

LSS RULES CHANGES – 15 April 2018

| PART | Change | Reads NOW | Text before the change | Reason |
|------------------------|---|--|---|--|
| Part 1 – 2.1.3 & 2.1.4 | Split one sentence into two | The LSA works to respect the individuality and diversity of participants. In the case of participants who are children, the LSA works to respect the centrality of the family to children’s lives and well-being. | The LSA works to respect the individuality and diversity of participants, and in the case of children, the centrality of the family to children’s lives and well-being. | Making the Rules easier to read. |
| 2.1.6 | Change “cooperation with” to “collaboration between”. | The delivery of effective treatment, care and support services involves communication and collaboration between the participant, their family, service providers and the LSA. | | Reflecting scheme experience |
| 3. | Rework the definition of Appropriately qualified to match closer the words used in the Act and the rest of the Rules. | Appropriately qualified for the purposes of these Rules, any reference to “appropriately qualified” is an assessment of the LSA with respect to the specialist skills that a person has in assessing, prescribing or recommending. | | Reflecting better the wording form the Act |
| 3. | Add “usually” | Discharge Plan is the plan that usually documents a participant’s assessed treatment, care and support needs required post-discharge from an inpatient facility. | | Reflecting scheme experience |
| | Clarify name of AROC | Australasian Rehabilitation Outcomes Centre | Australian Rehabilitation Outcomes Centre | Updated name for AROC |
| 3. | Family definition | Family also includes, parents and/ or the legal guardian of a participant. Where used in these Rules, parent, guardian, legal guardian will imply “family”. | | Consistency throughout the Rules |
| | Add definition of “Motor vehicle modification” | Motor vehicle modification is any modification to the structure or fittings of a vehicle where the motor vehicle injury restricts or prevents its use with standard fittings . | n/a | For consistency |
| | Removal of definition of “party” | n/a | Party means someone involved in a dispute such as the eligible person, applicant or an insurer. A reference to a party can include multiple parties. | Already in the Act |
| | Re-wording of “review” definition | Review means a review of a: <ul style="list-style-type: none"> dispute about non-medical matters (sections 33-34 of the Act) and, eligibility (section 36 of the Act); or determination of treatment, care and support needs (section 38 of the Act). | Review means a review of a dispute about non-medical matters (sections 33-34 of the Act), eligibility (section 36) or a determination of treatment, care and support needs (section 38). | For consistency with Act |
| | Re-wording of “rehabilitation” definition | Rehabilitation also includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living. | Rehabilitation is a set of measures which assist individuals who experience, or are likely to experience, disability to achieve and maintain optimal functioning in interaction with their environment, using the following broad outcomes: <ul style="list-style-type: none"> prevention of the loss of function; slowing the rate of loss of function; improvement or restoration of function; compensation for loss of function; maintenance of current function. Rehabilitation includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living. | |
| | Merging of definition of relocation costs into Part 10 Section 9 | n/a | Relocation costs are costs directly related to moving from one home to another. | Doesn’t fit into the definitions section |
| 3. | Addition of definition of workplace modifications | Workplace modifications are modifications to fittings of a workplace beyond the requirements of the <i>Disability Discrimination Act 1992 (Cth)</i> | n/a | New section added to Rules |
| 4.2 | Change ‘caused’ to ‘caused by’ | Pursuant to section 3(4) of the Act, a motor vehicle injury will only be regarded as being caused by or arising out of the use of a motor vehicle that is a tractor, agricultural machines such as quad bikes, mobile fork lifts or self-propelled lawn care machine if: | Pursuant to section 3(4) of the Act, a motor vehicle injury will only be regarded as being caused or arising out of the use of a motor vehicle that is a tractor, agricultural machines such as quad bikes, mobile fork lifts or self-propelled lawn care machine if: | Consistency |

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| 7.2 & 7.3 | Separating longer 7.2 into 2 standalone rules | | | |
| 14.1, 14.1.2 & 14.1.3 | Clarified terminology to match the Act | 14.1 If a participant/ applicant has lodged a dispute to a review officer, or referred a dispute to an expert review panel, they are entitled to: 14.1.1 14.1.2 make written submissions about any aspect of the dispute or issues in dispute which will be forwarded to the review officer or expert review panel; and 14.1.3 receive the written determination issued by the review officer, or the certificate issued by the expert review panel. | 14.1 If a participant/ applicant has made a request for a dispute referral to an assessor or expert review panel, they are entitled to: 14.1.1 14.1.2 make written submissions about any aspect of the dispute or issues in dispute which will be forwarded to the assessor or review panel; and 14.1.3 receive the certificate issued by the assessor or expert review panel. | Clarified terminology to match the Act |
| 15.1 & 15.4 | Incorporation of assessor | 15.1 If a party considers that an assessor, a review officer or an expert review panel has made an obvious error in a determination/ certificate, that party may apply to the LSA to have the error corrected within 14 days of the date on the determination/ certificate. 15.2 15.3 15.4 The assessor/review officer/ expert review panel may issue a replacement determination/ certificate that corrects any obvious error and that will replace the previous determination/ certificate. | 15.1 If a party considers that a review officer/ expert review panel has made an obvious error in a determination/ certificate that party may apply to the LSA to have the error corrected within 14 days of the date on the determination/ certificate. 15.2 15.3 15.4 The review officer/ expert review panel may issue a replacement determination/ certificate that corrects any obvious error and that will replace the previous determination/ certificate. | Edited in reflection on dispute/reassessment section |
| Part 2 3.1 | Reduced words | 3.1 Eligibility for interim and lifetime participation is limited to people injured in a motor vehicle accident who meet one or more of the following injury criteria at the time that the application is made. | 3.1 Eligibility for interim participation and eligibility for lifetime participation is limited to people injured in a motor vehicle accident who meet one or more of the following injury criteria at the time that the application is made | Simpler expression |
| 4.6.1 | Clarify nomenclature | 4.6.1 The South Australia Compulsory Third Party (CTP) Injury Claim Form (if it has been completed) or other personal injury claim forms | The Compulsory Third Party Claim Form (if it has been completed) or other personal injury claim forms | Changes to CTP |
| 5.1 | Added one month- extension of time for FIM™ or WeeFIM® assessment | 5.1 The FIM™ or WeeFIM® assessment must be conducted within two months (before or after) of the date of the initial completed application to the Scheme. | The FIM™ or WeeFIM® assessment must be conducted within one month (before or after) of the date of the initial completed application to the Scheme. | Added one month due to practical scheme experience - sometimes with the discharge of the injured person from hospital, the FIM assessment is delayed |
| 8.1 and 8.2 | Added suspension period | 8.1 Subject to the other provisions of this Rule, a participant should not remain an interim participant for more than two years, including any period of suspension. The LSA may extend the interim participation period if it considers necessary, for example on the advice of an appropriately qualified specialist or in exceptional circumstances. 8.2 With the exception provided at rule 8.5, the maximum period for interim participation, including any period of suspension, is three years from the date of acceptance into the Scheme. | Subject to the other provisions of this Rule, a participant should not remain an interim participant for more than two years. The LSA may extend the interim participation period if it considers necessary, for example on the advice of an appropriately qualified specialist or in exceptional circumstances. With the exception provided at rule 8.5, the maximum period for interim participation, is three years from the date of acceptance into the Scheme. | Limited suspension to 3 years. |
| 10.3 | Removed | N/A | 10.3 The FIM™ or WeeFIM® scores must be completed within one month (before or after) of the date of the request for lifetime participation. | Already at 12.1 |
| 11.3 | Added para | 11.3 If a participant refuses to engage with the process above, the LSA may conduct the assessment based on the available information, or suspend the participant. | n/a | Scheme experience |
| 12.1 | Made consistent with above | 12.1 The FIM™ or WeeFIM® assessment must be conducted within two months (before or after) of the date of a request from a participant or when the LSA requires it, in order to transition the participant to lifetime participation. The most recent assessment will be used. | 12.1 The FIM™ or WeeFIM® assessment must be conducted within one month (before or after) of the date of a request from a participant or when the LSA requires it, in order to transition the participant to lifetime participation. | Consistent with changes above from 1 to 2 months |
| Part 4 2.2 | Slight change to wording | 2.2 Treatment care and support services included in the bed day fee when the participant is an inpatient will not be paid for separately. | | Simpler language |

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| 3.3, 3.9 & 3.9.1 | Change "injury" to "injuries" | | | Clarity of language between eligible injury and MV injuries |
| Part 5 3.1 | Change "examination" to "assessment" | | | Clarity of language used. Scheme experience |
| 4.1 | Added : "during" | | | Scheme experience |
| Part 7 1.4 | Removed words. | | "requested by or on behalf of the participant" | Scheme experience - |
| 2.3 | Add: "and pre-injury participation in the community." | | | Scheme experience |
| 3.2 | Add "day leave" | | | Scheme experience |
| 5.3 | Add "or family member" | | | Scheme experience |
| 6.1 | Removal of: "for capital" | | | clarity |
| 8.5 | Word order change and removal of "expenses" | 8.5 The LSA may set limits on the provision of these services and will make these available on the LSA website | 8.The LSA may set a limit on providing these expenses services and will make these limits available on the LSA website . | clarity |
| Part 8 1.4 1.5 | Removal of: "In a case where services must be provided by an approved provider" | | | clarity |
| 3.1 | | The fees for attendant care services payable by the LSA are those specified in the LSA's current Fee Schedule for Approved Attendant Care Providers and will be published, from time to time, in the Gazette, and on the LSA's website. | The fees for attendant services payable by the LSA are those specified in the LSA's current Fee Schedule for approved providers and will be published, from time to time, in the Gazette. | Fix error in language Add to website |
| Part 9 2.1 | Rewording | 2.1 Equipment prescription is the process of assessing participant's needs, selecting, trialling, modifying, evaluating and eliminating equipment to determine the most appropriate equipment item(s). Equipment prescription is more detailed than a referral for equipment provision or the identification of need for equipment | 2.1 Equipment prescription is the process of selecting, trialling, modifying, evaluating and eliminating equipment to determine the most appropriate equipment. Equipment prescription is more detailed than a referral for equipment prescription or the identification of need for equipment | Scheme experience |
| 2.4.4 | New subrule | 2.4.4 detailed specifications and corresponding supplier quote for the prescription of customised equipment items | | Scheme experience |
| 4 | Changed example from "oven" to "vacuum". | | | clarity |
| 4.3.3 | New section | The provision of the item is included in a bed fee for participants who are inpatients or receiving residential care. | | Consistency with continence equipment criteria |
| 6.1 | Deletion of reference to DES | | | Scheme experience |
| 7.3 | Changed example from "bed" to "tennis racquet". | | | clarity |
| 10.2 | Rewording | appropriately qualified for continence prescription | with appropriately qualified experience for continence prescription | Clarity of language |
| | Rewording | A review date based on the participant's needs should be set at the time of each prescription. | A review date based on the participant's needs should be set at the time of assessment. | Clarity of language |
| 11.1 | Inclusion of "linen" | | | Scheme experience |
| 12.6.4 | Replaced "facilitation" with inclusion and split it from above para | | | clarity |
| 12.7.2 | Added sentence | 12.7.2 to access a tele rehabilitation program/telemedicine; | | Scheme experience |
| Part 10 4.2 | Rewording | The assessment will include the participant's current functional status, projected long term needs and their proposed home environment. | The assessment will include the participant's functional status and their proposed home environment. | Scheme experience |
| 5.3 | Add: "or major" | | | |
| 5.4 | New sentence | and should take place only after the completion of the funded works (unless the LSA agrees in writing) | | Scheme experience |
| 7.4 | Add: "generally" | | | Scheme experience |
| 7.5 | New sentence | The LSA will consider funding the cost of relocating to a more suitable premises such as removalist fees | | Scheme experience |
| 10.2 | Removal of publishing of amount on LSA website | | | Simplification |
| 10.3 | New wording | an assessment by a suitably qualified occupational therapist | | Scheme experience |

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| 11.1 | | Modifications will be approved by the LSA following the receipt of an agreed scope of works and a quotation for works to deliver the proposed modifications. | Modifications will be approved on an as-needed basis. A quotation is required for works to deliver the proposed modifications. | Scheme experience |
| 11.3 | | The home modification must be in accordance with the scope of works and quotation approved by the LSA and in accordance with the Discharge Plan or MyPlan. Any variations to the job specifications must be approved by the LSA in writing, prior to the work being completed. | The home modification must be in accordance with any quotation approved by the LSA and in accordance with the Discharge Plan or MyPlan and job specifications submitted to the value of the approved quotation. | Scheme experience |
| 12.2 | New wording | the reason for this, such as shared parenting arrangements versus a holiday home | | Scheme experience |
| 13.2 | New subrule | If subsequent home modifications are requested, the LSA expects that the participant will locate a property that does not require substantial modification. The LSA does not consider it reasonable that a participant with significant functional limitations chooses to move to a home where substantial modifications need to be undertaken to allow them to reasonably access the home or parts of the home. | | Consistency with relocating to a new home section |
| 15.1.12 | New wording added to existing | unless these items have required removal due to the home modifications and replacement of like for like items is agreed to and included in the scope of works. | | Scheme experience |
| 16.4 | rewording | Where an increase in the total consumption of energy can be shown to relate directly to the running of the room temperature control equipment, the LSA may contribute to the costs associated with its operation, if the participant is unable to self-regulate their body temperature as a result of the motor vehicle injury. | Where an increase in the total consumption of energy can be shown to relate directly to the running of the room temperature control equipment, the LSA may contribute to the costs associated with the operation of room temperature control equipment if the participant is unable to self-regulate their body temperature as a result of the motor vehicle injury. | clarification |
| 16.5.4 | New wording added to existing | and the increase from pre-accident costs to current costs where the comparisons are able to be applied | | Scheme experience |
| 16.8 | Add: "concessions" | | | Scheme experience |
| 17.1 | Add: "generally" | | | Scheme experience |
| 18.2.2 | New wording added to existing | or is outside the Adelaide metropolitan area | | Scheme experience |
| 19.7 | Add: "arrangements" | All ongoing accommodation arrangements requires prior approval in writing by the LSA. | All ongoing accommodation requires prior approval in writing by the LSA. | clarity |
| Part 11 1.1 | New section | This Part applies in relation to services referred to in section 4(1) of the Act. | n/a | consistency |
| 1.3.1 | rewording | 1.3 A participant is eligible for modifications to a motor vehicle if: 1.3.1 the participant has a physical, sensory and/or cognitive disability, as a result of the motor vehicle injury, which prevents them from safely driving, accessing or travelling as a passenger in an unmodified motor vehicle; | 1.2 A participant is eligible for modifications to a motor vehicle if: 1.2.1 the participant has a physical, sensory and/or cognitive disability as a result of the motor vehicle accident which prevents them from safely driving, accessing or travelling as a passenger in an unmodified motor vehicle; | Consistency of language |
| 1.3.3 | Changed: "and" to "or" | 1.3 A participant is eligible for modifications to a motor vehicle if: 1.3.3 the participant owns or has access to a motor vehicle on a regular basis; and/or | 1.3 A participant is eligible for modifications to a motor vehicle if: 1.3.3 the participant owns or has access to a motor vehicle on a regular basis; and | Additional flexibility |
| 2.5 | rewording | The LSA will only pay for modifications to a motor vehicle that are commercially available features, required as a result of the motor vehicle injury and when the participant's motor vehicle does not already have them. | The LSA will only pay for modifications to a motor vehicle that are commercially available features, when required as a result of the motor vehicle injury and the participant's motor vehicle does not already have this feature. | clarity |
| 2.6 | rewording | Modifications, other than minor modifications, must be completed in accordance with the applicable jurisdiction's legislation in force at the relevant time. | Modifications, other than minor modifications, must be completed in accordance with the applicable South Australian legislation in force at the relevant time. | Scheme experience |
| 2.7.2 | Deleted: "once fitted" | | | Scheme experience - can happen prior |
| 3.2 | Deleted: "which falls within the scenarios contemplated by rule 20.2" | | | Remove circular reference |
| 4.2.2 | Add: | "unless in exceptional circumstances" | | Scheme experience |

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| Part 14 2.2.2 | rewording | 2.2.2 the service has been agreed to by the participant who was involved in the decision-making process and is willing to commit to the training program; | the service has been requested in writing by the participant who was involved in the decision-making process and is willing to commit to the training program; | Scheme experience |
| 2.3.4 | Delete: "requested" | | | Scheme experience |
| 2.4.3 | rewording | necessary and reasonable travel expenses to and from the approved training ; and | travel expenses to and from the approved training; and/or | Scheme experience |
| 3.1.3 | rewording | Work Health and Safety requirements; | Occupational Health and Safety Requirements | Legislative change to terminology |
| Part 15 2.1 | rewording | The LSA may choose on a case by case basis to pay the necessary and reasonable costs of treatment, care and support incurred by a participant while travelling overseas. | The LSA may choose on a case by case basis to pay the necessary and reasonable costs of care incurred by a participant while travelling overseas | Inclusion of treatment, care and support terminology |
| 3.4 | New section | Home/vehicle/ workplace modifications undertaken for participants living overseas will have to comply with any local requirements. | n/a | Scheme experience |
| Part 16 1.9.4 | New section | the participant no longer has decision making capacity or their carer/guardian no longer has authority to act on their behalf. | n/a | Scheme experience |
| 2.1 | Add: | 2.1.3 a mixture of the above | | Scheme experience |
| 2.2 | Simplified | 2.2 Participants can request assistance from the LSA in engaging service providers. 2.3 The rules in relation to approved providers will also apply. | Participants will be required to work with the LSA to ensure their selected support and attendant care providers meet the LSA's policies for the screening, selection and management of providers, prior to the provider being engaged. The rules in relation to approved providers will also apply. | Scheme experience |
| 4.2.3 | Added "international" | | | Scheme experience |
| Part 17 7.1 | Added "buy-in" to "participant" | | | |
| Part 18 | Name change | "Rules for review of participant's treatment care and support needs" | Rules for disputes about participant's treatment, care and support needs | For consistency with Act |
| 2.1 & 2.3 | rewording | "Disagrees with" | disputes | For consistency with Act |
| 2.4 | rewording | Provide a certificate of | certify | For consistency with Act |
| 2.5 | Added: outcome of the | outcome of the reassessment | | |
| 2.8, 3.2 & 5.5 | rewording | "The review" or "review" | disputes | For consistency with Act |
| 5.1 | rewording | A request for review can be made by a participant under section 38(3) of the Act. | An assessment or reassessment can be disputed by a participant under section 38(3) of the Act. | Changed to match Part 5 Division 3 of the Act |
| Part 19 | New | | | |
| Part 20 | New | | | |
| Part 21 | New | | | |
| Part 22 | New | | | |