of the patients, [omitted], and his family had so many problems with their case manager that they changed manager, although this only solved a few of their problems.

Another patient, [omitted], was waiting for her parent's house to be modified by LTCSA but they were not having any joy. Eventually [omitted] dad [omitted] had to organise his friends to do the modifications to his house free of charge and get LTCSA to just pay for the equipment.

I mention these two patients in particular because we were all not at fault in our accidents and yet due to the introduction of LTCSA we cannot receive a lump sum payment and all have to spend the rest of our lives fighting for everything we want from LTCSA.

I appreciate that LTCSA is very good for people that are at fault as it covers them for initial and on going costs but it means that people who aren't at fault get put into the same category as those that are. The courts do not operate this way so why should the Government?

My recommendations are that paraplegics that were not at fault, have not suffered a severe head injury, require very little care and are perfectly capable of managing their finances should have the option of opting out of LTCSA and receiving, instead, a lump sum payment so that they do not have to go through these indignities for the rest of their lives.

As there was a concern that many spinal patients were spending their entire settlement within 20 years, 40% according to one survey, the Government could instigate a rule that patients who wish to opt out of LTCSA must place 1/3 of their lump sum payout into a bank for a period of no less than 20 years and only receive the interest during this time. That way these patients will be guaranteed some income for 20 years no matter what they do with the rest of their money and they will always have access to the lump sum upon maturity. If the patient reaches retirement age before the 20 years is up they can access their money upon retirement. By setting up a rule such as this the patients have a chance to regain some independence in their lives and have control over their money while not posing a risk of running out of money and having to rely on Government benefits.

As there would only be a few people that fall into this category each year I do not believe that it would make a significant difference to LTCSA but it would make a huge difference to those severely injured patients that are allowed to opt out of LTCSA.

I hope you take my views very seriously as this not only affects my life but the lives of many others. I am sure that if you were in my shoes and had been through what I have been through with LTCSA you would be writing the same submission letter.

Yours faithfully,

Mark Harris

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