

Determining liability for aids, appliances and modifications

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Introduction

Aids and appliances, and their repair or replacement can be considered under section 16 of the SRC Act as a medical aid or appliance or under section 39 of the SRC Act as a rehabilitation aid or appliance.

This page provides information about:

- how to determine liability for medical aids and appliances under section 16 of the SRC Act
- the procedure to determine liability for medical aids and appliances
- how to determine liability for rehabilitation aids and appliances under section 39
- determining liability for the repair or replacement of an aid or appliance, and
- procedure to determine liability for the repair or replacement of an aid or appliance.

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How to determine liability for medical aids and appliances under section 16

You must first assess if the claimed aid or appliance meets the definition of medical treatment and, can be considered a medical aid or appliance under section 16 of the SRC Act. For further guidance refer to the [What is medical treatment?](#) page.

In order for Comcare to consider liability for medical aids and appliances, employees are required to provide medical information from a legally qualified medical practitioner (LQMP) who has the appropriate training to treat a specific condition to support their request.

A request for the reimbursement for the cost of the purchase of the aid or appliance may also be submitted by a treating practitioner directly to Comcare for consideration.

If there is insufficient medical information, you can request specific information from an employee's treating practitioner to assist in assessing liability.

You are required to make a determination of liability on each claim for a medical aid based on the available information and, be satisfied that it was reasonable to obtain in relation to their compensable condition and at an appropriate cost.

Note: Where an employee has submitted a claim for an aid or appliance in relation to their compensable condition that does not meet the above criteria, you should then proceed to assess the claim under Section 39 as a rehabilitation aid or appliance.

Determining liability for medical aids and appliances

The following procedure explains how to determine liability for medical aids and appliances under section 16 of the SRC Act.

Important: Before determining liability for medical aids and appliances, you should be familiar with the information provided under [Alterations and Modifications under section 39](#) of the SRC Act.

Step 1: Review the relevant claim information – in particular:

- medical information (e.g., reports, certificates)
- allied health assessments (e.g., Occupational Therapist (OT), Physiotherapist), and
- rehabilitation programs and reports.

Consider the following:

- the nature of the employee's injury
- if the aid will assist in treating the employee's condition
- if the impairment is permanent or likely to remain for a long period of time
- if it is cheaper for the aid or appliance to be hired given the expected duration of the impairment
- if the aid or appliance has any positive or negative affects any other medical condition?

Step 2: Is the claim in relation to the employee's compensable condition?

- if yes, continue
- if no, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)

Step 3: Is the aid recommended by a Legally Qualified Medical Practitioner (LQMP), dentist or other treating practitioner?

- if yes, continue
- if no, and the aid is clearly of a medical nature, phone the employee and request that they provide further medical information to support their claim
- if no, and the aid is not a medical aid, see: **section on this page how to determine liability for rehabilitation aids and appliances under section 39.**

Step 4: Is the aid or appliance reasonably required?

- if yes, continue
- if no, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)

Step 5: Has the employee provided a quote or invoice in relation to the aid or appliance?

- if yes, continue
- if no, see: [Reasonable costs for aids, appliances, alterations and modifications](#)

Step 6: Does the quote provide the information required?

- if yes, continue
- if no, see: [Reasonable costs for aids, appliances, alterations and modifications.](#)

Note: If the quote is older than 3 months old, request a current quote from the supplier.

Step 7: Confirm that the company listed as the supplier exists.

Conduct a search via [ABN Lookup](#) for confirmation or check the validity of the quote by contacting the provider directly or through the use of their online store.

Note: Any concerns with the quote or invoice should be discussed with your Assistant Director.

Step 8: Is the cost reasonable?

- if yes, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)
- if no, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)

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Payment of aids, appliances, alterations, and modifications under section 39 of the SRC Act

Section 39 of the SRC Act provides:

- where an employee suffers an injury resulting in an impairment, and
 - the employee is undertaking, or has completed, a rehabilitation program or has been assessed as not capable of undertaking such a program,

Comcare is liable to pay compensation of such amount as is reasonable in respect of the costs, payable by the employee, of:

- any alteration of the employee's place of residence or place of work
 - any modifications of a vehicle or article used by the employee, or
 - any rehabilitation aids or appliances for the use of the employee, or the repair or replacement of such aids or appliances.

The claimed aids, appliances, alterations, or modifications must be reasonably required in relation to the employee's compensable condition.

Prior to determining liability for rehabilitation aids, appliances, alterations, and modifications under section 39, you will need to advise the rehabilitation authority that an employee cannot receive payment under section 39 if they have not undertaken, completed, or been assessed as not capable of undertaking a rehabilitation program.

If the rehabilitation authority advises that:	Then...
<ul style="list-style-type: none">• the employee has been assessed as not capable to undertake a rehabilitation program under section 36 of the SRC Act, or• the employee has commenced a	<ul style="list-style-type: none">• ask the rehabilitation authority to provide information to confirm their advice• set diary reminder for five days' time to check that information has been received

<p>rehabilitation program, or</p> <ul style="list-style-type: none">• the employee has undertaken a rehabilitation program.	<ul style="list-style-type: none">• phone the employee to inform them that once the information is received from their rehabilitation authority a determination will be made• enter a comment in Pracsys and record all your conversations.
<ul style="list-style-type: none">• they will not consider a rehabilitation program for the employee or arrange for the employee to be assessed for an ability to undertake a rehabilitation program.	<p>Phone the employee to advise that:</p> <ul style="list-style-type: none">• if they have not been assessed under section 36 they have a right to make a written request to the rehabilitation authority that they arrange an assessment under section 36 of the SRC Act• upon receipt of the written request of the employee, the rehabilitation authority has an obligation to arrange for an assessment of the employee's capability of undertaking a rehabilitation program• an employee cannot receive payment under section 39 if they have not undertaken, completed, or been assessed as not capable of undertaking a rehabilitation program• you will proceed with a determination to reject the claim for rehabilitation aids and appliances at this time, and• if as a result of an assessment and further actions by the rehabilitation authority, the employee meets the threshold rehabilitation criteria under section 39 they can appeal the original determination• enter a comment in Pracsys and ensure you record your conversation.

How to determine liability for rehabilitation aids and appliances under section 39

You will need to investigate the facts of each particular case, having regard to factors such as:

- the likely period for which the aids, appliances and alterations will be required
- nature of the impairment, and
- any requirements of the rehabilitation program.

You need to consider whether the amount invoiced or quoted is a reasonable amount to pay for the item and or service.

You must review the current medical and rehabilitation information to determine if the employee is eligible to receive compensation, and if the request for aids, appliances, alterations, or modifications are 'reasonably required'. This is determined based on the individual circumstances of each claim.

Note: Where you are unsure if an aid or appliance is a medical or rehabilitation aid, you should speak to your Assistant Director.

If, after this discussion additional clarification is required, advice may be sought from the Clinical Panel or the Injury Management and Return to Work Team.

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Procedure to determine liability for rehabilitation aids and appliances

The following procedure explains how to determine liability for rehabilitation aids and appliances under Section 39.

Important: Before determining liability for rehabilitation aids and appliances, you should be familiar with the information provided under *Alterations and Modifications under s39*.

Step 1: Has the determining medical aids under section 16 of the SRC Act procedure been completed?

- if yes, continue
- if no, **see:** *How to determine liability for medical aids and appliances under s16*.

Step 2: Review the relevant claim information -

In particular:

- medical evidence (e.g., reports, certificates)
- allied health assessments (e.g., Occupational Therapist (OT), Physiotherapist), and
- rehabilitation programs and reports.

Consider the following:

- the nature of the employee's injury
- is the rehabilitation aid or appliance reasonably required having regard to the employee's impairment and the requirements of the rehabilitation program (where appropriate)?
- if the impairment is permanent or likely to remain for a long period of time?
- will the time to arrange for the aid or appliance outweigh the duration of the impairment?

- is it cheaper for the aid or appliance to be hired, given the expected duration of the impairment? Could the functional requirement be better met by some other way?

Step 3: Is the claim in relation to the employee's compensable condition?

- if yes, continue
- if no, see: *How to decline liability for aids, appliances, alterations, and modifications.*

Step 4: Is there documentation to confirm that the employee has undertaken, completed, or been assessed as not being capable of undertaking a rehabilitation program?

- if yes, continue to step 6
- if no, continue to step 5.

Step 5: Phone Rehabilitation Authority.

Discuss the employee's claim for rehabilitation aids and appliances. Advise an employee cannot receive payment under section 39 if they have not undertaken, completed, or been assessed as not capable of undertaking a rehabilitation program
see: *Payment of aids, appliances, alterations, and modifications under s39.*

Step 6: Are the rehabilitation aids or appliances the responsibility of the employer?

- if yes, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)
- if no, continue.

Step 7: Will the rehabilitation aid or appliance assist the employee with activities of daily living or with returning the employee to employment?

- if yes, continue
- if no, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)

Step 8: Will the rehabilitation aid or appliance assist the employee with a task they performed prior to their injury or with a new task that allows the employee to undertake modified or alternative duties?

- if yes, continue
- if no, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)

Step 9: Do you need to arrange an occupational therapist assessment to assess the employee's needs for appropriate aids and appliances in relation to their impairment and any other alternative solutions?

- if yes, **see:** *Occupational Therapist assessments*
- if no, continue.

Step 10: Do you consider that the rehabilitation aid or appliance is reasonably required in relation to the employee's impairment associated with their compensable condition?

- if yes, continue
- if no, see: [Accepting or declining liability for aids appliances alterations and modifications.](#)

Step 11: Has the employee provided quotes or an invoice in relation to the rehabilitation aid or appliance that provide sufficient information?

- if yes, continue
- if no, see: *Procedure to request and obtain multiple quotes for further cost investigation.*

Note: If the quote is older than 3 months old, request a current quote from the supplier.

Step 12: Confirm that the company listed as the supplier exists.

Conduct a search via [Australian Business Register \(ABR\)](#) which provides an ABN Lookup for confirmation or check the validity of the quote by contacting the provider directly or through the use of their online store.

Note: Any concerns with the quote or invoice should be discussed with your Assistant Director.

Step 13: Is the cost reasonable?

- if yes, **see:** [How to accept liability for aids, appliances, alterations, and modifications](#)
- if no, **see:** [Accepting or declining liability for aids appliances alterations and modifications](#)

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Determining liability for the repair or replacement of an aid or appliance

An employee may claim compensation for the repair or replacement of aids and appliances provided by Comcare if such items are accidentally damaged, lost, or have deteriorated due to normal wear and tear.

Comcare does not cover the cost of replacement where the employee has chosen to dispose of the aid or appliance.

Repair of the aid or appliance should be considered before replacement.

Consideration needs to be given to the following:

- if the employee requires the aid or appliance immediately
- the time it will take to make a repair
- the cost to repair the item as opposed to replacing it
- if the item is covered under warranty.

Note on warranties: If the claimed repair or replacement of the previously paid aid or appliance is covered under a valid warranty it is the employee's responsibility to arrange for such a repair or replacement.

If the claimed repair or replacement that is covered under warranty will result in a significant period of time in which the aid or appliance is not available to the employee for their use, you may consider the option of temporary hire of the same aid or appliance.

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Procedure to determine liability for the repair or replacement of an aid or appliance

Step 1: Is the claim for the repair or replacement of a medical aid or appliance under section 16 of the SRC Act?

- if yes, continue to step 5
- if no, continue.

Step 2: Review the relevant claim information –

in particular:

- medical evidence (e.g., reports, certificates)

- allied health assessments (e.g., Occupational Therapist (OT), Physiotherapist), and
- rehabilitation programs and reports.

Step 3: Is there documentation to confirm that the employee has undertaken, completed, or been assessed as not being capable of undertaking a rehabilitation program?

- if yes, continue to step 5
- if no, continue to step 4.

Step 4: Phone Rehabilitation Authority.

Discuss the employee's claim for the repair or replacement of previously paid aids or appliances.

Advise that an employee cannot receive payment under Section 39 if they have not undertaken, completed, or been assessed as not capable of undertaking a rehabilitation program **see:** *Payment of aids, appliances, alterations, and modifications under s39*

Step 5: Do you consider the repair or replacement is reasonably required in relation to the employee's impairment associated with their compensable condition?

- if yes, continue
- if no, see: [How to decline liability for aids, appliances, alterations, and modifications](#)

Step 6: Is the repair or replacement due to accidental damage or loss?

- if yes, phone the employee and advise that you require them to complete a [Statutory Declaration](#) form detailing how/where the damage or loss occurred for consideration, and:
 - o email the employee the form

- o set diary reminder for 5 days' time to check that form has been received
 - o phone the RCM to advise of the claim received and your conversation with the employee, and
 - o enter a comment in Pracsys and ensure that you record your conversations.
- if no, continue.

Note: If the employee has deliberately damaged or disposed of the aid or appliance, they are not eligible for repair or replacement.

Step 7: Is the repair or replacement due to a faulty product?

- if yes, continue to step 9
- if no, continue.

Note: When dealing with a faulty product the employee should discuss replacement under warranty with the place of purchase first.

Step 8: Is the repair or replacement due to normal wear and tear?

Consider the following:

- o the age of the aid or appliance
 - o the expected life of the aid or appliance
 - o the period of time the aid or appliance has been in use
 - o the frequency of that use, and
 - o whether the aid or appliance is faulty.
- if yes, continue
 - if no, phone the employee to establish why they are requesting a repair or replacement of the aid or appliance, if it is not as a result of accidental damage or loss, the product being faulty, or normal wear and tear.

- I. Advise that you require them to complete a Statutory Declaration form with the reasons for the claim for repair or replacement for consideration.
- II. Email the employee the form.
- III. Set diary reminder for 5 days' time to check that form has been received.
- IV. Phone the RCM to advise of the claim received and your conversation with the employee.
- V. Enter a comment in Pracsys and ensure that you record your conversations.

Step 9: Is the aid or appliance covered under warranty?

- if you have been unable to locate the warranty on the claim file, phone the employee and ask if they have the warranty.

Note: If the employee has the warranty ask them to contact the provider to confirm if the repair or replacement is covered. Ask the employee to send a copy of the warranty to you to place on the claim file.

- if you have been unable to locate the warranty or the warranty does not cover the repair, continue
- if the repair can be covered under the warranty, end procedure.

Step 10: Has the employee provided quotes or an invoice in relation to the claimed replacement/repair of the aids, appliances, or alterations?

- if yes, continue
- if no, see: *Procedure to request and obtain multiple quotes for further cost investigation*

Step 11: Is the cost reasonable?

- if yes, see: *How to accept liability for aids, appliances, alterations, and modifications*
- if no, see: *How to decline liability for aids, appliances, alterations, and modifications*

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