

The Commission's Provider Approval and Suitability Section assesses and approves applicants under the Aged Care Quality and Safety Commission Act 2018 (Commission Act) to provide services under the Aged Care Act 1997 (the Aged Care Act).

Part 7A, Division 2 deals specifically with the Approval of aged care providers. Key sections include:

63B Application for approval as provider of aged care	63C Request for further information	63D Decisions to approve person as provider of aged care	63E Notifications of decisions relating to approval	63F States, Territories and local government (Division 3)
63B	63C	63D	63E	63F

The Commission Act: Provider Approvals

63D Decisions to approve person as provider of aged care

63D

The applicant's **experience** in delivering aged care or other relevant forms of care.

The applicant's demonstrated understanding of responsibilities as an approved provider

The governance systems the applicant has, or proposes to have, in place to meet its responsibilities as an approved provider

The applicant's record of financial management and methods or proposes to use to ensure sound financial management

If the applicant has provided aged care or another relevant form of care, it's conduct and compliance in relation to the responsibilities as a provider

Any other matters set out in the Commission Rules.

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Section 63B deals with the application for approval as a provider of aged care which we covered in Module 1. Introduction and Overview. As a reminder, It states the following:

A person may apply to the Commissioner to be approved as a provider of aged care. The application must:

- be made in writing; and
- be in a form approved by the Commissioner; and
- be accompanied by any documents or information specified by the Commissioner; and
- be accompanied by any fee specified by the Commissioner.

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16. The Commission Act: Requesting Further Information

Section 63C deals with request for further information that may be made to an applicant. **63B (3) allows** for an applicant to withdraw the application in writing at any time before the Commissioner decides on the application.

Timeframe: The application will be assessed within 90 days of receipt or 90 days after requesting further information (RFI).

63C covers if a Request for Further Information is needed to be made to assess the application. This is called an RFI.

RFI: If further information is required, the Commissioner will send a written request and will usually provide 28 days for the applicant to respond. However, this timeframe may be altered:

- at the applicant's request
- if the delay would prejudice the applicant
- if the applicant has previously been refused or has had their approval revoked.

The application is considered withdrawn if the applicant does not provide the information within the prescribed period.

17. Commission Act – Determining Suitability

Section 63D contains information relating to the Commissioner deciding whether to approve person as provider of aged care.

Under Section 63D of the Commission Act, the Commission or their delegate must be satisfied that an applicant:

1. Has used the approved form.
2. Is a corporation.
3. **It is suitable to provide aged care and**

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4. Does not have any disqualified individuals as key personnel (defined by s8A of the Commission Act).

These four matters must be satisfied for an application to be considered for approval and are pivotal in progressing an application through the assessment process.

For the third matter, suitability, the Commissioner or delegate must **satisfy** themselves that the applicant is suitable to provide aged care (section 63D(3) of the Act).

In determining the suitability of the applicant, the Commissioner/delegate **MUST** consider **all** of the following:

- The applicant's **experience** in delivering aged care or other relevant forms of care;
- The applicant's **demonstrated understanding** of responsibilities as an approved provider;
- **The governance systems** the applicant has, or proposes to have, in place to meet its responsibilities as an approved provider;
- The applicant's **record of financial management** and/or methods they propose to use to ensure sound financial management.
- If the applicant has already provided aged care or another form of relevant care, its **conduct as such a provider and its compliance** with its responsibilities as a provider of that care and obligations arising from the receipt of any payments from the Commonwealth for providing that care; and
- Any other matters set out in the Commission Rules.

All of the above information should be accessible to an Assessor in the responses and documentation supplied in an application. It is the role of the assessor to review and consider the information put forward against all these elements and to make recommendations to the delegate regarding the organisation's suitability.

The Commissioner or delegate may also **consider all the above (except for systems) concerning any or all the applicant's key personnel**.

It is important to note that the Commissioner or their delegate is not limited to these matters when deciding whether the applicant is suitable for aged care.

In assessing an application, the Commissioner may consider the applicant's key personnel in relation to all the suitability evidence submitted.

<https://www.legislation.gov.au/Details/C2021C00436>

18. Commission Act - Notification of a Decision

If the Commissioner decides to approve the person as a provider of aged care under section 63D, the Commissioner must, within 14 days after making the decision, give written notice of the following to the person;

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- (a) the decision;
- (b) the day the approval comes into effect;
- (c) whether the approval is given in respect of all types of aged care or only in respect of a certain type or types of aged care;
- (d) if the approval is in respect of residential care or flexible care—that the approval is in respect of each residential care service or flexible care service in respect to the relevant allocation of places.
- (e) if the approval is in respect of home care—that the approval is in respect of each home care service.
- (f) if the Commissioner is satisfied that there are one or more circumstances that materially affect the person’s suitability to provide aged care—those circumstances and the steps the person must take to notify the Commissioner and obtain the Commissioner’s agreement before there is any change to those circumstances.

The notice must also set out the following matters:

- (a) the obligations of approved providers under Division 9 of the Aged Care Act to notify of, or give, certain information.
- (b) the circumstances in which the approval may be suspended or revoked under the Commission Act
- (c) the circumstances in which the approval may be restricted under the Commission Act

Decision not to approve person as provider of aged care

If the Commissioner decides not to approve the person as a provider of aged care under section 63D, the Commissioner must, within 14 days after making the decision, give written notice of the following to the person:

- (a) the decision.
- (b) the reasons for the decision.
- (c) how the person may apply for the reconsideration of the decision.

19. Commission Act - Notification of a Decision (Continued)

Decision not to approve person as provider of aged care

If the Commissioner decides not to approve the person as a provider of aged care under section 63D, the Commissioner must, within 14 days after making the decision, give written notice of the following to the person:

- (a) the decision.
- (b) the reasons for the decision.
- (c) how the person may apply for the reconsideration of the decision.