



# 24/7 registered nurse coverage and care minutes in residential aged care



## Key changes for approved providers from 1 July 2023

**From 1 July 2023**, residential aged care services across Australia will be required to have a registered nurse on-site and on duty 24 hours a day, 7 days a week, unless granted a 12-month exemption.

**From 1 October 2023**, residential aged care services will be required to meet care minutes targets for direct care time delivered to residents by registered nurses, enrolled nurses, and personal care workers (including nursing assistants). The mandatory care minutes target calculated by the Department of Health and Aged Care for a particular service will be the average for each resident at that service.

**24/7 registered nursing cover and care minutes** are key recommendations from the Royal Commission into Aged Care Quality and Safety.

## Better care for residents in aged care

These new workforce-related responsibilities provide greater assurance that the personal and clinical care needs of those living in residential aged care will be met around the clock.

Having a registered nurse on-site and on duty 24/7 means:

- the aged care sector's skilled staff will be better supported to respond to residents' clinical care needs
- nurses will be first responders and their ongoing availability will help prevent unnecessary trips to hospital emergency departments
- residents will always have access to quality clinical care and assessment, and continuity in the management of their chronic health conditions.

*"Where a provider demonstrates their ongoing efforts to meet these new workforce responsibilities and is delivering safe, quality care and effectively managing risks, but still has gaps in RN coverage, or is yet to meet care minutes targets, the Commission is very unlikely to take escalated enforcement action. We will continue to monitor the performance of that service, intervening where there is risk of (or actual) harm to consumers."*

**Janet Anderson PSM, Commissioner**

## Overview of the Commission's regulatory approach

The Commission's focus will be on ensuring that providers are delivering safe and quality care to aged care residents around the clock, which includes identifying and responding in a timely manner to changing clinical care needs. These provider obligations are consistent with existing responsibilities under the Aged Care Act and Quality Standards.

Where a provider is not meeting the 24/7 RN or care minutes responsibilities at a particular residential service, the Commission will consider the steps that the provider has taken to fulfil their responsibilities, for example, to recruit and retain RNs. The Commission will also consider the clinical governance and clinical care arrangements that the provider has put in place to ensure that the personal and clinical needs of residents are met.

The Commission recognises that the aged care sector is affected by external pressures which may present challenges to providers in attracting and retaining a suitably qualified and skilled workforce. A provider's actions to overcome these challenges will be taken into account when deciding how to respond to a situation where a provider falls short of meeting their new workforce responsibilities.

If a service is unable to fully meet the 24/7 RN or care minutes responsibilities but can show ongoing efforts to comply, and they are providing safe and quality care to residents at all times, the Commission is unlikely to take enforcement action in the absence of other compliance or performance issues. We will continue to monitor the performance of the service.

## Guidance for providers

The Commission has issued a [Regulatory Bulletin](#) on **workforce-related responsibilities including 24/7 registered nurse cover and care minutes** which provides important information for you and your staff to help ensure that your care and services align with the changed responsibilities.

The bulletin outlines what responsibilities must be met and the resources available to support you to meet them. It also describes how the Commission will monitor risks to residents and services' compliance, and how we will respond to any identified gaps in RN coverage or unmet care minute targets.

**The Commission will regulate the new care minutes and 24/7 RN care responsibilities as part of the broader workforce-related responsibilities under the Aged Care Act and Quality Standards.**

Providers are expected to undertake comprehensive workforce planning to manage immediate and longer-term workforce supply. When facing workforce shortages, providers are expected to deploy and document strategies, including alternative clinical care arrangements, to ensure that care needs are always met.

Providers whose residential services are located in Modified Monash Model areas 5, 6 and/or 7 and have fewer than 30 operational beds may apply to the [Department of Health and Aged Care](#) for an exemption from the 24/7 RN responsibility based on their alternative clinical care arrangements.

Alternative clinical care arrangements must be able to address the clinical needs of residents at the service around the clock, and should take into account the capabilities of the non-RN staff working each shift.

## How the Commission considers risk to consumers

The Commission is committed to protecting older Australians receiving residential aged care, including through the effective regulation of approved providers to ensure that the care needs of residents are met.

The Commission determines risks to residents using multiple sources of information. From 1 July 2023, providers will report on 24/7 RN cover and care minutes to the Department of Health and Aged Care. This reporting will be shared with the Commission and will be considered in determining risks to residents through a dynamic, ongoing risk assessment process that also draws on information obtained from other sources. Other sources can include complaints, compliance monitoring, investigations and other provider reporting (such as serious incident notifications, quality indicators, and financial information), as well as information from other regulators.

Where risks to residents are identified, the Commission will undertake targeted performance assessment and monitoring of providers. This may include requests for further information, interviews, site visits and/or comprehensive on-site audits under the Aged Care Quality Standards. The Commission will respond in a way that is proportionate to the assessed risk and the potential consequences for residents.

The Commission's response will take into account the provider's posture. Where a provider demonstrates a willingness to take reasonable steps to comply with their responsibilities and/or promptly addresses findings of non-compliance, the regulatory response will be different from the action we will take if a provider is unable to demonstrate appropriate remediation or is deliberately avoiding compliance with their obligations and may be placing consumers at risk of harm. The latter situation is much more likely to lead to compliance enforcement action by the Commission.

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June 2023



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