



28 February 2024

Department of Health and Aged Care - New Aged Care Act Consultation
By Online Form submission
Copy to email: AgedCareLegislativeReform@health.gov.au

Dear Sir/Madam,

Re: Aged Care Rules 2025 2B Release - Fees for higher everyday living

Opal HealthCare (**OHC**) is pleased to provide the following submission in relation to proposed legislation to replace the current Additional and Extra Services model with the Higher Everyday Living Fees (HELFF), itemised in the 2B Aged Care Act Rules release.

OHC submits the following concerns and associated recommendations:

1. The current position that prevents providers from obtaining a HELFF commitment from a resident prior to admission makes it challenging to allocate zones within the Care Community to cater to residents who have chosen HELFF. Zoning via wings ensures that residents who value higher services live alongside residents who place similar value on these services or can afford to subscribe. Without zoning, individuals who cannot afford or opt not to use HELFF services will find themselves living alongside residents who do benefit from those services. Zoning allows providers to design and operationalise specific areas within the physical environment to meet the bespoke needs and preferences of those who can afford and find value in the HELFF services. The operational complexities associated with delivering enhanced services to residents distributed throughout the built environment, will ultimately adversely impact residents who have opted for HELFF as well as those who have not or cannot.
2. The proposed requirement for residents to sign a care and accommodation agreement, and then a separate HELFF agreement on or after the day of admission, adds an extra administrative burden that many residents cannot manage during an already difficult time replete with paperwork. There is also a likelihood that two detached agreements could result in unnecessary delay and confusion at a time when few residents can afford either. OHC believes that the Department's goal of providing residents with clear information about the HELFF package could be met with a single, comprehensive agreement. This agreement should clearly outline the HELFF package and include details that help residents make informed decisions before their admission date.
3. The proposed cooling off period and the right to terminate services at any time should require that resident who ceases services, be required to relocate to a different zone or wing where services are not offered. (See point #1 which explains why zoning is required to appropriately operationalise HELFF).

4. The short transition period in the proposed legislation means that providers will lack sufficient time to thoughtfully and meaningfully engage with current residents receiving Additional Services and Extra Services about a potential transition to the HELF alternative and the relevant implications for them. OHC recommends extending the transition period to two years to provide adequate time for residents and their supporters to understand the options and choices available to them under the new scheme.

As always, OHC remains a committed and steadfast partner to the Department in supporting greater resident choice and autonomy and welcomes the opportunity to engage with the Department to discuss the concerns raised in this submission.

[REDACTED]
