

Rapid Review 7

Assistive Devices: Regulation and Coverage in New Zealand

A Rapid Review Prepared for Converge3

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Regulation and Coverage of Assistive Technologies (AT) in New Zealand

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Introduction:

New Zealand's Ministry of Health defines a person with a disability as *"A person who has been identified as having a physical, intellectual and/or sensory disability (or a combination of these) which is likely to continue for a minimum of six months and results in a reduction of independent function to the extent that ongoing support is required."* MOH classifies disabilities in to following five categories:

- a. Attention Deficit Hyperactivity Disorder
- b. Autism Spectrum Disorder
- c. Fetal Alcohol Spectrum Disorder (FASD)
- d. Hearing loss
- e. Low Vision

The focus of this report will be on 'assistive technology/equipment services'. Assistive Technology (AT) is also commonly referred as 'specialised equipment' or 'assistive equipment'.

Methods:

This report was informed by a broad scan of New Zealand health system, the services for disability and provision of providing AT. Major health websites such as: Ministry of Health, Accident Compensation Corporation (ACC), Ministry of Education, and non-government organisations offering AT assistance were scanned. The goal was to explore the following six aspects informing the regulation and coverage of AT in New Zealand:

1. Regulatory framework
2. Devices included
3. Requirements for inclusion of devices in benefit catalogue
4. Eligibility
5. Pricing, cost-sharing and procurement
6. Access pathways

Regulatory framework:

There are several pieces of legislation, international conventions, strategies, policies, standards and guidelines which have cumulative impact on the servicing provision for disability. Some of these can have direct influence on the regulation and coverage of AT in New Zealand:

Legislation:

- *Health and Disability Commissioner Regulations 1996* - The code of Health and Disability Services Consumer's Rights (the Code) established the rights of consumers, and the obligations and duties of providers to comply with the code. It is a regulation under the Health and Disability Commissioners Act.
- *New Zealand Public Health and Disability Act 2000* - The New Zealand Public Health and Disability Act 2000 introduced a major change to the public funding and provision of personal health services, public health services, and disability support services. It also established new publicly owned health and disability organisations, including District Health Boards.
- *Accident Compensation Corporation Act (2001)* ACC is a New Zealand Crown entity responsible for administering the country's universal no-fault accidental injury scheme. The scheme provides financial compensation and support to citizens, residents, and temporary visitors who have suffered personal injuries.

International conventions:

- *United Nations Convention on the Rights of Persons with Disabilities 2006, ratified by New Zealand 2008*

Policies/standards/guidelines:

- *The New Zealand Disability Strategy 2001* - The aim of the New Zealand Disability Strategy: Making a World of Difference – Whakanui Oranga is to eliminate barriers wherever they exist. The barriers range from the purely physical, such as access to facilities, to the attitudinal, due to poor awareness of disability issues

The Strategy guides Government action to promote a more inclusive society and sits alongside other government programmes such as the Positive Ageing Strategy, the New Zealand Health Strategy and the Re-evaluation of Human Rights Protections in New Zealand.

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- Assistive Technology Guidelines, Ministry of Education 2008

Devices included

Types of AT covered by ACC: ACC does cover various assistive technologies for people to help with an injury.

- Hearing aids and batteries
- Braille equipment or glasses
- Wheelchairs, walking frames or crutches
- Specialised chairs or furniture

- Voice recognition software
- Artificial limbs.

Type of AT covered by MOH/MOE:

- Communication AT (face to face and written communication)
- Hearing AT
- Vision AT
- Walking and standing
- Wheeled mobility and postural management
- Personal care
- Household management
- Vehicle modifications

Based on the devices people could use them for as long as they need and then return eg. ACC covered wheelchairs, walking frames or crutches can be returned if they are no longer needed or required.

Requirements for inclusion of devices in benefit catalogue

Equipment provided by the Ministry of Health is categorised into three bands, according to specific criteria:

Band 1 - Equipment is equipment which has been selected following a formal tender process. Criteria for selection in Band 1 are that items:

- Meet the needs of a wide range and large number of disabled people, and
- Are low cost (generally less than \$1,000 excl. GST), and
- Are durable and the majority are able to be reissued in a cost-effective way.

Equipment is able to be supplied at the lowest possible price, resulting in greater value for money. Many Band 1 Equipment items could be self-purchased in regular retail stores and there is generally a low consequence of risk in relation to its provision.

Not all low cost items are included in Band 1 Equipment. Items that are low cost and rarely requested but that have not been selected through a tender process are subjected to the Prioritisation Tool. All other items are considered to be in Band 3 (previously known as Complex).

Band 2 - Equipment is equipment which has been selected through formal procurement arrangements. Criteria for selection in Band 2 are that items:

- Do not have high specifications or features and are not complex to use or customised for a person, and
- Generally cost less than \$3,000 (excl. GST), and
- Are regularly requested.

Band 3 - Equipment is equipment which has been selected through formal procurement arrangements (including direct purchase for one-off items). Criteria for selection in Band 3 are that items meet one or more of the following:

- Are complex and/or have high specifications or features
- May be customised and individualised
- Are high cost (generally \$3,000 or more)
- Are supplied in low volumes, irrespective of their cost
- Require an EMS Assessor to have a higher skill level and experience
- Result in a higher consequence of risk to a person following an inappropriate recommendation by an EMS Assessor.

Eligibility

Eligibility is assessed by EMS assessor, who may liaise with a medical professional to obtain further information about the cause and nature of person's disability. Eligibility means the right to be considered for publicly funded support services. There are three level of administration of coverage decision-making:

- Local (service managers)
- District/Regional (DHB, district and regional managers)
- National (Ministry of Health)

This administrative structure is used to identify, assess the best possible solution for person with disability and offering resolution, if solutions are not reached in a bottom up approach (starting from local administration to national). These services occur within the parameters of Ministry of Health specifications and are aimed at enabling and promoting functional independence within the person's own context. The vision is for disabled person to live in their homes and participate in their communities.

New Zealand citizens and permanent residents are eligible for these services. Non-residents may also be eligible for ACC services if the injury occurred in New Zealand.

The Ministry of Health evaluates the eligibility for AT through the Equipment and Modification Services (EMS).

The purpose of ministry of health funded EMS is to:

- Support people with disabilities and their families, to live as independently and safely as possible

Make a significant, consistent and reasonable contribution to enabling people with disabilities to participate (if and when they want to) in activities inside and outside their home and in their local communities. The following criteria are considered for eligibility:

Eligibility criteria for publicly funded Health and Disability Services are set out in the Health and Disability Services Eligibility Direction 2011. The Direction is issued by the Minister of Health under the New Zealand Public Health and Disability Act 2000. The person must have a disability as defined by MOH (either physical, intellectual, sensory (vision and/or hearing) or combination of these) or age related disability which is likely to remain after the provision of treatment and/or rehabilitation, continue for at least 6 months (time), and impact on their ability to do some everyday tasks (ADL), resulting in a need for ongoing support.

To be fully eligible means a person whom meets the eligibility criteria for any publicly-funded health service as per the Eligibility Direction (2011), and must met at least one requirement outlined in Appendix A.

Funding for equipment is considered where it has been identified as being the most cost-effective intervention and is essential for the person (independently or with assistance from support people) to do one or more of the following:

- Get around, remain or return to their home
- Study full time or do vocational training
- Work in full time employment
- Work as volunteer
- Be the main carer of a dependent person
- Communicate effectively

People under 65 years or who have a lifelong disability, are eligible for equipment when they are living in residential care or community residential support/own home or long term rental contract.

People aged 65 years and over who are living in aged residential care, including rest homes and private hospitals are eligible for the provision of customised or individualised equipment where it is needed for their sole use.

AT covered for people aged 65 and over includes:

- Communication devices (hearing aids are covered separately under hearing aid services)
- Mobility aids
- Wheel chairs - individualised or customised
- Seating - individualised or customised
- Housing modification (owned home or a long term rental property)

Note - the Ministry does not cover funding towards modifications to a newly purchased or rented home where the person has knowingly chosen a property unsuited to their disability related needs.

Other funding options

Equipment and Modification Services (EMS) are funded under Disability Support Services under the auspices of the Ministry of Health. There are several other funded and non-funded supports available for people with disability living in New Zealand. These include:

a) Government Agencies

- Accident Compensation Corporation (ACC) - Provides equipment and services for people who are entitled under the Accident Compensation Act 2001.
- Ministry of Health -other supports (covers chronic health conditions)
- Ministry of Education
- Veterans' Affairs New Zealand
- Work and Income
- Lottery Grants Board

b) Publicly funded non-government organizations

- Workbridge

c) Private purchase

Accident Compensation Corporation (ACC): The Accident Compensation Corporation (ACC) provides equipment and services for people who are entitled under the Accident Compensation Act 2001.

ACC is the sole and compulsory provider of accident insurance in New Zealand for all work and non-work injuries. The corporation administers the ACC Scheme on a no-fault basis, so that anyone – regardless of the way in which they incurred an injury – has coverage under the scheme. Due to the scheme's no-fault basis, people who have suffered personal injury do not have the right to sue an at-fault party, except for exemplary damages.

The ACC scheme provides a range of entitlements to injured people; however 93.5 percent of new claims in 2011–12 were for treatment costs only. ACC entitlements also include weekly compensation for lost earnings (paid at a rate of 80% of a person's pre-injury earnings). With regard to assistive technologies, the cost of home or vehicle modifications for the seriously injured may also be covered by ACC. The scheme offers entitlements subject to various eligibility criteria.

Ministry of Health (other supports): Long Term Supports – Chronic Health Conditions (LTS-CHC) funding, managed by DHBs, funds long term support services for eligible people under 65 years of age and needing ongoing support services as a result of chronic health conditions. People eligible for LTS-CHC are neither eligible for the Ministry's Disability Support Services nor for other DHB funded long term supports (eg, for older people). This funding is targeted towards people who have very high needs.

A chronic health condition is:

- Either a progressive health condition where the person has a functional impairment that is expected to last for at least six months or to increase over time as a direct result of the condition
- A health condition lasting at least six months where the person's level of functional impairment can be ameliorated by periodic or ongoing treatment (drugs, therapy, surgery, etc.)
- The impairment resulting in the need for support does not meet the Ministry funder's definition of a disability.

Ministry of Education: Equipment to meet the general educational needs of students in compulsory education is the responsibility of the Ministry of Education.

In some circumstances, joint funding of equipment is considered. Joint funding from both ministries (Health and Education) for high cost assistive technology or equipment of \$5,000 (incl. GST) or more, is considered where the equipment supports the student to do all of the following:

- Live as safely and as independently as possible, and
- Improve their access to the curriculum, and
- Remove barriers to their educational achievement

Veterans Affairs New Zealand: Veterans Affairs New Zealand provides advice and facilitates the delivery of a range of services to war veterans and their families. Case managers connect veterans and their families to appropriate services within the community that best address their needs and assist with improving and maintaining their quality of life.

The focus is on the Case Manager facilitating access to existing publicly funded health and disability services, and to the entitlements that are available through the social assistance and war pensions' framework. Case managers also make recommendations for the use of Veterans' Affairs New Zealand funding in situations where the need is urgent and no other service is available.

Lottery Grants Board: The Lottery Grants Board is part of the Department of Internal Affairs. The LGB's Individuals with Disabilities Subcommittee provides lottery grants on a discretionary basis for mobility and communication equipment to help people with disabilities achieve independence and gain access to the community. Those who meet the access criteria for funding of equipment through the Ministry of Health or other Government agencies are not eligible for lottery grants.

For funding purposes, an individual with a disability is defined by the Lottery Grants Board as: *'a person who has a permanently reduced capacity to be transported, to be personally mobile or to communicate, as a result of a physical, sensory, psychiatric or intellectual disability'.*

Priority is given on the basis of:

- Severity of the disability
- Contribution the vehicle or equipment would make to the quality of life of the person with a disability (the applicant)
- Financial circumstances of the applicant and their family
- Availability of alternative transport or assistance
- Family situation of the applicant
- Applicant's locality
- Any lottery assistance received in the past.

Generally, the Subcommittee is able to fund about 50-60% of the applications it receives. Applications can be made at any time.

Work and Income: A Special Needs Grant can be approved to assist with items partially subsidised by the Ministry of Health or District Health Boards, when the person still has to pay a shortfall (eg, spectacles). Payment is for the unsubsidised portion only.

The Special Needs Grant provides non-taxable, one-off recoverable or non-recoverable financial assistance for people to meet their essential and immediate needs. A person does not have to be receiving a benefit to qualify for a Special Needs Grant.

Workbridge: Workbridge is a non-government organisation contracted by the Ministry of Social Development to administer Job Support Funds and Training Support Funds. The purpose of these funds is to assist people with disabilities to gain, retain, participate or advance in employment or training by providing assistance with some disability related costs. Applicants must be aged between 16 and 65 years and have disability-related costs that are not covered by the Ministry of Health or ACC. Applicants must establish that they have extra job-seeking or training costs that a person without a disability doing the same job would not have, and that these costs must be a direct consequence of their disability or impairment. It is possible that these could be used to cover assistive technologies and devices.

Private purchase: People may choose to purchase equipment items themselves. Low cost equipment items, the majority of which cost less than \$50.00, generally need to be purchased by the person, or their family. In many regions, organisations or businesses have disability-related equipment available for demonstration or sale and a number of organisations have dedicated websites through which items can be purchased.

Pricing, cost-sharing and procurement

The Ministry of Health has categorised ATs based on prices as Band 1 (up to 1000 NZ\$), Band 2 (up to 3000 NZ\$) and Band 3 (more than 3000 NZ\$). The prices are determined by the manufacturer who are developing and delivering them. These devices are selected through formal tender/procurement process.

AT valued over \$5000, used across many environments to facilitate learning and living (supporting educational achievement and daily living) can be accessed through the joint funding option via the Ministry of Health and Ministry of Education.

These devices could be insured by the individual and this can cover the cost of maintenance.

Access pathways

Access to assistive technology is ultimately gained through an assessment by the Equipment and Modification Service (EMS) conducted by an EMS assessor who is usually trained health professional. Referral to the EMS can be from a family doctor (general practitioner) or a Needs Assessment Service Coordination agency (NASC)

The individual needs are assessed via Equipment and Modification Services (EMS), EMS are one of the many services funded by the Disability Support Services, Ministry of Health to assist people with disabilities and their families to live as independently and safely as possible. EMS assessors hold certain areas of accreditation with in speciality and make recommendation about types of ATs for people with disability. Complex AT assessment may require a referral to a specialist assessment service such as communication AT, wheeled mobility/postural management. Based on the MOH eligibility guidelines and persons condition application is made. Based on the assessment and outcome of the application the devices can be procured.

Experiential data about the accessibility of the system by the users is scarce. We have been unable to find any publication exploring this aspect of user's familiarity of the system. A 2015 survey conducted by the Ministry of Health about clients' experiences with EMS found that 89% of participants were "satisfied with **the time it took from their assessment with the therapist (EMS Assessor) to receiving their equipment** or housing/vehicle modification" and that 89% were satisfied "**with the instructions** (either verbal or written) that they received on how to use and look after their equipment or housing/vehicle modification" and "Overall 94% of people were **satisfied with the quality of the equipment** or housing/vehicle modification that they had received." (MoH Update September 2015 EMS Client Satisfaction Survey Results accessed from <http://www.accessable.co.nz/news/ems-notice> on 31 May 2018) This survey report, however, does not specify the total number of participants and does not reflect participants' experiences of finding out about funding and accessing EMS services. The results only reflect the views of those who have navigated their way through the system successfully.

There is a nationwide network of the Federation of Disability Information Centres are available to support people in understanding what support and resources are available and how to access them.

Key References:

Accident Compensation Corporation - <https://www.acc.co.nz/im-injured/support-recovery/aids-equipment/>

AccessAble - <http://www.accessable.co.nz/moh-ems/equipment>

Ministry of Education - <https://education.govt.nz/school/student-support/special-education/assistive-technology/>

Ministry of Health –

- 1) <https://www.health.govt.nz/your-health/conditions-and-treatments/disabilities>
- 2) <https://www.health.govt.nz/your-health/services-and-support/disability-services/getting-support-disability/needs-assessment-and-service-coordination-services>
- 3) Equipment and modification services - <https://www.health.govt.nz/our-work/disability-services/contracting-and-working-disability-support-services/equipment-and-modification-services>

Appendix A

Eligibility criteria for any publicly-funded health service as per the Eligibility Direction (2011)

1. Is a New Zealand citizen.
2. Holds a resident visa or permanent resident visa (includes residence permits issued before December 2010).
3. Is a Australian citizen or Australian permanent resident AND able to show that he/she has been in New Zealand or intends to stay in New Zealand for at least 2 consecutive years.
4. Has a work visa and is able to show that he/she is able to be in New Zealand for at least 2 Years (including visas/permits held immediately beforehand).
5. Is an interim visa holder who was eligible for publicly funded health services immediately before his/her interim visa started.
6. Is a refugee or protected person OR is in the process of applying for, or appealing to the Immigration and Protection Tribunal for refugee or protection status OR is the victim or suspended victim of a people trafficking offence.
7. Is under 18 and in the care and control of a parent/legal guardian/adopting parent who meets one criterion in i-vi above.
8. Is 18 or 19 years old and can demonstrate that, on 15 April 2011, he/she was the dependent of an eligible work visa/permit holder (visa must be still valid).
9. Is a NZ Aid Programme student studying in New Zealand and receiving Official Development Assistance Funding (or their partner or child under 18).
10. Is participating in the Ministry of Education Foreign Language Teaching Assistantship scheme.
11. Is a Commonwealth scholarship holder studying in New Zealand and receiving funding from a New Zealand university under the Commonwealth Scholarship and Fellowship Fund.

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