



Review of the Footwear and Orthotic Guidelines

Prepared for the NSW Government -

Department of Health – Enable NSW

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Prepared by the Physical Disability Council of NSW

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Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (PDCN) is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW

The objectives of PDCN are:

- To educate, inform and assist people with physical disabilities in NSW about the range of services, structure and programs available that enable their full participation, equality of opportunity and equality of citizenship
- To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (ie self advocate).
- To educate and inform stakeholders (ie about the needs of people with a physical disability) so they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

PDCN appreciates the opportunity to consider, and make comment on the following Enable NSW - Aids and Equipment Program:

- Medical Grade Footwear and Footwear Modifications
- Lower Limb Devices
- Upper Limb Devices

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) marks the official paradigm shift in attitudes towards people with disability and approaches to disability concerns. Social reform has facilitated changes in attitudes, the availability of services and governmental expectations with a shift in focus from a medical model of disability to a social model. With these changes PDCN believes that government services and agencies need to ensure that correct terminology is used, and that references to patients are replaced with appropriate terminology such as consumers. Subsequently PDCN would recommend that all references to patients used by Enable NSW such as in the Medical Graded Footwear and Footwear Prescription and Provision Guideline be modified using correct terminology.

As an international signatory to the CRPD, services providing aids and equipment such as Enable NSW Enable need to ensure the availability of quality mobility aids, devices, and assistive technologies, whilst providing these at an affordable cost. This includes access to information about mobility aids, and assistive technologies, in appropriate formats in a timely manner and without additional costs. ¹ Included as part of this obligation would be a requirement to provide consumers with written feedback detailing approval or disapproval following assessment, and if disapproved, information about the items not approved, on what basis this decision was made and the opportunity to appeal.

¹ United Nations Convention on the Rights of Persons with Disabilities Articles 4, 20, 21 (2006)

Each of the Enable NSW programs identified above contains Prescription and Provision Guidelines with the following details:

- A brief description of program objectives
- Minimum qualifications of professionals that can prescribe equipment included in the program
- Ineligibility and exclusions from the specific program type
- Steps required before submitting a request for equipment
- Consumer payments
- Relevance of contracts with suppliers of equipment
- Essential criteria
- Clinical considerations including those relevant to the consumer, his/ her activities of daily living and the specific equipment type
- Equipment trials
- Background research and publications used to prepare each of the guidelines.

The Prescription and Provision Guidelines for the Medical Grade Footwear and Footwear Modifications program identifies the following exclusions: ²

- Temporary footwear for clinical treatment.
- Post-operative or cast shoes, Wound-healing shoes, or prefabricated walking braces.
- Regular footwear (off-the-shelf, readily available, retail footwear made from standard shape lasts, normal depth toe box).
- Build-ups less than 30mm.
- Single rocker soles, wedge/flare, Thomas heels, etc, unless as part of medical grade footwear prescription.
- Items costing less than \$100.
- Footwear to accommodate foot orthoses for children, less than 16 years of age.
- Equipment primarily for use in sport, recreation, educational or employment purposes.

The following exclusions are included as part of the Prescription and Provision Guidelines for the Lower Limb Devices program ³

- Orthoses required to support clinical intervention eg. as part of a serial splinting or stretching program, night splints, post-operative treatment, or post-botulinum toxin treatment.
- Orthoses exclusively for treatment of medical conditions or short-term use (less than 12 months).
- Items costing less than \$100.
- Foot orthoses for children (See Appendix 1).
- Equipment primarily for use in sport, recreation, educational or employment purposes.

² N SW Government – Department of Health NSW Enable Guidelines for the Medical Grade Footwear and Footwear Modifications program

³ NSW Government – Department of Health NSW Enable Guidelines for the Lower Limb Devices program

The Prescription and Provision Guidelines for the Upper Limb Devices program includes the following exclusions ⁴

- Orthoses required specifically as part of a clinical intervention eg. As part of a serial splinting or stretching program, night splints, postoperative treatment, or post-botulinum toxin treatment.
- Orthoses exclusively for treatment of medical conditions or short-term use (less than 12 months).
- Pressure garments for burns patients.
- Pressure garments for post acute/outpatient care.
- Garments and therapy splints (structural therapy garments) during acute treatment stage or rehabilitation (see Appendix 1 for Lycra garments/splints).
- Items costing less than \$100.
- Donning aids.
- Equipment primarily for use in sport, recreation, educational or employment purposes.

PDCN supports the exclusions identifying where aids and equipment may only be required on a short- term (12 months or less) basis, such as for the following clinical interventions as funding for these should be sought elsewhere,

:

- Post- operative procedures
- Treatment or as part of a rehabilitation
- Therapy programs
- Post acute/outpatient care

It is not clear from the guidelines for the Lower Limb Devices program and the Upper Limb Devices program why funding for night splints can not be sought through Enable NSW. Nor does PDCN understand why funding is available for a limb device worn during the day, but funding can not be sought if the limb device is used only at night.

Whilst children are less likely to participate in as many activities of daily living than that of adults, and children are more likely than adults with a disability to be dependent on carers.. PDCN is unable to understand why the guidelines for all three of the programs draw this distinction between children and adults making the provision to children of these aids and equipment more restrictive. PDCN considers the provision of these aides to children as potentially an early intervention strategy, and without the availability of these aids it may reduce functional mobility later in life.

Feedback received from parents with children with disabilities often highlights the difficulties associated with eligibility criteria to access necessary supports and services, particularly whilst the child has an undiagnosed disability, and secondly following confirmation of a diagnosis, the focus on the medical definition rather than the functional needs of the person with a disability.

⁴ NSW Government – Department of Health NSW Enable Guidelines for the Upper Limb Devices program

It is understood that individuals in Bands 1 and 2 of the Enable NSW payment schedule need to pay \$100 per annum as a co- payment to Enable NSW no matter whether acquiring one or more pieces of equipment from the aids and equipment included in the Footwear and Orthosis sub- groups and/ or any other aids or pieces of equipment provided by Enable NSW.