

## **Part 22: Medical treatment including pharmaceuticals**

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 22 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 medical treatment 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 medical treatment**

- 1.1 Lifetime Care considers treatment and care needs in connection with medical treatment to be reasonable and necessary when treatment is:
  - a) required as a result of the motor accident injury; and
  - b) provided by a medical practitioner who is appropriately qualified and registered under the relevant regulation agency.
- 1.2 Lifetime Care considers reasonable and necessary treatment and care needs in connection with medical treatment to include:
  - a) medical and surgical treatment;
  - b) pharmaceuticals;
  - c) diagnostic tests such as imaging services;
  - d) inpatient or outpatient treatment provided by a hospital;
  - e) medical treatment, reports, case conferences or other contact with other professionals treating the participant; and
  - f) other specialised medical treatment such as assisted fertility treatment and treatment for chronic pain.
- 1.3 Reasonable and necessary treatment and care needs in connection with medical treatment do not include:

- a) a treatment or service not in accordance with the Medical Benefits Schedule (MBS), which contains explanations, definitions, rules and conditions for services provided by medical practitioners, unless otherwise specified by Lifetime Care;
- b) a treatment or service without an MBS code;
- c) a treatment or service where there is no published evidence relating to its safety or effectiveness;
- d) a treatment or service for any other member of the participant's family unless the family member or partner is the recipient of assisted fertility treatment in accordance with 5.6 below; and
- e) a treatment or service that is of no clear benefit to the participant.

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

- a) fees associated with medico-legal reports or any medical reports not requested by Lifetime Care;
- b) additional expenses incurred while receiving inpatient or outpatient medical treatment such as food, laundry, newspapers, magazines, additional television charges, internet rental, phone line rental and phone calls; and
- c) non-attendance fees where a participant failed to attend unless the MBS states otherwise or the reason for non-attendance is beyond the participant's control.

## **2 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs in connection with medical treatment**

2.1 The assessment of treatment and care needs in connection with medical treatment must:

- a) be made in consultation with the participant and medical practitioner; and
- b) take into account the participant's individual needs for medical treatment in the context of other treatment and services provided.

2.2 Information required by Lifetime Care to assess a participant's treatment or care need in connection with medical treatment may include:

- a) information relating to the medical treatment that has an item number in the MBS;
- b) information about pre-existing or co-existing medical conditions;
- c) information from a medical practitioner as to the likely cause of the presenting medical treatment, if the participant has pre- or co-existing medical conditions that may impact on their needs for or in connection with medical treatment or pharmaceuticals;
- d) clinical assessments and reports;
- e) justification for the proposed treatment, including the relationship to the motor accident; reasonable and necessary criteria listed in Part 6 of the Lifetime Care Guidelines; and
- f) justification for the treatment process, including any associated medical treatment as part of an overall treatment plan.

- 2.3 The following procedures are to be followed when assessing treatment and care needs in connection with medical treatment:
- a) the medical treatment must be prescribed by an appropriate specialist or medical practitioner registered with the Australian Health Practitioner Regulation Agency (AHPRA) or other appropriate professional body if the participant resides outside Australia; and
  - b) the treatment must be requested prior to commencement in all circumstances, unless the treatment is urgent or delivered under an existing fee schedule; and
  - c) the medical practitioner or specialist is to provide medical services using the Australian Medical Association (AMA) item numbers, where there is a corresponding Medical Benefits Schedule (MBS) number.

### **3 Reasonable and necessary pharmaceuticals**

- 3.1 Lifetime Care considers reasonable and necessary treatment and care needs in connection with pharmaceuticals to include:
- a) prescription pharmaceuticals;
  - b) over-the-counter medications;
  - c) prescribed vitamins and supplements, including health products such as fibre laxatives or probiotics;
  - d) topical skin creams such as sorbolene; and
  - e) other items such as consumable preparation solutions for a medical procedure.
- 3.2 Bandages, dressings and other wound care items, and consumable items for continence needs, may either be pharmaceuticals or aids and appliances (equipment) under Part 13 of the Guidelines.
- 3.3 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to pharmaceuticals will not generally include:
- a) pharmaceutical expenses that form part of the bed day fee in a hospital or inpatient rehabilitation facility;
  - b) toilet paper, shampoo or other items for personal grooming;
  - c) any other standard items able to be purchased from a pharmacy such as cosmetics, food and beverages;
  - d) sunscreen, which is regarded a standard household cost unless prescribed for scar management;
  - e) contraceptive prescriptions; and
  - f) any pharmaceuticals that are illegal.

### **4 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs in connection with pharmaceuticals**

- 4.1 The following procedures are to be followed when assessing treatment and care needs in connection with pharmaceuticals:

- a) pharmaceuticals must be prescribed by an appropriate medical practitioner registered with the Australian Health Practitioner Regulation Agency (AHPRA) or other appropriate professional body if the participant resides outside Australia;
- b) the participant's treating medical practitioner may be requested to provide a list of pharmaceuticals related to the motor accident injury before Lifetime Care is able to assess a participant's needs for pharmaceuticals; and
- c) the pharmaceuticals must be provided by an appropriate pharmacist registered with the appropriate professional body (unless the participant resides outside Australia).

## **5 Assisted fertility treatment**

5.1 Lifetime Care considers reasonable and necessary treatment and care needs in connection with fertility treatment when:

- a) the need for the assisted fertility treatment arises from the motor accident injury;
- b) a referral is made by a suitably qualified fertility medical specialist; and
- c) a suitably qualified fertility medical specialist has prescribed the most appropriate fertility treatment for the participant and their partner.

5.2 Lifetime Care considers reasonable and necessary treatment and care needs in connection with fertility treatment to include:

- a) fertility medication, ovulation induction or assisted insemination;
- b) in-vitro fertilisation (IVF) treatment;
- c) assisted ejaculation or obtaining sperm by other means such as testicular aspiration;
- d) egg and sperm storage. The length of time that storage is paid for by Lifetime Care will depend on individual circumstances and the advice of the fertility medical specialist;
- e) obtaining donor eggs or sperm, including retrieval and storage, in circumstances where a participant is unable to produce viable eggs or sperm as a result of the motor accident injury;
- f) fertility counselling only as an inclusive component of the assisted fertility intervention for a participant and or their partner; and
- g) all other forms of assisted fertility or assisted reproductive technology treatment.

5.3 Reasonable and necessary treatment and care needs in connection with assisted fertility treatment do not include:

- a) surrogacy, whether commercial or altruistic surrogacy;
- b) assisted fertility intervention to address the fertility needs of the participant's partner if these are not the result of the motor accident injury;
- c) any treatment or service where there is no objective evidence that the treatment or service is safe and effective;
- d) any treatment or service that is experimental or not consistent with intervention offered to the general community;

- e) counselling for a participant's partner which is not inclusive of the assisted fertility treatment program;
- f) membership of fertility support/ self-help groups for participants or their partners;
- g) any treatment or service that is not consistent with the guidelines of the assisted fertility treatment facility that the participant and their partner are attending;
- h) any treatment or service that is inconsistent with relevant State or Commonwealth legislation; and
- i) any assisted fertility treatment that is elective, or for medical conditions not related to the motor accident injury, such as pre-implantation genetic diagnosis.

5.4 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to assisted fertility treatment will not generally include:

- a) the costs of raising a child; and
- b) the costs associated with the pregnancy and birth of the baby conceived through assisted fertility treatment that are not related to the motor accident injury, such as obstetrician, hospital, midwife and/or other birthing costs.

5.5 Lifetime Care considers reasonable and necessary treatment or care needs in connection with fertility treatment to include a reasonable number of IVF treatments per pregnancy attempt, in line with usual practice. Lifetime Care will consider up to 5 stimulated cycles per pregnancy attempt to be reasonable and necessary. If over 5 stimulated cycles are required, Lifetime Care will consider the recommendation of the fertility medical specialist in determining whether further treatments are reasonable and necessary.

5.6 Lifetime Care will consider it reasonable and necessary for both the participant and the participant's partner to receive assisted fertility treatment when it is the participant's fertility status that is affected by the motor accident injury.

## **6 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs in connection with assisted fertility treatment**

6.1 Information required by Lifetime Care to assess a participant's treatment or care need in connection with assisted fertility treatment may include:

- a) information about the relationship between the participant's need for fertility treatment and their motor accident injury;
- b) the likely permanence of the participant's compromised fertility status;
- c) the nature and extent of treatment that the participant and partner will require;
- d) the anticipated outcome and success rate of the assisted fertility treatment;
- e) information about any other treatment or services that may impact on the proposed treatment; and
- f) any other relevant information relating to the participant's or their partner's fertility status.