

SIRA

Draft Guidelines for the Provision of Relevant Services (Health and Related Services)

Briefing for IMCs & ICs

Today's presentation

1. Recap on the legislation and regulation
2. Guidelines in context
3. Key content of guidelines

AIM OF THE REGULATORY FRAMEWORK

Healthcare services provided:

are
appropriate,
timely, cost
effective

contribute
directly to
improving
health
outcomes

Recap

June 2022

Legislation amended: SIRA may give directions to relevant service providers



December 2022

Regulation: defines “relevant services” and outlines circumstances where a direction can be issued



February 2023

Draft statutory guidelines consultation: outlines SIRA’s service and billing requirements

What can SIRA direct providers to do?

SIRA can

1. Direct relevant service providers
 - to supply claim-related data and information
 - to take specific action
 - to provide (or not provide) specified services in a specified way
 - not to provide services.
2. Issue guidelines for provision of services

It is a breach of an insurer's license to engage a service provider who has been excluded from providing services via direction from SIRA

See sections 26A-G, State Insurance and Care Act 2015

What is a 'relevant service'?

- | | | |
|--|--|---|
| a) Audiology and audiometry services | o) Patient transport services | treatment or therapy services |
| b) Chinese medicine services | p) Pharmaceutical services | x) Domestic assistance services, including household cleaning and laundry, lawn or garden care, and transport services, |
| c) Chiropractic services | q) Physiotherapy services | y) Private hospital and day surgery services, including inpatient and outpatient services |
| d) Counselling services | r) Podiatry services | z) Workplace rehabilitation services |
| e) Dental services | s) Psychology services | |
| f) Dietetics and nutrition services | t) Rehabilitation services | |
| g) Exercise physiology services | u) Social work services | |
| h) Massage therapy services | v) Speech therapy services | |
| i) Medical radiation practice services | w) Services related to the provision and maintenance of aids, appliances and prostheses, including artificial body parts or other artificial aids, aids for activities of daily living, mobility aids, and equipment provided as part of | |
| j) Medical services | | |
| k) Nursing services | | |
| l) Occupational therapy services | | |
| m) Optometry services | | |
| n) Osteopathy services | | |

Continued....

Continued...

za) services provided by a health practitioner, not involving treatment, consisting of –

- i. a medical opinion on the treatment or cause of an injury, or
- ii. an assessment of a permanent impairment, or
- iii. a peer review, or
- iv. facilitating discussions between an injured person and doctors, insurers, employers and other service providers to manage the rehabilitation of the injured person.

zb) administrative services relating to the following –

- i. referrals, including receiving referrals from or making referrals to, or on behalf of, a health practitioner,
- ii. administrative functions associated with producing medical evidence relating to a person's injury, functioning or impairment,
- iii. access to medical documents, including medical certificates or radiology or medical imaging,
- iv. centralisation or coordination of referrals or appointments and other administrative functions,

zc) medication management and review, including the assessment and analysis of medication use, cost and prescriber behaviour.

(2) Subsection (1)(zb) does not include administrative services relating to the provision of legal advice to, or representation of, an injured person regarding a claim or dispute under the workers compensation and motor accidents legislation.

When can a direction be issued?

SIRA may give a direction to a relevant service provider who has:

Failed to comply with WC or CTP legislation

Failed to comply with guidelines issued under SICG Act or WC/CTP legislation

Been referred to, or under investigation by, a relevant clinical, professional or accreditation body

(Clause 4C, State Insurance and Care Regulation 2021)

Draft Guidelines in context

State Insurance and Care Governance Act 2015

26E Guidelines for provision of relevant services by relevant service providers

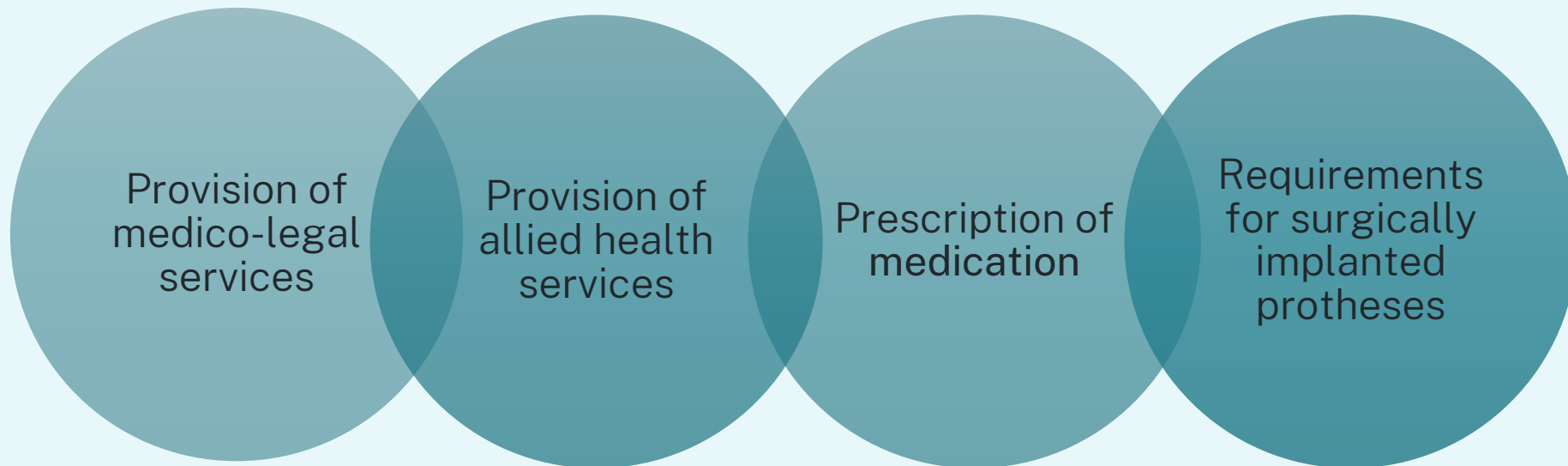
- (1) SIRA may issue guidelines concerning the provision of relevant services by relevant service providers.

State Insurance and Care Governance Regulation 2021

- (3) A direction may be given to a relevant service provider in the following circumstances—
 - (b) the relevant service provider has not complied with guidelines issued under—
 - (i) the Act, section 26E, or

What's in the draft guidelines?

1. A code of conduct for relevant service providers
2. SIRA's billing and service requirements
3. Specific requirements for the:



Some key inclusions (1)

Code of Conduct

Be professional,
honest and
impartial

Treat people with
empathy and
respect

Not engage in
overservicing or engage
in behaviour that leads
to overbilling or
delivering more services
than necessary

Not provide or bill for
relevant services in a
misleading or deceptive
way intended to result in
financial or personal
gain

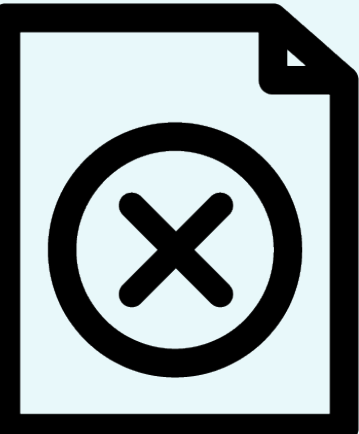
Manage conflicts of
interest to ensure
services provided best
meet the needs of
injured persons

Always respect the
confidentiality of injured
persons' personal and
health information

Some key inclusions (2)

Note – this part of the draft guidelines (para 21) will be re-drafted to make it clear SIRA has discretion whether to take action on these matters.

Relevant service providers must not have



Had their registration or licence limited, subject to a condition, suspended or disqualified by the relevant registration or licensing body

Had a complaint upheld or action taken against them by insurance, compensation or health authorities, or a government agency

Been convicted of a criminal offence, have any pending criminal charges, or any civil proceedings lodged against them.

Some key inclusions (3)

Some content has been partially adapted/adopted

Part 5

(Requirements for prescription of medication)

Medication management in the NSW personal injury schemes

Better practice guide

Part 6

(Requirements for provision of relevant medico-legal services)

Motor Accident Guidelines

State Insurance Regulatory Authority

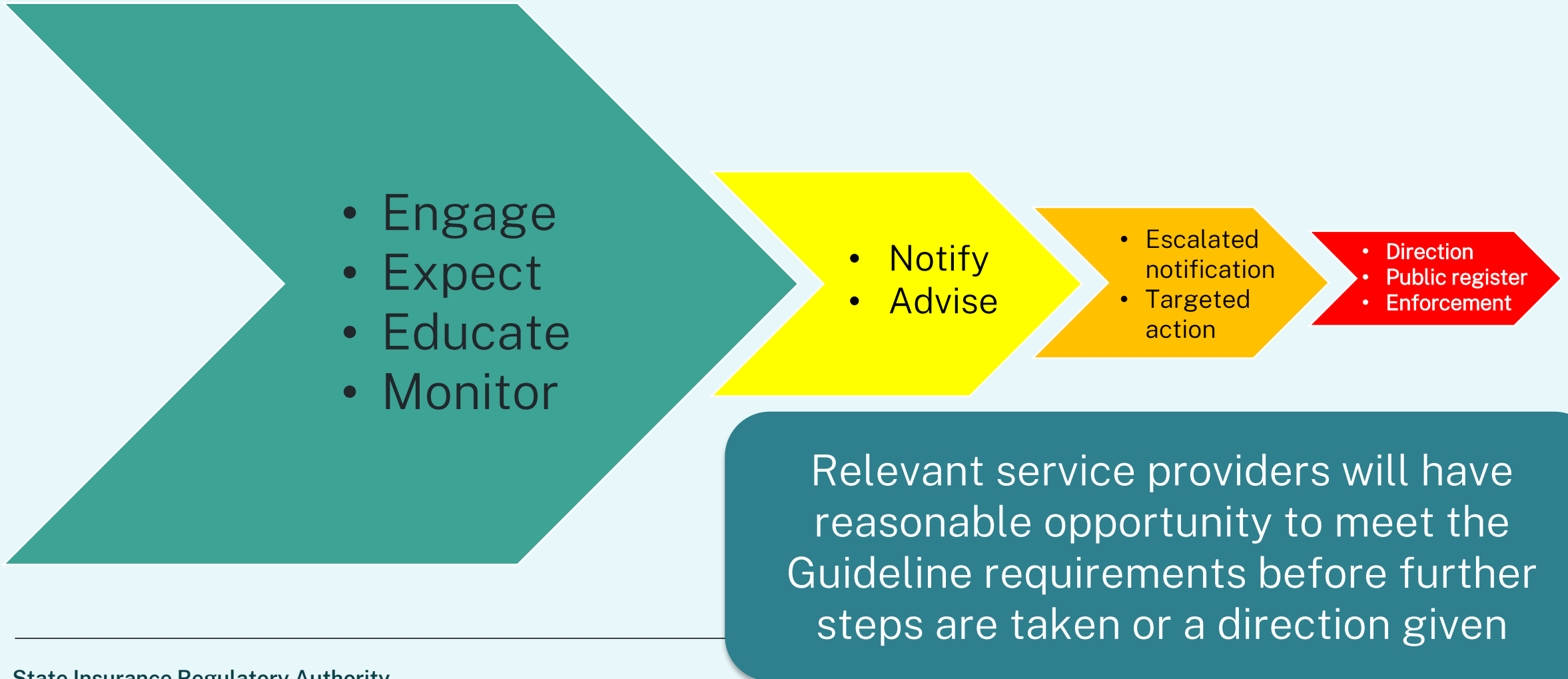
Part 9

(Requirements for billing for relevant services)



current WC fees orders

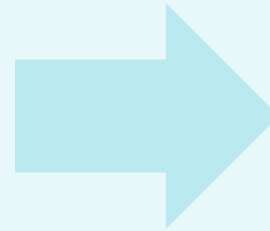
SIRA's approach to compliance with the Guidelines



Who will make the decision to issue a s26(1)(c) or (d) direction ?

The final decision will be made on an executive level in SIRA due to the seriousness of the decision

To ensure the decision is an appropriate and proportionate response, SIRA will consult internally and seek advice across areas of expertise



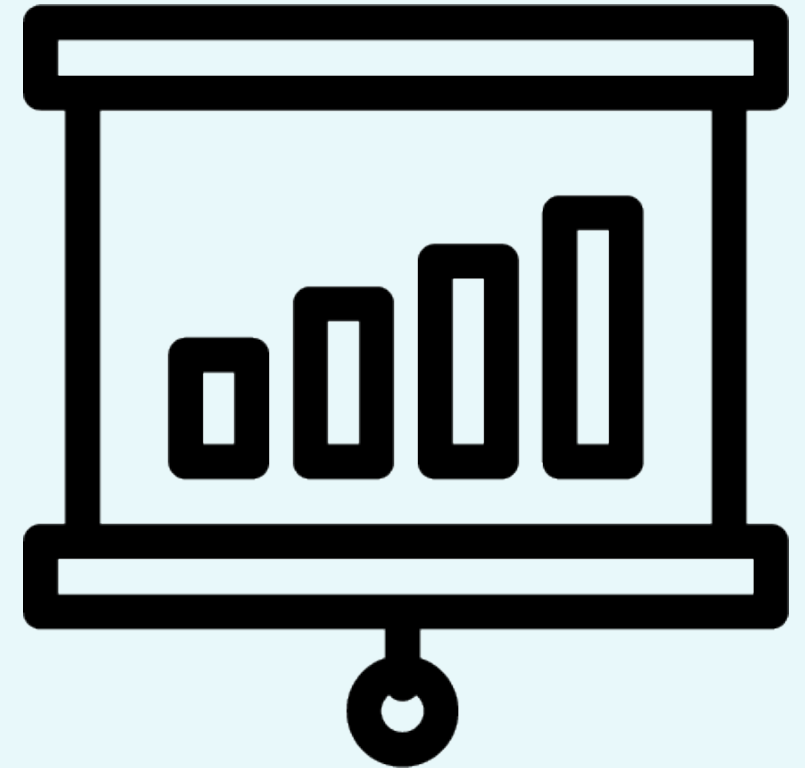
SIRA's decision-making will be best practice and comply with administrative law principles

Communicating the guidelines

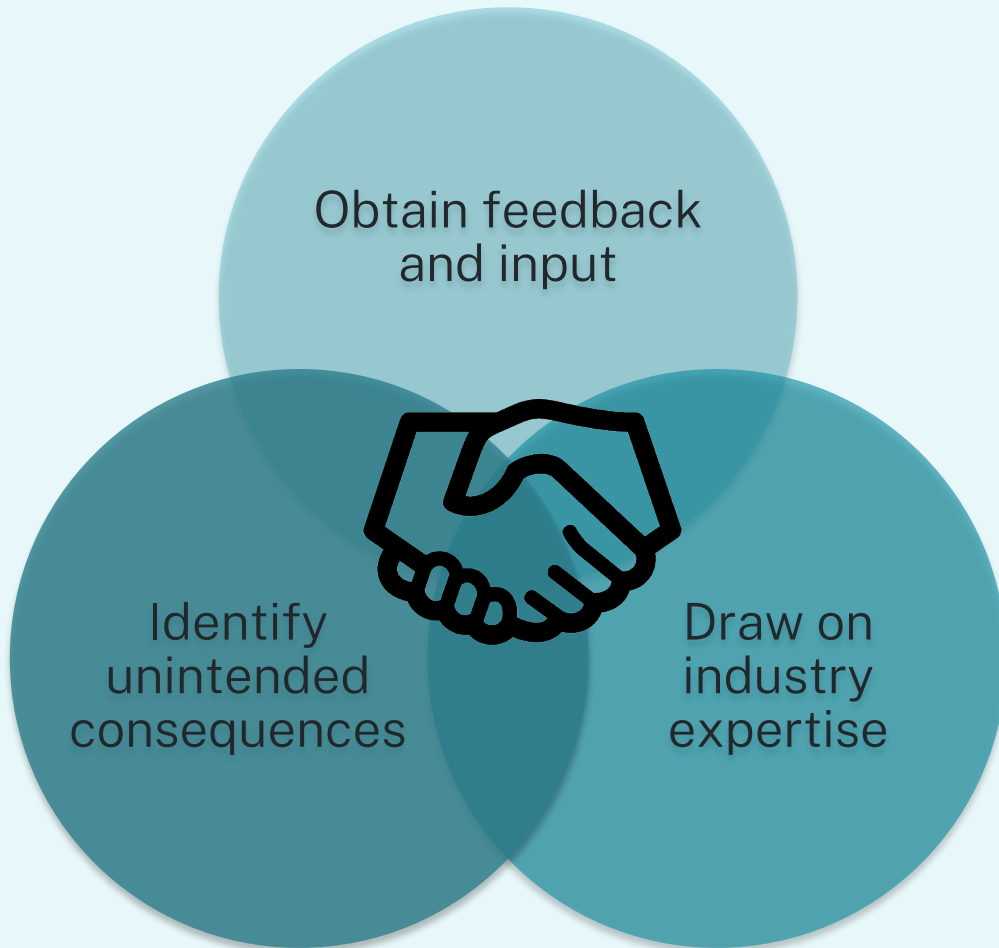
When the guidelines are published,
SIRA will undertake comms and
education activities



Including plain English
factsheets



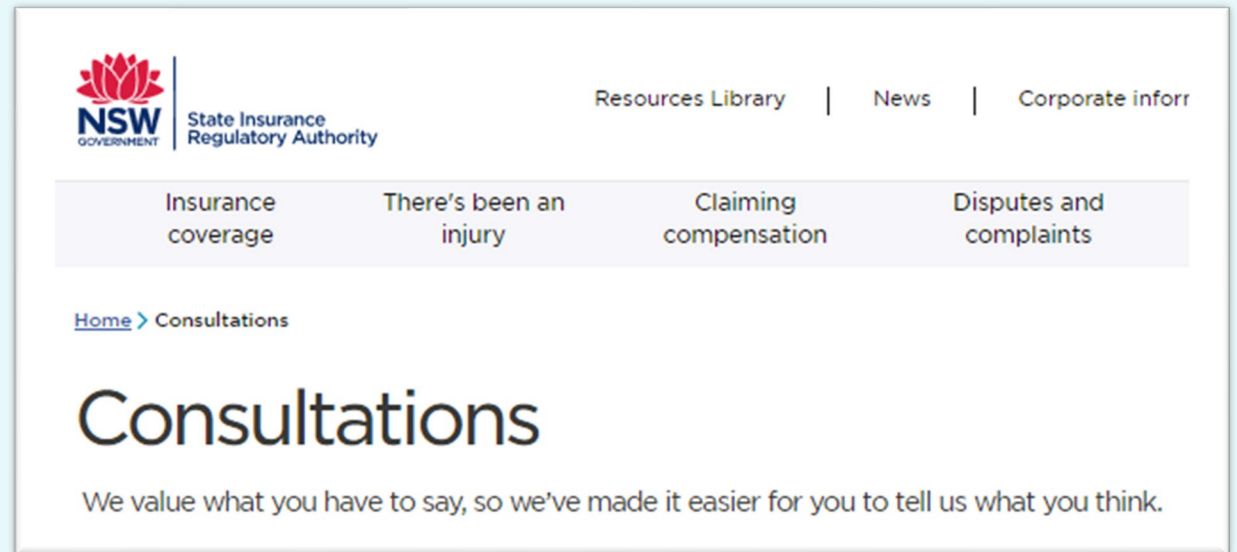
Purpose of consultation



Feedback will be sought from the public and all interested stakeholders

You are welcomed to make a written submission via SIRA's website: <https://www.sira.nsw.gov.au/consultations>

Consultation closes 2 March 2023



Questions or comments?