

The Hon Jillian Skinner
Minister for Health & Medical Research
Level 31 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

8 January 2014
Our Ref 0385

Dear Minister

Re: Registered Nurse requirement for nursing homes under the NSW *Public Health Act, 2010*

Alzheimer's Australia NSW writes to outline its concerns about potential negative consequences arising from changes to the Commonwealth's *Aged Care and Other Legislation Amendment Act 2014* (Aged Care Act 2014) on the NSW Government's *Public Health Act, 2010* (Public Health Act) in terms of nursing home safety.

From 1 July 2014, the Aged Care Act 2014 removed the distinction between high and low care residential aged care places. In other words, the distinction between 'nursing home' and 'hostel' has been abolished. All residential aged care places are now treated in the same way under the Aged Care Act 2014.

This amendment to the *Aged Care Act 2014* has implications for the operation of the NSW *Public Health Act*. Division 4, 104, (N.127) (a) of the *Public Health Act* requires all nursing homes in NSW as defined by the previous *Aged Care Act* to have a registered nurse on at all times.

This minimum staffing requirement formerly applied to approximately 50% of residential aged care facilities in NSW. Further blurring the line of accountability has been the steady rise in new facilities built with 'ageing in place' capacity, which admit residents with low care needs and commit to meeting their ongoing needs (including palliation).

Since the Commonwealth removed the distinction between high and low care, it is unclear how the registered nurse requirement for nursing homes will be enforced by the *Public Health Act*, unless it is also amended.

The *Aged Care Act 2014* does not mandate that nursing homes or facilities with high care residents have a registered nurse on at all times. Rather, Division 54-1 (b) of the *Aged Care Act*

2.

2014 states that a residential aged care facility should “maintain an adequate number of appropriately skilled staff to ensure that the care needs of care recipients are met”.¹ This is open to interpretation and results in residential aged care facilities employing staffing practices that often do not ensure the safety of residents.

Most aged care residents typically have complex healthcare needs with official figures quoting 53 per cent have a diagnosis of dementia², although anecdotally providers tell us this figure is much higher. Furthermore, residential aged care is increasingly admitting and supporting people with very high care needs, with community care increasing its capacity to support people to remain in their own home for longer. Our concerns for having care and staffing requirements in residential aged care are heightened by the statistic that 90 per cent of people with dementia will be admitted to residential aged care due to their high support needs.

Combining the increasing acuity and complex care needs with decreased registered nursing staff on duty in aged care facilities is likely to have an impact on the health and hospital system in NSW. A pattern of missed clinical issues that if picked up earlier could have been managed in the facility with primary care support, will likely result in increased ambulance call outs and admissions to Emergency Departments and wards in NSW hospitals. Hospitals are not good places for people with dementia to go, with longer stays, higher rates of admission and mismanagement of dementia³. The costs of hospital stays for people with dementia have also been estimated to be approximately \$8,500 per episode higher than people without dementia. The overall health status of people with dementia often declines due to hospital stays, and this may negatively impact on their return to a residential aged care facility if the operator deems it unsafe to return based on increased support needs and inability to safely manage this within their staffing skillset.

Alzheimer’s Australia NSW believes that it is incumbent on the NSW Government to ensure that the registered nurse requirement currently afforded by the *Public Health Act* continues to protect residential aged care residents and ensure ongoing safety and quality of care is provided.

Yours sincerely

A handwritten signature in black ink that reads "John Watkins". The signature is written in a cursive style with a large, sweeping initial 'J'.

The Hon. John Watkins
Chief Executive Officer

¹ Commonwealth of Australia (2014) *Aged Care Act 2014* p.248

² AIHW (2012) *Dementia in Australia*, Canberra.

³ AIHW (2013) *Dementia Care in Hospitals: costs and strategies*, Canberra.