

Eligibility for participation in the Scheme (companion to Part 1)

You may be eligible to participate in the Scheme if you sustained an injury because of a motor vehicle accident in NSW and your injury meets the criteria in this companion, which is the same as in our Guidelines.

This companion explains who is eligible for the Scheme and how you can apply.

When we use the word 'you', we mean the person covered by the Lifetime Care and Support Scheme (also known as 'the participant') or someone representing them, such as a parent, guardian or legal representative.

Who can apply?

You are eligible to participate in the Lifetime Care and Support Scheme if:

- you had a motor accident (within the meaning of the *Motor Accidents Act 1999* or the *Motor Accidents Injuries Act 2017*);
- the accident occurred in New South Wales;
- the injury was caused by the motor accident; and
- your motor accident injury meets the criteria for the Scheme.

You can apply, or someone on your behalf, such as a family member, can make an application for you.

If you've made a claim for the injury to a CTP insurer, that insurer can apply for you. They'll send a copy of the application to you at the same time they send it to Lifetime Care. You don't need to give consent for them to apply on your behalf.

Making an application is free.

Types of participation

Interim participation

If you haven't been a participant in the Scheme before, once you have applied and your eligibility has been established, you'll be accepted as an interim participant for a period of two years. This will start from the date of our decision.

We can only accept you as an interim participant once for any particular motor accident injury.

During the two-year interim period you might recover and improve, which could mean that you might not meet the eligibility criteria after the interim participation period.

If you're a child, we won't assess you for lifetime participation before you are five years of age. If you're a child and become an interim participant under the age of three years, this means you'll spend longer than two years as an interim participant.

Time limit on applications

An interim application to the Scheme must be made within three years of the date of your motor accident injury. We can provide a longer time frame if there is a full and satisfactory reason why the application wasn't made within three years of the accident. Anyone who applies more than three years after the motor accident injury has to give us an explanation, in writing, of the situation and reasons why the application was not made earlier.

Applications are made on our approved application form. You can get the approved form for Interim Participation from us, or on our website www.icare.nsw.gov.au.

Lifetime participation

If you apply and you've been an interim participant before, we'll treat your application as an application for lifetime participation.

This will happen even if you aren't an interim participant in the Scheme when the application is made.

If you're in the Scheme as an interim participant, or if you've been in the Scheme before and your interim participation is no longer valid, you'll be accepted as a lifetime participant if you meet the criteria for the Scheme.

Bringing forward a decision about lifetime participation

We might decide to accept you as a lifetime participant before the end of your interim participation period. We might do this if we have medical information that your injury is likely to meet the criteria for lifetime participation (which is the same as for interim participation) at the end of the two-year period.

This won't happen for children under 5 years of age.

You can get the Lifetime Application Form from us.

Eligibility criteria for participation in the Scheme

The eligibility criteria set out in this clause applies to both interim participation and lifetime participation.

You're eligible for participation if you were injured in a motor accident and you meet the criteria for one or more types of injury at the time we make our decision.

If you're eligible to be a participant and your application for acceptance as a participant has been made properly, we must accept you, either as an interim or lifetime participant.

Types of injury

You may be eligible for the Scheme if you sustained one or more of the following injuries from a motor vehicle accident in NSW:

- spinal cord injury
- brain injury
- amputation
- burns
- permanent blindness

Medical certification

An appropriately qualified medical specialist must certify that you meet the injury criteria.

The certification must be completed on the medical certificate which is part of the Application Form.

FIM™ and WeeFIM® for use for brain injuries and burns

The Functional Independence Measure (FIM™) is an assessment tool to measure how much assistance you require to carry out activities of daily living. The Functional Independence Measure for children (WeeFIM®) is the assessment tool for children aged between 6 months and 8 years.

We have score sheets for the FIM™ and WeeFIM® for people who have had brain injuries and burns. These forms measure how much assistance you need and include a section where the clinician completing the form can indicate which scores relate to the injury and reasons why the score has been given. Our score sheets must be used for all interim and lifetime participation applications for brain injuries and burns.

The FIM™ or WeeFIM® assessment has to be done by a person who has been trained in FIM™ or WeeFIM®, passed the relevant examination and is credentialed through the Australian Rehabilitation Outcomes Centre, or equivalent if the assessment is conducted outside Australia.

If you're not a participant in the Scheme, the FIM™ or WeeFIM® assessment must be done within 20 working days of the date of a completed application. We might sometimes decide on a different time frame for this.

If more than one FIM™ or WeeFIM® assessment has been done, we'll use the most recent assessment for our eligibility decision.

Pre-existing and co-existing conditions

If you have another medical condition that happened before or at the same time as the accident (such as stroke, brain injury or dementia), and you apply to the Scheme, we might need more information about your other medical condition before we can make a decision. *For example, 10 years ago, you had a stroke resulting in right-sided weakness. You have a motor accident and now you have a traumatic brain injury because of the accident.*

Delaying an application

We might ask you to put off making an application until your injury has stabilised or is unlikely to change. *For example, you might not meet the eligibility criteria straight after the motor vehicle accident, but you might after you have surgery.*

Our process for making decisions

When making a decision about your eligibility, we'll consider the eligibility criteria and any other information we might need or have asked for. We'll make a decision as soon as possible after we get an application, if we're able to make a decision.

When we make a decision, we'll give reasons. We'll write to:

- you and your legal representative (if you have one)
- the insurer, if they are not the applicant
- the applicant and their legal representative (if they have one), if the person applying is someone other than you or the insurer.

You don't have to agree with our decisions. You have the right to dispute any decision we make. That's OK and we can help you do this. If we do not accept an application for participation in the Scheme, we'll give you (and the applicant, if it's not you) information about our process for dispute resolution.

Information we may need to make our decision

We'll need to get information about the motor accident and your injury. The application must show that:

- you had a motor accident
- the accident happened in NSW
- the injury was caused by the motor accident, and
- the injury meets the criteria in our Guidelines.

Before we can make a decision about your eligibility, we might need information such as:

- the application form and any information or documents attached to it, including information we asked for
- any FIM™ or WeeFIM® score sheet or form
- forms about other claims for personal injury benefits, such as an Accident Notification Form or CTP Personal Injury Claim Form (if there is one)
- ambulance or air ambulance/retrieval records
- hospital records

- treating doctor's reports and other medical reports
- past medical records or school records
- accident investigations
- other information from before the accident or general medical information
- other information we think we might need.

You, or someone on your behalf, will need to give us permission to get information about the injury, motor accident or motor vehicle. This is part of the application form. The form has to be signed, the questions answered, and any information attached.

We might decide that the application is not complete unless it:

- is signed
- has a medical certificate, completed by an appropriately qualified medical specialist who is registered
- has a FIM™ or WeeFIM® score sheet. This is an assessment we need if you've had a brain injury or burns.

If we don't have the information in the form that we need, we could ask you, or the person applying on your behalf to provide the information. We might give you a time frame (usually 4 weeks) to give the information to us, or to ask for a FIM™ or WeeFIM® score sheet to be completed.

We might ask you or someone on your behalf to give us your agreement or consent to get the information we need, if this wasn't in the application form. We might give you a time frame (usually 4 weeks) to give us this agreement.

Sometimes, if there is missing information on an application form we might decide that we have enough information to make a decision anyway.

We might ask you to have an assessment, to see whether you meet some or all of the injury criteria. We might give you a time frame (usually 4 weeks) to have the assessment. You can ask us for more time if you need it.

If we ask you to have an assessment, we'll pay for it.

Other info

This is our injury criteria:

Spinal cord injury

A spinal cord injury is an acute traumatic lesion of the neural elements in the spinal canal (spinal cord and cauda equina) resulting in permanent sensory deficit, motor deficit and/or bladder/ bowel dysfunction.

You are eligible for participation in the Scheme if you have had a spinal cord injury caused by a motor accident and the spinal cord injury has resulted in permanent neurological deficit.

Brain injury

A traumatic brain injury is an insult to the brain, usually with an associated diminished or altered state of consciousness that results in permanent impairments of cognitive, physical and/or psychosocial functions.

You are eligible for the Scheme if you've sustained a traumatic brain injury and:

- the brain injury was caused by the motor accident, and
- the duration of Post Traumatic Amnesia (PTA) is greater than 1 week. If the PTA assessment is not available or applicable (for example, if you are under 8 years of age, or if you had a penetrating brain injury), there must be:
 - evidence of a very significant impact to the head, causing coma for longer than one hour, or
 - a significant brain imaging abnormality due to the motor accident; and
- one of the following criteria is met:
 - if over 8 years of age: a score of 5 or less on any of the items on the FIM™ or WeeFIM® due to the brain injury or
 - if aged from 3 to 8 years: a score two less than the age norm on any item on the WeeFIM® due to the brain injury or
 - if aged under 3 years: a medical certificate from a paediatric rehabilitation physician that states you'll probably have permanent impairment due to the brain injury, resulting in a significant adverse impact on your normal development.

Amputations

You may be eligible for the Scheme if you've had an amputation or amputations, or the equivalent impairment caused by the motor accident.

Equivalent impairment means that your limb function is the same as if you have had an amputation described below. The amputation or amputations must meet the criteria described below:

Criteria for multiple amputations

- The injury resulting in the amputations, or the equivalent impairment, was caused by the motor accident and
- You have multiple amputations of the upper and/or lower extremities (or equivalent impairment or some combination), meaning that there is more than one of the following types of amputation at or above, proximal to, the level of:
 - a 'short' transtibial or standard transtibial amputation, as defined by the loss of 50% or more of the length of the tibia. This includes all other amputations of the lower extremity (such as knee disarticulation or transfemoral amputation) above this level;
 - a thumb and index finger of the same hand, at or above the first metacarpophalangeal joint. This includes all other amputations of the upper extremity (such as below-elbow or above elbow amputation) above this level;
 - there are multiple amputations, each of which is an 'equivalent impairment' to one of the types of amputation above. 'Equivalent impairment' means the functional equivalent to an amputation, resulting from an injury such as (but not limited to) brachial plexus avulsion or rupture, or any other severe orthopaedic and/or neuromuscular injury of either an upper or lower limb, where paralysis exists and movement in the paralysed limb, or relevant part thereof, is minimal or non-existent due to the injury.

Criteria for unilateral amputation

- The injury resulting in the amputation (whether amputation or an 'equivalent impairment'), was caused by the motor accident and
- You have one of the following types of injury:
 - forequarter amputation (complete amputation of the humerus, scapula and clavicle) or shoulder disarticulation
 - hindquarter amputation (hemipelvectomy by trans-section at sacroiliac joint, or partial pelvectomy)
 - hip disarticulation (complete amputation of the femur) or
 - 'short' transfemoral amputation as defined by the loss of 65% or more of the length of the femur.

An 'equivalent impairment' to one of the types of amputation above. Equivalent impairment means the functional equivalent to an amputation, resulting from an injury such as (but not limited to) brachial plexus avulsion or rupture, where paralysis exists and movement in the paralysed limb, or relevant part thereof, is minimal or non-existent due to the injury.

Burns

You may be eligible for the Scheme if you have sustained burns and:

- the burns were caused by the motor accident and
- you have full thickness burns greater than 40% of your total body surface area, or greater than 30% of your total body surface area if you are a child under 16 years or
- you have inhalation burns that have caused long term respiratory impairment or
- you have full thickness burns to the hand, face or genital area and
- one of the following criteria is met:

- if over 8 years of age: a score of 5 or less on any of the items on the FIM™ or WeeFIM® due to the burns or
- if aged from 3 to 8: a score two less than the age norm on any item on the WeeFIM® due to the burns or
- if you are aged under 3 years: a medical certificate from a paediatrician or an appropriately qualified medical specialist otherwise approved in writing by us that states you will probably have permanent impairment due to the burns resulting in a significant adverse impact on your normal development.

Permanent blindness

You may be eligible for the Scheme if you've lost sight in both eyes and:

- the loss of sight was caused by the motor accident and
- you're legally blind, defined by:
 - visual acuity on the Snellen Scale after correction by suitable lenses is less than 6/60 in both eyes
 - field of vision is constricted to 10 degrees or less of arc around central fixation in the better eye irrespective of corrected visual acuity (equivalent to 1/100 white test object) or
 - a combination of visual defects resulting in the same degree of visual loss as that occurring in either of the definitions above.

For more information contact Lifetime Care

9am to 5pm, Monday to Friday

Phone: 1300 738 586

Email: enquiries.lifetimecare@icare.nsw.gov.au

Web: www.icare.nsw.gov.au