Australian Government
Department of Health and Aged Care

Hearing Services Program

Compliance Update April 2024

April 2024

Provider Compliance

The Department of Health and Aged Care administers the Australian Government Hearing Services Program. The program works with contracted service providers to support their compliance. The program monitors provider compliance under the Compliance Monitoring and Support Framework. The department completed minor updates to the framework in early 2024.

This Compliance Update includes information on lessons learned from a range of provider engagement, complaints and compliance activities. Topics covered in this update include:

- data breaches
- QP management
- 2023 self-assessment results
- specialist services clients
- dependants
- ambient noise levels

- remote control devices
- recoveries
- device use recording
- compliance framework updates
- compliance support available

Information on how to register for the Provider Webinar on Records and Data Breaches is included below.

Providers should review the update content and implement any changes required to ensure you comply with requirements.

Compliance Issues

Data Breaches

We have been advised of multiple notifiable data breaches by providers. It is essential that all contracted service providers understand privacy and protect personal and sensitive information. Providers must follow the required processes if a potential data breach occurs.

Under the Notifiable Data Breaches (NDB) scheme (Part IIIC of the Privacy Act), a notifiable data breach occurs if:

- there is unauthorised access to, unauthorised disclosure of, or loss of, personal information held by an entity
- the access, loss or disclosure is likely to result in serious harm to any of the individuals to whom the information relates.

Providers must follow the requirements of the NDB scheme. If a notifiable data breach occurs, providers must tell client/s and the Office of the Australian Information Commissioner (OAIC). Providers must also tell the department of any notifiable data breaches (refer 20.6 and 24.1 of the service provider contract).

Information about identifying eligible data breaches and determining serious harm is available on the NDB scheme page of the OAIC website.

Providers must ensure their client records management policy incorporates these requirements.

Records Management Webinar: The program will be running a records management and data breaches webinar for program providers on 2 May 2024. If you would like to participate, please email hearing@health.gov.au with your name, organisation, and email address for the webinar invite.

Practitioner Management

The department has identified a range of issues with the management of qualified practitioner numbers. Issues include non-qualified personnel, providers not linking QPs, not checking PPB membership renewals.

The program has undertaken a range of activities to improve provider compliance. Activities have included:

- Practitioner Professional Body certificates sample page
- Hosting a provider webinar on QP Management (webinar link below)
- Updating the program web pages
- Expanding the provider handbook
- Provider Notice re QP Management
- Confirmation of practitioners in 2023 SAT

Provider QP Webinar Recording: https://share.viostream.com/bfxgwogrraf9sf

A FAQ will be made available on the program website shortly.

2023 Self-Assessment Results

The 2023 Self Assessment Tool (SAT) process ran from 16 October 2023 to 30 November 2023. All providers submitted a SAT for 2023. The program is following up with over 50% of providers on identified issues such as:

- records management
- disclosure of device supply arrangements
- incorrect practitioner listing.

The program encourages all providers to view the Provider 2023 Self-Assessment Report published on the website. Providers should ensure they understand the issues identified and put in place systems and processes to ensure compliance.

Specialist Clients

Providers are reminded that any voucher clients who meet the specialist criteria are eligible for specialist hearing services. These services are delivered through the Community Services Obligations component of the program. To be eligible for specialist hearing services, eligible voucher clients have:

- a 3-frequency average hearing loss of 80dB or more in both ears or
- hearing loss and a severe communication impairment that prevents them from communicating effectively and is caused or aggravated by significant physical, intellectual, mental, emotional or social disability.

Through CSO, clients may be able to receive extra services including extra communication support, and access to a broader range of fully subsidised devices. Parallel services are available from Hearing Australia for eligible voucher clients with an implantable device and a hearing aid on the opposite ear.

Providers who reasonably believes a person is eligible for specialist services must:

- explain specialist services to the voucher holder and how they access specialist services
- allow the voucher 10 business days from the explanation date before contacting the voucher holder about whether they have decided to receive specialist services
- not provide services to the client until they have advised their decision about specialist services
- keep information on the client record about the discussions and the client's decision
- notify the program through the portal by selecting the specialist tick box in the client record

In 2024, the program will be undertaking targeted compliance monitoring of specialist services client management.

Information about specialist services is available on the program website. A portal user guide for managing specialist clients is also available.

Ambient Noise Level Testing

Providers must ensure that all sites used for program services meet the Australian Standard AS/NZ 1269.4 2014. Ambient noise must be conducted at all sites every 3 years to this standard. If assessment services are completed at another location not covered by the standard, the assessment notes must include details of how the practitioner managed the ambient noise.

The standard sets benchmarks for the measurement and testing of ambient noise and provides advice on procedures for conducting pure tone air conduction audiometry. It also sets out conditions under which audiometry should be carried out. Testing should occur during normal business hours. Providers should retest within 3 years if there has been a change in background noise.

Please ensure any external testers use this Australian Standard and certify the testing occurred against this standard. Further information about the standard and program requirements is included in the Provider Handbook available on the program website.

Please note that ambient noise level testing or documenting how ambient noise was managed are requirements for service delivery and claiming.

Dependants

Before submitting a voucher application for a dependant client, please check:

- Do they already exist in the portal, either as a dependant or under their own card/voucher?
- If not, are they eligible directly rather than as a dependant? Ideally, a voucher should be issued with a person's own eligibility information rather than as a dependant. This means that if their partner status changes it won't affect their eligibility or voucher status.

Please also ensure that you enter the *client's* eligibility number in the eligibility number field, not the person to whom they are a dependant.

Remote Controls

There has been an increase in the number of remote controls being claimed through the program. Some providers are claiming for remote controls for almost all aided clients. Please note that the program only funds remote controls where the client is experiencing difficulties in managing the device's programs.

Where suitable, clients should be supported to use related phone app technology. Providers can supply and claim a remote control if the client meets the program requirements. For remote control requirements, please refer to sections 80-82 of the Schedule of Service Items and Fees 2023-24.

Providers must document the rationale for supplying and claiming for a remote control on the client record.

During 2024, the program will implement targeted audits of providers with large remote control claiming rates.

Device Usage

Reviewing and documenting device usage is an important tool to understand the client's use of a device. Helping a client to review and understand their use can also improve client outcomes. It is also an opportunity to check whether there are any issues with their device.

Providers should not rely solely on clients self-reported use of devices. Device logs must be checked where available, and information recorded on the client record/notes. Self-reported use can also be noted.

The program is aware that some software does not save to NOAH once the device is unplugged. Providers must print the device log report and place on the client record where this is a known issue.

Recoveries

Relocated Clients: Provider can contact the program to discuss recoveries for relocated clients. This includes fitting claims when you have accepted a return of devices. The program receives a high volume of enquiries from clients and providers to follow up unrecovered fitting claims. This delays clients' access to new services and devices. The program can recover claims on your behalf if the client has relocated to a new provider.

Audit Recoveries/Reclaiming: If recoveries are required, please ensure you do not recover claims until advised to do so by the auditor. Where available you will be able to reclaim some items. However, you must not reclaim items until your auditor has advised you to.

Provider Compliance Support

The program works ensure clients receive quality hearing services. The program has a range of supports available to help providers and their staff with compliance. These include:

- the program website – www.health.gov.au/hearing-services
- Contact Information Centre – hearing@health.gov.au or 1800 500 726
- Schedule of Services Items and Fees
- Program Resources including Factsheets, Provider Notices, Program Forms, User Guides etc
- Provider Handbook
- Compliance Information

The program also welcomes suggestions on how we can support providers to improve compliance. We are happy to work with individual providers or industry groups to support training, compliance processes and template reviews.

Compliance Framework Update

In early 2024, the program released updates to the Compliance Monitoring and Support Framework. We updated links and did minor edits, and updated the added:

- compliance supports and checks for newly accredited providers

- large provider compliance check information

- the claim review and audit guides

- new QP check processes

- staggered recoveries and payment plan options