



## 2022 Legislative wrap-up & resources to help providers

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Published by: Victor Harcourt, Anita Courtney, Solomon Miller, Libby Pallot, Anthony Massaro, Johanna Heaven, and Matthew Goessler

The 1<sup>st</sup> of December, otherwise known as Aged Care Reform Day, marked the commencement of a significant number of new requirements and obligations, in addition to balancing the day-to-day organisational requirements. We understand the difficult challenges posed by keeping up with these reforms. To help you better understand the new changes, and your obligations as providers, we have prepared this Alert and ways in which we can help you respond to these changes.

### 1. Key Personnel and suitability requirements

From 1 December 2022, providers must be clear about which roles and personnel constitute key personnel, this includes:

- Consider the new suitability criteria before engaging the person; and
- Notify the Commission of any changes in key personnel or any suitability matters within 14 days. This is a shorter timeframe than previously required.

It is an offence for providers and their key personnel not to comply with the legislation.

**Need help getting up to date?** Our aged care team have carefully designed a Key Personnel Package customised for providers across Australia to comply with these new legislative rules. The Key Personnel Package is flexible and allows providers the opportunity to select those legal resources that are relevant to your organisations needs.

Find out about the Key Personnel Package [here](#), or to ask any further questions or purchase, simply email [rkagedcare@rk.com.au](mailto:rkagedcare@rk.com.au) and one of our team members will contact you.

#### Previous Alerts on Key Personnel requirements

To learn more about the Key Personnel changes, our team have published the following Alerts:

- [Government approved providers of aged care subject to the new key personnel requirements](#)
- [Current Key Personnel and Historic Suitability Matters – Are they](#)

### People who can help



#### Victor Harcourt

Principal

+61 3 9609 1693

[vharcourt@rk.com.au](mailto:vharcourt@rk.com.au)

[Connect with me on LinkedIn](#)

Victor leads the Aged Care team and is a senior practitioner in administrative and c

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- [Current Key Personnel and Historic Suitability matters – Are they still suitable to be key personnel?](#)
- [Key Personnel suitability requirements in Aged Care have changed – what providers need to know](#)

## 2. Code of Conduct for approved providers

As at 1 December 2022, providers are now governed by the [Code of Conduct](#). This Code of Conduct applies to providers as well as their governing persons and aged care workers (including subcontracted workers). Providers have a responsibility to take reasonable steps to ensure aged care workers and governing persons comply with the Code. According to the Commission's Guidance for Providers, reasonable steps include ensuring aged care workers and governing persons:

- read and understand the Code and relevant guidance including the Code of conduct – Guidance for aged care workers and governing persons
- undergo regular training and professional development that helps them understand, apply and uphold the behaviours expected under the Code
- understand the consequences of failing to act in accordance with the Code for the organisation and for them personally
- are supported to resolve issues where concerns are identified with their compliance with the Code (for example, through training, guidance and supervision to build skills and capability).

**Need help with next steps?** Our aged care team have prepared an Aged Care Code of Conduct Package available for purchase. A key focus of this is our comprehensive webinar training package aimed at informing your governing body and aged care workers about their obligations. We can help manage your responsibilities by providing certificates of attendance.

Find out about Russell Kennedy's Aged Care Code of Conduct Package [here](#), or to ask any further questions or purchase, simply email [rkagedcare@rk.com.au](mailto:rkagedcare@rk.com.au) and one of our team members will contact you. The resources available can be purchased individually or as a combined pack based on your organisation's needs.

### Previous Alert on the Code of Conduct

To learn more about the main challenges we think the Code of Conduct will create, check out our Alert:

- [Code of Conduct for Aged Care – are you and your workers ready?](#)

## 3. Dual Registration (NDIS and Aged Care)

On 1 December 2020, residential aged care (RAC) providers delivering services to NDIS participants in their facilities automatically became registered NDIS providers. The time has now come for these providers to decide whether to renew registration or cease providing services to NDIS participants.

Regardless of whether you are a transitioned NDIS provider or a RAC provider that has not previously been registered with the NDIS Commission, it is now a requirement for providers to either renew or register as a registered NDIS provider where you have a resident who is an NDIS participant and:

- the services delivered by the RAC provider are managed by the NDIA under the participant's plan;
- the NDIS participant is in Specialist Disability Accommodation provided by the RAC provider;

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provided by the RAC provider,

- there is, or is likely to be, an interim or ongoing need to use an Regulated Restrictive Practice in relation to the NDIS participant in the care provided by the RAC provider; or
- the RAC provider must undertake a behaviour support assessment (including a functional behavioural assessment) or

develop a Behaviour Support Plan for the NDIS participant as part of the provision of its services

**What now?** Our team have developed a range of resources that providers can purchase individually or as a pack to help you to understand how the NDIS intersects with residential aged care and when you should be dual registered. If you are not sure, please feel free to contact a member from our aged care team.

For more information about the Russell Kennedy Dual registration (NDIS and Aged Care) Pack [click here](#), or to ask any further questions or purchase, simply email [rkagedcare@rk.com.au](mailto:rkagedcare@rk.com.au) and one of our team members will contact you.

#### Previous Alert on the dual registration

To better understand who needs to be registered with the NDIS Commission, access our Alert:

- [Dual Registration \(NDIS and Aged Care\) Package for Approved Providers](#)

#### We are here to help

As we come to the end of 2022, the legislative climate continues to change and requires a high level of adaptability from the aged care sector. As providers would be aware, the internal and external pressures are unlikely to slow down any time soon, however by being on the forefront of these changes and having systems and processes in place will help ensure consumer care is always at the centre. Our aged care team here at Russell Kennedy are ready to help you with your legal needs, please contact any of our team if you need any advice or have questions about this Alert.

To access our full suite of agreements and other policies and documents, [click here](#).

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