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WORKERS COMPENSATION (HEARING AIDS FEES) ORDER (No. 2) 2014

under the

Workers Compensation Act 1987

I, Vivek Bhatia, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 61 (2) of the Workers Compensation Act 1987.

Dated this 8th day of September 2014.

VIVEK BHATIA,
Chief Executive Officer,
WorkCover Authority

Explanatory Note

Workers in NSW with at least 6% binaural hearing loss where exposure to workplace noise was the main contributing factor can request hearing aids. Treatment by a hearing service provider is a category of medical and related treatment under section 60 of the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for provision of treatment and hearing aids by a hearing service provider to an injured worker who has suffered hearing loss due to a work related injury.

Schedule A to this Order provides for maximum fees for the provision of treatment and hearing aids by a hearing service provider, as defined in the Order. Schedule B outlines the procedure that must be followed for provision of treatment and hearing aids.

Workers Compensation (Hearing Aids Fees) Order (No. 2) 2014

1. Name of Order

This Order is the Workers Compensation (Hearing Aids Fees) Order (No. 2) 2014.

2. Commencement

This Order commences on 10 September 2014.

3. Definitions

In this order:

Age of Retirement means the age at which a person would, subject to satisfying any other qualifying requirements, be eligible to receive an age pension under the Social Security Act 1991 of the Commonwealth.

Audiologists are university graduates with tertiary qualifications in audiology who specialise in the assessment, prevention and non-medical management of hearing impairment and associated disorders of communication. Audiologists are required to be a full/ordinary member or be eligible for full/ordinary membership of either the Audiological Society of Australia (ASA) or full/ordinary membership of the Australian College of Audiology (ACAud).

Audiometrists hold a qualification from a registered training organisation such as TAFE NSW followed by on-the-job training. Audiometrists also specialise in the nonmedical assessment and management of communication difficulties caused by hearing loss. Audiometrists are required to be a full/ordinary member or be eligible for full/ordinary membership of the Australian College of Audiology (ACAud) or full/ordinary membership of the Audiometrist Society of Australia (HAASA).

Eligible worker means a worker who is entitled to receive medical and related treatment, noting that section 59A of the Workers Compensation Act 1987 limits entitlement to medical and related treatment to twelve months from the date of the claim being made, unless there is an entitlement to weekly payments.

Exempt worker means a police officer, paramedic, fire fighter, volunteer fire fighter, volunteer emergency worker, or coal miner.

Existing claim means a claim for compensation in respect of an injury made before 1 October 2012.

GST has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 (Cth).

Hearing needs assessment includes obtaining a clinical history, hearing assessment as per Australian Standard 1269.4/05, determination of communication goals, recommendation of hearing aid and clinical rationale for hearing aid.

Hearing aids are non-implantable electronic instruments designed and manufactured to provide amplification for people with a hearing loss.

Hearing service provider refers to providers approved by WorkCover to provide hearing aids to injured workers. A list of WorkCover approved hearing service providers is found at www.workcover.nsw.gov.au or by phoning 13 10 50.

Hearing rehabilitation includes education of the injured worker in appropriate use of the hearing aid to meet their needs.

Industrial Deafness means hearing loss that is attributable to prolonged exposure to high levels of workplace noise.

Insurer means an insurer within the meaning of the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998 and includes Scheme agents and self and specialised insurers.

The Act means the Workers Compensation Act 1987.

WorkCover means the WorkCover Authority of New South Wales.

4. Application of the Order

This Order applies to claims for compensation, for the provision of hearing aids and treatment, made on or after the date of commencement of this Order, whether it relates to an injury received before, on or after that date.

5. Maximum Fees

- (1) The maximum fee amounts for which an employer is liable under the Act for provision of treatment and hearing aids by a hearing service provider to an injured worker are listed in Schedule A.
- (2) No fees are payable by or on behalf of an employer for treatment or hearing aids provided by a person who is not a WorkCover approved hearing service provider or for services not referred by an ear nose and throat (ENT) specialist trained in the relevant chapters of the WorkCover Guides for the Evaluation of Permanent Impairment and listed as a trained assessor on the WorkCover website.

6. Goods and Services Tax

An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a hearing service provider to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

SCHEDULE A

Maximum fees for hearing aids and services

For the purpose of section 61 of the Act, the maximum fees for the provision of hearing aids and services in connection with a claim for compensation for hearing loss are as follows:

<i>Item</i>	<i>Service description</i>	<i>Maximum amount (excl. GST)</i>
AID002	Hearing needs assessment – Audiologist	\$187.90
AID002	Hearing needs assessment – Audiometrist	\$154.80
AID003	Supply of hearing aid (including remote control)	Wholesale price of hearing aid to maximum of \$2,500.00 per aid
AID002	Handling fee (monaural or binaural hearing aid/s) payable upon supply of hearing aid	\$276.30
AID002	Fitting of hearing aid/s including: <ul style="list-style-type: none"> • Fitting • Trial of hearing aid for up to 30 days • All necessary hearing rehabilitation for the injured worker within the first 12 months following supply and fitting • Maintenance as per the manufacturer’s warranty. For exempt workers or an existing claim where the worker has not reached the age of retirement this is paid only once per worker in any five year period unless prior approval obtained from insurer.	\$663.10 (monaural) \$1,105.10 (binaural)

<i>Item</i>	<i>Service description</i>	<i>Maximum amount (excl. GST)</i>
AID002	Hearing aid repairs Payable only if a copy of manufacturer's invoice for repairs is provided Only applicable within 12 months of supply for eligible workers	Up to \$364.70
AID002	Hearing aid review/minor maintenance Only applicable within 12 months of supply for eligible workers	\$132.70
AID003	Hearing aid battery/consumables supply Only applicable within 12 months of supply for eligible workers	\$110.60 per hearing aid

Note: Incorrect use of an item may result in WorkCover taking action to recover money that has been incorrectly received.

SCHEDULE B

WorkCover NSW procedures for the provision of hearing aids

Workers in NSW with at least 6% binaural hearing loss where exposure to workplace noise was the main contributing factor can request hearing aids as a medical expense under section 59 of the Act. The procedures for obtaining them are outlined below.

OVERVIEW

Medical support for the provision of hearing aids

The nominated treating doctor (NTD) is to make a referral to an ENT specialist who has undertaken training in the relevant chapters of WorkCover Guides for the Evaluation of Whole Person Impairment and is listed on the WorkCover website as a trained assessor of permanent impairment (hearing) for assessment.

For the purposes of prescribing hearing aids, the ENT specialist will determine:

- the level of binaural hearing loss, and
- the proportion of the hearing loss that is attributable to workplace noise, and
- whether the worker would benefit from provision of hearing aids.

The ENT specialist may refer the worker to a WorkCover approved hearing service provider for the purposes of a hearing needs assessment and quote for the supply of hearing aid/s. If the ENT specialist is a WorkCover approved hearing service provider they may complete the hearing needs assessment and quote.

Selection of hearing aid and quote

The hearing service provider is to complete a hearing needs assessment, select a suitable aid and prepare a quote for the fitting and supply of the aid, in accordance with the WorkCover fees and costs set out in Schedule A. The assessment and quote are submitted to the insurer.

A quote must be forwarded to the insurer and approval must be provided by the insurer prior to the fitting and supply of a hearing aid. The quote must include:

- (a) the worker's contact details,
- (b) a full description of the hearing aid to a maximum of \$2,500.00 per hearing aid,
- (c) an outline of why the hearing aid is reasonably necessary for the injured worker in overcoming the effect of the hearing impairment under section 60 of the Act including clinical rationale for the selected hearing aid,
- (d) the audiogram the recommendations are based upon,
- (e) details of the person who provided the assessment and quote,
- (f) hearing service provider details including ABN and WorkCover approval number
- (g) service fees in accordance with the Workers Compensation (Hearing Aids Fees) Order (No. 2) 2014, including handling and fitting fee.

Insurer approval

The insurer will make a decision on whether to approve the fitting and supply of the hearing aid. In making the decision the insurer must consider the reported hearing needs of the worker and the quoted fees and costs.

Fitting and supply of hearing aid

Once approved, the worker is fitted and supplied with the recommended hearing aid for up to a 30-day trial. If the trial is successful, the hearing service provider advises the insurer and invoices for the fitting and supply of the hearing aid, in accordance with the approved quote. If the trial is unsuccessful, the provider advises the insurer and invoices for the hearing needs assessment only.

Review of hearing aid

Within 12 months of the date of claim, the eligible worker may visit the hearing service provider for a review of their hearing aid. If the eligible worker requires ongoing use of their hearing aid, the hearing service provider will provide 12 months supply of batteries. The insurer is not liable to pay any costs for hearing aids or hearing services or batteries more than 12 months from the date of claim, except if for an existing claim or if the worker is an exempt worker or is in receipt of weekly payments as a result of their hearing loss.

Request for replacement hearing aid

Except for exempt workers and existing claims, the insurer will, if required, pay the cost of one replacement of the supplied hearing aid within 12 months of the date of claim, if:

- the hearing aid is lost or damaged and the loss or damage is not covered by warranty or other insurance, or
- the worker's hearing loss further deteriorates and the worker can no longer communicate effectively using the current hearing aid.

For exempt workers and existing claims where the worker has not reached the age of retirement payment for a replacement hearing aid is payable once per worker in any five year period unless prior approval is obtained from the insurer.

Further claims for hearing loss

Except for exempt workers, a separate claim may be submitted if the worker's hearing loss deteriorates more than 12 months after the initial claim is made, and they have remained in noisy employment and workplace noise was the main contributing factor in their further hearing loss.

By Authority

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