



Overcharged accommodation payments - your rights



This fact sheet explains what you can do if you have been overcharged a refundable accommodation deposit (RAD) or daily accommodation payment (DAP) by your provider.

Overcharged accommodation payments

Some people living in residential aged care may have been overcharged for their accommodation payments. This includes both RADs and DAPs.

If an aged care resident paid more than \$550,000 for their Refundable Accommodation Deposit (or equivalent DAP) and their aged care provider did not have approval to charge this, they may have been overcharged.

Residents who have been overcharged are entitled to be refunded the overcharged amount.

Publishing room prices

Providers must publish the maximum price for their various rooms:

- ✓ on their website
- ✓ on the My Aged Care website
- ✓ in information they give to people considering using their service.

Providers must also:

- ✓ be approved before they agree with you to charge a higher price
- ✓ ensure their approval is always current
- ✓ give you a copy of your signed accommodation agreement
- ✓ give you a copy of your RAD register within 7 days of paying your RAD.

What to do if you have paid a room price over \$550,000

Ask your provider to show you their approval notice from the Independent Health and Aged Care Pricing Authority (IHACPA) or the former Aged Care Pricing Commissioner (ACPC) to charge the amount you paid for your room. The approval must be current for the date you agreed to your room price.

If your provider had a current approval, you do not need to do anything further.

If your provider did not have a current approval to charge the amount you paid on the date you agreed to a room price, they will need to refund you the overcharged amount.



Steps to take if you've been overcharged

You are entitled to receive the RAD or DAP amount you have been overcharged plus any interest.

Your provider must refund you the overcharged amount, and any interest. Interest will begin to accrue from 28 days after your provider becomes aware of the overcharge. The method for calculating the refund and any interest is set out in legislation. Your provider must also tell the Commission about the overcharge.

No matter when your overcharged amount is repaid, your remaining RAD balance is still fully refundable when you permanently leave care.

Taking the following steps can help you understand your individual situation

1. Gather information from your provider

Your provider must notify you as soon as they become aware that they have overcharged you. They must then refund you the overcharged amount and any interest. Your provider must also:

- ✔ keep detailed records
- ✔ detail the exact amount that you were overcharged
- ✔ detail the amount that you will be paid back
- ✔ detail any amount of interest that you are entitled to
- ✔ explain the refund process including how and when the amount will be refunded
- ✔ outline how it affects your accommodation agreement
- ✔ give you information about where you can get support.

Your provider needs to keep and maintain detailed records about any RADs they hold and about how they have managed the refund process.

2. Get financial and other support

Some support you may like to access is:

- ✔ your provider's complaints service
- ✔ independent legal and financial advice
- ✔ translating services
- ✔ advocates or representatives such as OPAN
- ✔ the Aged Care Quality and Safety Commission.

Your provider must follow the Charter of Aged Care Rights. The [Charter](#) booklet informs you of your rights and how you can exercise them.

If you have a concern or complaint you cannot resolve by talking with your provider, or if you need other support, the Commission can help. The Commission can also help if you need to translate information.

You can contact the Commission on 1800 951 822 or via this website: www.agedcarequality.gov.au.

To speak with an aged care advocate and get support to raise your concerns, you can contact OPAN on 1800 700 600 or visit opan.com.au.



For free financial advice you can also contact Services Australia's [Financial Information Service \(FIS\)](#). FIS officers can show you how to make informed financial decisions and help you to understand the financial implications of your aged care costs.

To find out more about FIS, or to make an appointment, call 132 300 and say "Financial Information Service" when asked why you are calling.

3. Decide on payment acceptance

If you are satisfied with the information your provider has given you, including the refund amount and any interest payable, tell your provider in writing that you will accept the payment.

You should also revisit your accommodation agreement to make sure it is up to date and records the new default agreed price of \$550,000 as a RAD and the daily equivalent of \$550,000.

You have the right to raise concerns and make complaints to your provider about the care and services you receive and they must take steps to address your concerns.

Further Information

For more information about accommodation payments, refunds and options:

Department of Health and Aged Care – managing accommodation payments
<https://www.health.gov.au/our-work/residential-aged-care/managing-residential-aged-care-services/managing-accommodation-payments-and-contributions-for-residential-aged-care>

My Aged Care – Understanding aged care home accommodation costs
www.myagedcare.gov.au/understanding-aged-care-home-accommodation-costs

My Aged Care – Financial support and advice
www.myagedcare.gov.au/financial-support-and-advice

IHACPA – about refundable accommodation deposits
www.ihacpa.gov.au/aged-care/refundable-accommodation-deposits-rads/about-rad-approvals

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Phone

1800 951 822



Web

agedcarequality.gov.au



Write

Aged Care Quality and Safety Commission
GPO Box 9819, in your capital city