

# NDIS RULES

## An OTs Playbook to AT Prescription

**Presented by:** Sarah Collison

**VERVE** OT

LEARNING

## A little bit about me...



**SARAH COLLISON**



- OT for over 20 years – 10 of those deep in the NDIS trenches (and still standing!).
- Founder of Verve OT & Verve OT Learning – Training, resources & supervision for OTs navigating the NDIS maze.
- OT of the Year (2023 Allied Health Awards) – Apparently, I’m doing something right!
- Still here, still (mostly) sane, and still waiting for the day the NDIS makes sense.

# A Change in the Rules

## NDIS RULES

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# NDIS Legislation Changes

## A Brief History of the NDIS

- July 2022 – 534,655 participants receiving NDIS supports (way more than forecast).
- October 2022 – NDIS Review is announced to consider the design, operations and sustainability of the scheme.
- December 2023 – NDIS Review report is tabled outlining recommendations to improve the scheme. No formal response from the government.
- March 2024 – Getting the NDIS Back on Track Bill introduced into parliament.
- 22 August 2024 – Legislation is passed by the senate and into effect on 3 October 2024.

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# ACT, Rules & Operational Guidelines

## The Act, The Rules, The Guidelines



National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Act 2024 (amendment to The NDIS Act – NDIS Act 2013)



National Disability Insurance Scheme (Getting the NDIS Back on Track No. 1) (NDIS Supports) Transitional Rules 2024



Operational Guidelines  
Assist the NDIA to perform or exercise its functions and powers in making decisions or recommendations

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# NDIS ACT

## Getting the NDIS Back on Track

### National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Act 2024

No. 81, 2024

An Act to amend the *National Disability Insurance Scheme Act 2013*, and for related purposes

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## NDIS RULES

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# New Rule – Supports for Participants

## What is the new rule?

- NDIS Rule = Supports for Participants released 3rd October 2024.
- NDIS Rules set out how the NDIS will operate. States and territories are involved in the approval of NDIS Rules\*.
- \*A transitional rule can be made within the first 12 months of the legislation passing, without the agreement of states and territories.

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# New Rule – Supports for Participants

## What does the new rule state?

- NDIS funding can only be used for approved services, items, and equipment. Anything listed as not allowed can't be funded after that date.
- If a participant already has a non-NDIS support in their plan that was considered necessary before 3 October 2024, they can keep using it until their plan ends. After that, it won't be funded anymore.
- If the Administrative Appeals Tribunal (AAT) has ruled that a support is reasonable and necessary, it can still be funded, but only for the length of the current NDIS plan. After that, the funding may not continue.



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# New Rule – Supports for Participants

## What is an NDIS support and what is not?

- There is a new definition of NDIS supports IE. What can and can't be funded by the NDIS.
- There is an NDIS Support list, a Not an NDIS Support list plus a Replacement Item Support list.
- Replacement\* items can replace a support that is not an NDIS support with a support that is an NDIS support.

\*Substitution would have been a better way of describing this...

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# New Rule – Supports for Participants

## What if it isn't specifically listed?

- The list of allowable NDIS supports is not exhaustive, meaning it does not exclude items that are not specifically listed.
- The purpose of the list is to clarify the types of supports that fall under the overarching description.
- For something to be considered an NDIS support, it must fit within the overarching description provided in schedule 1 (however it does not have to be specifically listed) and of course, must not be included in the non-allowable NDIS supports list.

# NDIS Supports: The Good, The Bad & The Not-Fundable

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NOT an NDIS  
support

## What is NOT an NDIS funded support?



## NDIS RULES

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NOT an NDIS  
support

## What is NOT an NDIS funded support?

The NDIS logo, consisting of the lowercase letters 'ndis' in a white, sans-serif font, positioned on a purple rectangular background.

### Supports that are not 'NDIS supports'

There are 15 categories of goods and services that are not 'NDIS supports'. These are services, items, and equipment that can't be funded by the NDIS.

Note: Under the laws of the NDIS, we also cannot fund sexual services and sex work, alcohol or drugs.

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# NOT an NDIS support

## What is NOT an NDIS funded support?

- Standard household (including garden) items, appliances, tools and products.
- Non modified / adapted kitchen utensils, food processors, electric toothbrushes, standard mattresses / beds etc.
- Smart watches, tablets, smart phones and apps.
- Standard indoor or outdoor play equipment, trampolines, toys, recreational equipment etc.
- Aids and equipment for educational or work purposes.

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Is an NDIS support

## What is an NDIS funded support?



## NDIS RULES

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Is an NDIS  
support

## What is an NDIS funded support?

The NDIS logo is displayed in white lowercase letters on a purple rectangular background with rounded corners.

### Supports that are 'NDIS supports'

There are 37 categories of goods and services that are 'NDIS supports'.

NDIS supports are the services, items and equipment that can be funded by the NDIS.



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Is an NDIS  
support

## What is an NDIS support?

- Assistive equipment for recreation
- Assistive products for household tasks
- Assistive products for personal care and safety
- Communication and information equipment
- Customised prosthetics
- Personal mobility equipment
- Vehicle modifications

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Is an NDIS  
support

### **Assistive products for personal care and safety**

- Modified foods including for the purposes of PEG feeding
- Products to facilitate washing and drying the participant's body, caring for the participant's body and body parts, dressing and protecting the participant's body
- Modified or adaptive clothing
- Modified or adaptive products to manage menstruation including applicators and period underwear
- Products to manage incontinence

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Is an NDIS  
support

## Assistive products for personal care and safety (CONT.)

- Furniture and other products that are adapted or specifically made to be placed in or added to a participant's home (including indoor and outdoor areas) to help with movement, positioning and other safety needs, including entry and exit of the environment
- Services to assess and prescribe, deliver, adjust and train a participant in the successful use of an assistive product
- Maintenance, spare parts and consumable items specific to an assistive product
- Visual and tactile alerting systems.

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# Replacement NDIS support

## What is a replacement NDIS support?

ndis

**Supports that are not NDIS supports that may be considered replacement supports**

### Replacement supports

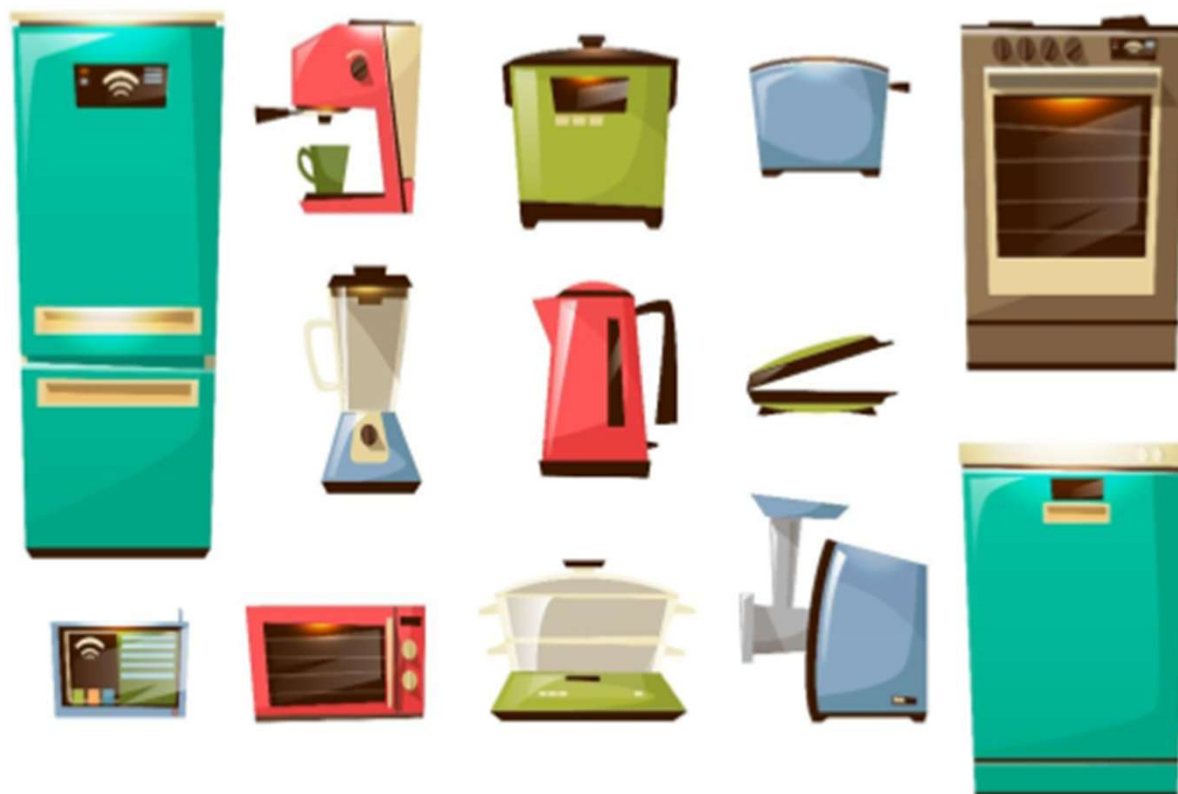
The following information outlines items that are not NDIS supports but may be considered a replacement support for participants in specific circumstances.

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# Replacement NDIS support

## What is a replacement NDIS support?



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# Replacement NDIS support

## Replacement Supports

- If a participant thinks an item that isn't a NDIS support is better for them, they can ask to substitute that support.
- Only some supports can be replaced and only if the NDIA agree in writing first.
- A replacement support isn't an extra support. It replaces an existing NDIS support or supports in the funding plan.
- A replacement support may include household items, or very specific items that support a participant's unique accessibility or communication needs.

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# Replacement NDIS support

## Replacement Supports

- A Replacement Support Form needs to be completed and submitted to [enquiries@ndis.gov.au](mailto:enquiries@ndis.gov.au)
- Provide a quotation for the replacement support if funding would need to be added to the plan for its purchase.
- Once a replacement support is approved in writing, it can be purchased. Approval is for the current plan period.
- If approval is declined, there is no means for review of that decision. The support cannot be applied for again until 12 months has passed.

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# Replacement NDIS support

## Replacement Supports

In order to be approved, the replacement support must:

- Replace an NDIS support or supports in the plan.
- Help the same or more than the NDIS support or supports it's replacing.
- Cost the same or less than the NDIS support or supports it's replacing.
- Be safe.



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# Replacement NDIS support

## **Replacement Support: Standard commercially available household items**

- Where there is clear evidence that the need for the item relates specifically to the participant's impairment that meets the disability or early intervention requirements.
- This item must increase whole task independence and reduce or eliminate the need for a support worker or disability specific assistive technology.

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# Replacement NDIS support

## **Replacement Supports: Smart watches, tablets, smart phones, apps for accessibility/communication purposes**

- Participants who require the use of a smart watch, tablet or smartphone required to meet communication and accessibility needs.
- For example, a participant with complex communication needs who uses a tablet as an alternative communication device, which is their only way to communicate and so cannot be shared, where this is the most appropriate solution for their needs.

Note: Any smart device used for tracking purposes could be considered a restrictive practice and needs to be considered in this context.

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# Replacement NDIS support

## Replacement Supports



### Application for a replacement support

You can use this form to let us know if you want to replace an NDIS support or supports in your plan with a non-NDIS support.

When we say replacement support, we mean the service, item or equipment you would like to use instead of the NDIS support or supports in your plan.

A replacement support must:

- be used instead of the NDIS support or supports already in your plan
- cost the same or less than the cost of the NDIS support or supports in your plan
- work the same or better for you than the support it's replacing.

If we don't approve your request for a replacement support, you can't ask for a review of this decision.

But would they fund it?!

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# Operational Guidelines

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## Operational Guidelines



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# Operational Guidelines

## Operational Guidelines

- Operational Guidelines are non-binding documents that provide guidance on how the NDIS is administered in practice.
- They are designed to explain how the NDIA interprets and applies the NDIS Act and rules, enabling participants, providers etc to understand NDIS decision making.
- These guidelines can be updated more easily than legislative rules, allowing for quicker adaptation to changes in policy or operational procedures.

## **NDIS RULES**

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# Operational Guidelines

## **Operational Guidelines**

### **Home Modifications**

<https://ourguidelines.ndis.gov.au/supports-you-can-access-menu/home-and-living-supports/home-modifications>

### **Assistive Technology**

<https://ourguidelines.ndis.gov.au/supports-you-can-access-menu/equipment-and-technology/assistive-technology>

### **Applying to the NDIS**

<https://ourguidelines.ndis.gov.au/home/becoming-participant/applying-ndis#guideline-download>

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# Would we fund it guides

## Would we fund it guides

Generators >

Funding for vehicles >

Modified vehicle repairs and maintenance >

Previously installed vehicle modifications >

Non-standard mattress >

Larger bed sizes >

Wheelchair modifications >

Sensory equipment >

Smart devices - tablets >

Specialised footwear >

Household items >

Recliners and lift chairs >



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# Evidence Advisory Committee

## What comes next?

- A NDIS Evidence Advisory Committee (EAC) will be established to provide independent and transparent advice on what works for participants.
- The Committee will provide advice on the evidence base for therapeutic supports accessed through the NDIS.
- The work of the Committee will inform the development of the final NDIS Support Rule which will be agreed with the disability community and States and Territories.

# Questions Time

# Thankyou



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