

Part 12: Transport modification (Modifications to a motor vehicle)

This Part of the Lifetime Care and Support Guidelines is made under the *Motor Accidents (Lifetime Care and Support) Act 2006* (the Act), including sections 11A, 11AA, 23, 28 and 58.

This version of Part 12 of the Lifetime Care and Support Guidelines (the Guidelines) takes effect on the date of gazettal in the NSW Government Gazette and applies to any assessment of treatment and care needs relating to transport modification made on and from that date in respect of any participant in the Scheme, whether interim or lifetime, and whether accepted into the Scheme before or after the date of gazettal.

The Lifetime Care and Support Authority (Lifetime Care) may waive observance of any or parts of this Guideline. Waiving observance of all or part of this Guideline in any particular circumstances is not an indication that Lifetime Care will waive observance of this or any other Guideline in any other circumstances.

1 Reasonable and necessary transport modification

- 1.1 Minor modifications to a motor vehicle are changes that do not alter the structure of the vehicle or the safety of the vehicle and do not require certification by the licensing authority. They may be temporary or permanent changes. *For example, a seat belt buckle cover to enable the participant to travel safely in a vehicle, panoramic mirrors, fish eye mirrors, a spinner knob, or an indicator extension lever.*
- 1.2 Major modifications to a motor vehicle are permanent modifications that alter the structure of the motor vehicle. Major modifications to a motor vehicle require certification by the licensing authority. *For example, left foot accelerator, mechanical hand controls, wheelchair hoist systems, wheelchair restraining devices or wheelchair access ramps.* Major modifications must be prescribed by an occupational therapist qualified in driver assessment.
- 1.3 Lifetime Care considers treatment or care needs in connection with transport modification to be reasonable and necessary when the participant:
 - a) has a physical, sensory and /or cognitive disability as a result of the motor accident injury which prevents them from safely driving or travelling as a passenger;
 - b) has reached a level of maximum recovery and stability in their functional ability to drive or be transported as a passenger in a vehicle;
 - c) requires modifications to their vehicle in order to get in and out, drive the vehicle, be transported safely in a wheelchair, or to transport a wheelchair;

- d) owns or has access to a motor vehicle, or is planning to purchase a suitable vehicle to be modified; and
 - e) if the participant intends to be a driver of the vehicle to be modified and will obtain or retain their licence.
- 1.4 Lifetime Care will not generally consider major modifications to more than one vehicle owned and/or used by the participant at the same time to be a reasonable and necessary treatment and care need except in circumstances where a replacement vehicle is undergoing modification immediately prior to the disposal of a current vehicle.
- 1.5 Reasonable and necessary treatment and care needs in connection with transport modification do not include:
- a) modifications to a motor vehicle which relate to or are required because of a need or condition that existed prior to the motor accident;
 - b) modifications that provide no functional benefit to the participant for a sustained period of time. *For example, if the participant will only use a modified vehicle infrequently and/or for short periods of time and other means of transport (such as taxi transportation) are more cost effective or appropriate in the circumstances;*
 - c) driver modifications for a participant who intends to drive but is not medically cleared and licensed to drive;
 - d) driver modifications for a participant who has been assessed as unsafe to drive;
 - e) transport infrastructure such as modification to a road or footpath where this is part of a universal service obligation or reasonable adjustment; and
 - f) services to compensate for the lack of a public transport system in the participant's local area.
- 1.6 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to transport modification will not generally include:
- a) modifications that do not comply with the requirements of a registration body, current national medical standards or the applicable Australian Standards and design rules, where these apply;
 - b) the purchase of a vehicle;
 - c) any standard costs associated with motor vehicle ownership including licensing, registration, compulsory third-party insurance and comprehensive insurance;
 - d) costs to convert the vehicle back to its standard configuration once major modifications have been installed;
 - e) repairs that form part of the supplier's or vehicle modifier's warranty, including vehicle modifier warranty or the vehicle's insurance policy;
 - f) loss, theft or damage to the motor vehicle or its modifications.

2 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs in connection with transport modification

- 2.1 The participant's needs in connection with transport modification are affected by the extent to which the motor accident injury has resulted in physical, cognitive or behavioural impairments that impair their ability to drive or be transported in a vehicle.
- 2.2 Assessment of a participant's needs in connection with transport modification must:
- a) be made in collaboration with the participant;
 - b) take into account the participant's individual needs, and social and physical environment;
 - c) consider whether the participant's needs for transport modification are stable or are likely to change; and
 - d) identify and recommend the most appropriate and cost-effective transport modification option.
- 2.3 Information required by Lifetime Care to assess a participant's treatment or care need in connection with transport modification includes:
- a) information about the participant's transport needs and the frequency of access to the modified vehicle, especially in cases where funding is requested to modify a vehicle shared between family members;
 - b) information about the modification suitability and cost of a vehicle owned or used by the participant prior to the motor accident injury, including age, condition and ownership of the vehicle;
 - c) confirmation that the vehicle proposed to be modified is in good condition and will remain roadworthy and registrable;
 - d) consideration of the modification suitability and cost of a new vehicle (that has been purchased, or is yet to be purchased) following the motor accident injury, including age, condition and intended ownership of the vehicle;
 - e) documented agreement from the owner of the vehicle, if the vehicle is not owned by the participant, that they consent to installation of the modifications and agree to ongoing use by the participant;
 - f) evidence that the recommended modifications have been successfully trialled, wherever possible; and
 - g) the costs of modifications (over the expected life of the vehicle) compared with alternative transport options.
- 2.4 The following procedures are to be followed when assessing treatment and care needs in connection with transport modification, before a decision is made about whether a modification is reasonable and necessary:
- a) the vehicle modifications must be those recommended by an occupational therapist experienced in vehicle modifications; and

b) two quotes for the recommended modifications, or an explanation regarding why only one quote is available.

2.5 The following procedures are to be followed when assessing whether a transport modification is reasonable and necessary, if the participant is intending to be the driver of the modified vehicle:

- a) the participant must provide a medical certificate by a treating medical practitioner which provides evidence of medical clearance to return to driving; and
- b) the participant must be assessed by a driver trained occupational therapist, certified by the appropriate licensing authority.

3 Electronic hand controls

3.1 The following procedures are to be followed when assessing treatment and care needs for electronic or electro-mechanical hand controls:

- a) the supplier of the modification must provide a written quote for electronic or electro-mechanical hand controls;
- b) a range of industry specialists, vehicle modifiers and converters should be consulted to provide a range of quotes and options for vehicle modifications. At least two quotes from two different suppliers are required; and
- c) requests to fund electro-mechanical hand controls, such as space-drive technology, should be preceded by a trial of mechanical hand controls in a suitably modified vehicle or be accompanied by medical evidence establishing an inability to use hand controls. Lifetime Care will consider the electro-mechanical hand controls to be reasonable and necessary only if the participant demonstrates an inability to use mechanical controls.

4 Insurance, repairs and maintenance of modifications

4.1 Lifetime Care will fund insurance of the modifications, being the difference in comprehensive insurance costs between an unmodified vehicle and a modified vehicle.

4.2 Maintenance and repair of an installed modification is considered reasonable and necessary when it is:

- a) required to maintain the functionality of the modification;
- b) limited to normal wear and tear;
- c) the maintenance or repair is not covered under warranty or covered by insurance; and
- d) where the cost of the modification has been shared between Lifetime Care and the participant or owner of the vehicle, the cost of the maintenance or repair is consistent with Lifetime Care's contribution towards the modification.

4.3 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to transport modifications will not generally include:

- a) maintenance and repairs that all vehicle owners are expected to undertake on a vehicle in order to keep them in safe working order;

- b) day-to-day running costs such as oil, petrol, parking fees or tolls; and
- c) maintenance or repairs that are for aesthetic reasons or to add value to a vehicle.

4.4 Lifetime Care may replace rather than repair the modification installed in the vehicle when:

- a) it is not cost effective to repair the modification;
- b) the projected life expectancy of the modification has expired;
- c) the occupational therapist or engineer recommends new equipment; or
- d) the modification no longer meets the participant's needs.

5 Modifications to workplace vehicles

5.1 Lifetime Care will only consider paying for minor or adaptive modifications to more than one vehicle which the participant will own and/or use at the same time, where:

- a) the participant reasonably requires modifications to enable them to return to work; and
- b) modifications do not form part of the employer's obligations for reasonable adjustment.

For example, Lifetime Care would consider funding two steering wheel spinner knobs where a participant requires the use of a spinner knob in a private vehicle as well as their employer's vehicle.

6 Modifications to a subsequent vehicle

6.1 Lifetime Care considers it reasonable to fund major modifications to a motor vehicle no more frequently than every eight years, unless there is a change in the participant's injury-related needs or circumstances which prevent access to the modified vehicle or unless there are some other circumstances making the funding of modifications reasonable and necessary.

6.2 Lifetime Care may consider it reasonable to fund major modifications to a motor vehicle more frequently than every eight years in circumstances when the participant's circumstances have changed substantially. *For example:*

- a) *if the participant who uses a wheelchair required modifications for passenger access and has now returned to driving;*
- b) *the previous vehicle no longer meets the participant's injury-related needs due to a change in functional status; or*
- c) *the previous vehicle cannot be repaired and requires replacement.*

6.3 If the owner of the modified vehicle wants to purchase a replacement vehicle, Lifetime Care considers it reasonable to fund the transfer of the modifications (where not commercially available) to the replacement vehicle wherever possible.

7 Driver rehabilitation services in connection with transport modifications

7.1 Lifetime Care will fund the reasonable costs of driving rehabilitation designed by an occupational therapist qualified in driver assessment, where the need is related to the motor accident injury and the specific goal is for the participant to learn to use the transport

modifications. This driver rehabilitation will include lessons from a qualified driving instructor, in a suitably modified vehicle with dual controls.

- 7.2 A request for funding of driving lessons for modified vehicles will be considered only if the participant has medical clearance that they are medically fit to drive or at least to attend an off- and on-road assessment of their driving performance.
- 7.3 Lifetime Care will not consider it reasonable and necessary to pay for driver rehabilitation for any period of time when the participant's licence is suspended or cancelled.
- 7.4 Lifetime Care may fund the following costs in connection with driver rehabilitation, to the extent that rehabilitation is a reasonable or necessary treatment and care need in connection with transport modification:
- a) fees to a medical examiner for a medical certificate to certify fitness to drive;
 - b) an off- and on-road assessment conducted by a driver-trained occupational therapist;
 - c) lessons recommended by a driver-trained occupational therapist which Lifetime Care has deemed as reasonable and necessary to allow safe driving with the transport modifications which are to be made; and
 - d) minor modifications to a vehicle that the participant has access to or owns, to enable the participant to have driver practice hours.
- 7.5 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to driver rehabilitation services will not generally include:
- a) cancellation fees for non-attendance at driving lessons as part of driving rehabilitation;
 - b) driving lessons if the participant is charged with a driving offence (*for example speeding or driving under the influence of alcohol or drugs*) during their period of driving rehabilitation; and
 - c) initial lessons for a new learner driver where the need is not related to the motor accident injury and there are no modifications to the vehicle.

8 Agreements

- 8.1 Lifetime Care may enter into an agreement with the participant that specifies conditions of use, maintenance, insurance and ownership of the vehicle. The agreement may concern one or more of the following:
- a) subsequent ownership;
 - b) changes of ownership;
 - c) frequency of future modifications;
 - d) maintenance and repairs to the vehicle's adaptations or modifications;
 - e) ongoing costs related to the modification such as insurance; or
 - f) the requirement to repay the reasonable contribution amount to Lifetime Care if the vehicle is sold.