

**Senate Community Affairs Committee**  
**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**  
**SOCIAL SERVICES PORTFOLIO**  
**2013-14 Supplementary Estimates Hearings**

**Outcome Number:** 8

**Question No:** 51

**Topic:** Aged Care Provider Sanctions

**Hansard Page:** CA62 - 21 Nov 2013

**Senator Seselja** asked:

Please provide details of the 17 sanctions issued in 2012-13.

**Answer:**

In 2012–13, the Department issued 17 Notices of Decision to Impose Sanctions to 14 approved providers. Details of sanctions imposed in 2012–13 are listed in the table below.

## Sanctions imposed under the *Aged Care Act 1997* – 1 July 2012 to 30 June 2013

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
New South Wales					
Warrigal Care Warilla	Warrigal Care	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p> <p>4. Approval as an approved provider of aged care services revoked unless an administrator is appointed for a period of six months.</p>	15 August 2012	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>Residents' challenging behaviours are not being managed appropriately;</li> <li>Residents' privacy and dignity are not being recognised and respected;</li> <li>Residents are not able to exercise choice and control over their lifestyle; and</li> <li>The Service has failed to maintain a clean environment, including failing to maintain the premises and equipment to a safe standard.</li> </ul>	Sanctions expired on 14 February 2013.

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Orana Gardens Lodge	Dubbo RSL Aged Care Association Ltd	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. Approval as an approved provider of aged care services revoked unless an administrator is appointed for a period of six months.</p> <p>3. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months.</p> <p>4. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	7 September 2012	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>• There are not appropriately skilled and qualified staff to ensure quality services are delivered;</li> <li>• Information systems do not support the delivery of care for residents;</li> <li>• Residents' care plans are not being consistently monitored or followed to ensure residents receive appropriate clinical care;</li> <li>• Residents' specialised nursing care needs are not identified and met by appropriately qualified nursing staff;</li> <li>• Systems do not ensure that resident medication is managed safely and correctly;</li> <li>• Residents are not as free as possible from pain; and</li> <li>• Residents' privacy, dignity and confidentiality are not recognised and respected.</li> </ul>	Sanctions expired on 7 March 2013

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Northern Territory					
Tracy Aged Care	Uniting Church in Australia Assembly Ltd (trading as Frontier Services)	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents. This sanction ceased to have effect thirty days after the adviser required under the sanctions commenced work at the home.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	21 December 2012	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>Residents are at risk of contracting food poisoning because food is being delivered outside acceptable temperature ranges, staff practices do not ensure the safe storage of food supplies and food preparation areas are not clean and well maintained.</li> </ul>	<p>Sanction 1 expired on 31 October 2013.</p> <p>Sanction 2 expired on 4 March 2013.</p> <p>Sanction 3 expired on 20 June 2013.</p>
Terrace Gardens	Uniting Church in Australia Assembly Ltd (trading as Frontier Services)	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents. This sanction ceased to have effect thirty days after the adviser required under the sanctions commenced work at the home.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	29 December 2012	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>Residents are at risk of contracting food poisoning because food is not being prepared, stored or re-heated appropriately.</li> </ul>	<p>Sanction 1 and 3 expired on 28 June 2013.</p> <p>Sanction 2 expired on 8 February 2013.</p>

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Tracy Aged Care	Uniting Church in Australia Assembly Ltd (trading as Frontier Services)	<p>1. Approval as an approved provider of aged care services revoked unless an administrator is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	31 January 2013	<p>The Department determined that the health, welfare or interests of care recipients was threatened and that it was appropriate to impose sanctions because of:</p> <ul style="list-style-type: none"> <li>Continuing non-compliance in relation to the following Accreditation Standards Outcomes.</li> </ul> <p>1.8 Information systems  2.4 Clinical care  2.7 Medication management  2.10 Nutrition and hydration  4.2 Skin care  4.2 Regulatory compliance  4.4 Living environment  4.8 Catering, cleaning and laundry services</p> <p>The approved provider did not comply with an Undertaking to remedy non-compliance within the agreed time frame.</p>	<p>Sanction 2 and 3 expired on 30 July 2013.</p> <p>Sanction 1 expired on 31 October 2013.</p>

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Tiwi Residential Care Centre (formerly known as Tiwi Gardens Lodge)	ECH Inc.	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of four months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of four months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	14 March 2013	<p>The Department determined that the health, welfare or interests of care recipients was threatened and that it was appropriate to impose sanctions because of Continuing non-compliance in relation to the Accreditation Standards Outcome 2.4 Clinical care.</p> <p>The issues of concern were:</p> <ul style="list-style-type: none"> <li>Residents are not receiving care consistent with their assessed care needs; and</li> <li>The clinical care of care recipients with complex and/or high care needs is not adequate.</li> </ul> <p>The approved provider did not comply with an Undertaking to Remedy non-compliance within the agreed time frame.</p>	Sanctions expired on 13 July 2013.

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Terrace Gardens	Uniting Church in Australia Assembly Ltd (trading as Frontier Services)	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of nine months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of nine months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p> <p>4. Approval as an approved provider of aged care services revoked unless an administrator is appointed for a period of nine months.</p>	10 April 2013	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>• staff do not have the skills and knowledge required to perform their roles effectively;</li> <li>• information management systems are not effective;</li> <li>• residents' care plans do not always reflect their assessed care needs and preferences;</li> <li>• clinical care and specialised nursing care needs are not being delivered in accordance with residents' assessed care needs;</li> <li>• residents' medication is not managed safely and correctly;</li> <li>• residents' nutrition and hydration needs are not being met;</li> <li>• residents' skin care needs are not adequately maintained; and</li> <li>• processes to manage the needs of residents' with challenging behaviours are not effective.</li> </ul>	<p>Sanction 3 expired on 9 October 2013.</p> <p>Sanction 1 and 4 were lifted on 15 November 2013.</p> <p>Sanction 2 expires on 9 January 2014.</p>

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Queensland					
Merrimac Park Private Care	Superior Care Group Pty Ltd	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of four months.</p> <p>2. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	26 October 2012	<p>The Department determined that the health, welfare or interests of care recipients was threatened and that it was appropriate to impose sanctions because of continuing non-compliance in relation to the following Accreditation Standards Outcomes:</p> <ul style="list-style-type: none"> <li>• 1.1 Continuous improvement</li> <li>• 1.6 Human resource management</li> <li>• 1.8 Information systems</li> <li>• 2.1 Continuous improvement</li> <li>• 2.4 Clinical care</li> <li>• 2.5 Specialised nursing care services</li> <li>• 2.7 Medication management</li> <li>• 2.8 Pain management</li> </ul> <p>The approved provider did not comply with an Undertaking to remedy non-compliance within the agreed time frame.</p>	<p>Sanction 1 expired on 25 February 2013</p> <p>Sanction 2 was lifted on 15 February 2013.</p>



State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Hopevale Aged Hostel	Hope Vale Aboriginal Council	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents until seven days after commencement of the adviser.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	4 November 2012	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>• Care staff do not have adequate skills to perform their roles;</li> <li>• Medications are not being provided as prescribed;</li> <li>• Unskilled care staff are making decisions on the use of "as required" medications;</li> <li>• Resident's nursing care has been provided without individual care plans to guide staff; and</li> <li>• Methods for checking safe medication management have not identified unsafe staff practices.</li> </ul>	Sanctions expired on 3 May 2013.

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Tricare Annerley Nursing Centre	Tricare (Annerley) Pty Ltd	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	10 May 2013	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>• Staff do not have a shared understanding of individual resident's care needs;</li> <li>• Residents are not being supported to receive adequate hydration;</li> <li>• Clinical indicators of inadequate nutritional intake are not being identified; reassessed and managed; and</li> <li>• Residents' clinical care needs are not being identified and met.</li> </ul>	Sanctions expired on 9 November 2013.

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Victoria					
AdventCare Yarra Valley (Nursing Home)	Seventh Day Adventist Aged Care Pty Ltd	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	1 September 2012	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>Residents are not receiving appropriate clinical care;</li> <li>Residents' behaviours are not being managed appropriately;</li> <li>Residents' pain is not being managed appropriately;</li> <li>There are inadequate numbers of appropriately skilled staff to deliver care to residents; and</li> <li>Residents' medications are not being managed appropriately.</li> </ul>	<p>Sanction 1 and 3 expired on 28 February 2013.</p> <p>Sanction 2 was lifted on 21 January 2013.</p>
	Nepean Hospitals Pty Ltd	1. The approved provider is prohibited from charging accommodation bonds for the entry of care recipients to all residential services conducted by the approved provider for a period of eight months.	12 October 2012	<p>The Department determined that the health, welfare or interests of care recipients was threatened and that it was appropriate to impose sanctions because of:</p> <ul style="list-style-type: none"> <li>Continuing non-compliance in relation to the Prudential Standards.</li> <li>The approved provider did not comply with an Undertaking to remedy non-compliance within the agreed time frame.</li> </ul>	The sanction expired on 11 June 2013.

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Lynch's Bridge Aged Care Facility	Doutta Galla Aged Services Ltd	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	24 November 2012	<p>The Accreditation Agency identified serious risks and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>• Information systems are not supporting the delivery of care to residents with complex care needs;</li> <li>• Residents' pain is not being managed appropriately;</li> <li>• Residents' challenging behaviours are not being managed appropriately placing residents at risk of harm; and</li> <li>• Residents' medications are not being managed appropriately.</li> </ul>	<p>Sanction 1 and 3 expired on 23 May 2013.</p> <p>Sanction 2 was lifted on 28 February 2013.</p>

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Reservoir Retreat	Reservoir Retreat Aged Care Pty as trustee for The Ryan Family Trust	<p>1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.</p> <p>2. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months.</p> <p>3. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.</p>	13 December 2012	<p>The Accreditation Agency identified serious risk and the Department determined that there was an immediate and severe risk to the safety, health or well-being of residents.</p> <p>The Department identified serious issues of concern, including:</p> <ul style="list-style-type: none"> <li>• Clinical instructions are not available to guide staff practice and poor practice is not followed up;</li> <li>• Residents' behaviours are not being managed appropriately, placing residents' safety at risk or compromising residents' privacy;</li> <li>• Residents' medications are not being administered as prescribed, particularly in the management of residents' challenging behaviours;</li> <li>• Residents' who smoke are not being consistently assisted to do so in a safe manner; and</li> <li>• Information is not available to staff to inform the provision of appropriate care and services to residents.</li> </ul>	<p>Sanctions expired on 12 June 2013.</p> <p>On 18 January 2013 places were transferred and the home closed.</p>

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
	Viva Care Pty Ltd	1. The approved provider is not eligible to receive Australian Government subsidies for any new residents for a period of six months. 2. The approved provider is prohibited from charging accommodation bonds for the entry of care recipients to Viva Care at Albion for a period of six months.	26 April 2013	The Department determined that the health, welfare or interests of care recipients was threatened and that it was appropriate to impose sanctions because of: <ul style="list-style-type: none"> <li>Continuing non-compliance in relation to the Prudential Standards.</li> <li>The approved provider did not comply with an Undertaking to remedy non-compliance within the agreed time frame.</li> </ul>	Sanctions expired on 25 October 2013.  On 10 May 2013 all residents left and the home closed.  On 25 June 2013, approval was revoked for Viva Care Pty Ltd as a provider of aged care.
South Australia					
Woodville Nursing Home	Woodville Nursing Home Pty Ltd	1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months. 2. Revocation of approved provider status unless the approved provider agrees to provide, at its expense, training for its officers, employees and agents.	27 February 2013	The Department determined that the health, welfare or interests of care recipients was threatened and that it was appropriate to impose sanctions because of continuing non-compliance in relation to the following Accreditation Standards outcomes: <ul style="list-style-type: none"> <li>1.8 Information systems</li> <li>2.4 Clinical care</li> </ul> The approved provider did not comply with an Undertaking to remedy non-compliance within the agreed time frame.	Sanctions expired on 26 August 2013

State and Service	Approved Provider	Sanctions Imposed	Date Imposed	Reason for Imposing Sanctions	Outcomes
Western Australia					
Balladong Lodge	Global Care Group Inc.	1. Approval as an approved provider of aged care services revoked unless an adviser with nursing experience is appointed for a period of six months.	17 August 2012	<p>The Department determined that the health, welfare or interests of care recipients was threatened and that it was appropriate to impose sanctions because of continuing non-compliance in relation to the following Accreditation Standards outcomes:</p> <ul style="list-style-type: none"> <li>• 1.8 Information systems</li> <li>• 2.4 Clinical care</li> <li>• 2.7 Medication management</li> <li>• 4.8 Catering, cleaning and laundry services</li> </ul> <p>The approved provider did not comply with an Undertaking to remedy non-compliance within the agreed time frame.</p>	Sanctions expired on 16 February 2013.

Note: Section 68-1 of the *Aged Care Act 1997* provides that a sanction that has been imposed on an approved provider for non-compliance with its responsibilities ceases to apply if (a) the sanction period ends or (b) the Secretary decides under section 68-3 of the Act that it is appropriate for the sanction to be lifted. When applicable, the duration of a sanction is fixed by the Secretary and specified in the notice of decision to impose a sanction.

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