

Conflicts of interest – Allied health (assistive technology)

This fact sheet is for participants and providers and will explain:

- the role of allied health providers in the NDIS
- conflict of interest
- allied health scenario
- what good practice looks like
- what participants should think about before buying assistive technology
- what participants can do if they identify a conflict of interest.

The role of allied health providers in the NDIS

Allied health providers deliver therapeutic supports to participants. This includes evidence, assessments and reports that inform access and planning decisions made by National Disability Insurance Agency (NDIA) delegates under the *National Disability Insurance Scheme (NDIS) Act 2013*.

Conflict of interest

A conflict of interest occurs when a person or organisation has an opportunity to put what will benefit them (their own interests) ahead of the interests of the person they are supporting.

These conflicts may be:

- actual – it happened or is happening
- potential – it might happen
- perceived – it seems like it has happened or might happen

Examples of conflicts of interest:

- Allied health professionals completing assessments that recommend supports and equipment that financially benefit their own organisation.
- Allied health professionals prescribing supports and referring to an organisation that gives them incentives or gifts.
- Allied health professionals and assistive technology (AT) advisors having a conflicted relationship when prescribing complex equipment from specific providers. This also involves the providers offering high-cost maintenance and training for the prescribed equipment.

Allied health scenario

Rob is an NDIS participant with multiple sclerosis and has identified that he needs a folding powered wheelchair (PWC) for an overseas holiday. While he is at his local AT supplier for some low-cost continence products, he mentions to John, the sales representative that he is looking to buy a travel PWC.

John knows that Rob normally speaks with Sarah, his occupational therapist (OT) of several years for all his AT advice. However, Sarah is not available to help Rob with this AT assessment before his overseas holiday and he is anxious to find options for a PWC.

John introduces Rob to Kerry, an OT who is employed at the AT supplier. Rob is reassured that the inhouse OT is very capable and can complete the assessment

and letter to support his purchase. Kerry offers to complete this immediately for the only folding PWC they have in stock, which they can discount by 10%.

Kerry copies and pastes information from the brochure into the letter of support for Rob after a 10-minute trial in the showroom. She does not ask any questions about Rob's functional abilities – such as his ability to fold the PWC independently – to determine if he would need help to lift and transport the PWC.

Without receiving any demonstration or instruction booklet, Rob buys the PWC and is unaware Kerry will receive a gift for recommending the PWC.

John loads the PWC into Rob's car. When Rob gets home, he discovers the battery is so heavy (over 5 kg) that he is unable to lift the PWC out of the boot of his car.

Rob doesn't think his wife will have the strength to do this and is worried about how they will cope on the holiday. Rob and his wife realise that they will need to rely on others when travelling to help with folding and transporting the PWC into and out of the car. They also realise they do not have a certificate of compliance for airline travel for the battery.

Outcome 1

Rob and his wife go back to the AT supplier. They explain that the PWC purchased does not meet Rob's needs and he felt pressured into purchasing the PWC as there were no other options. Jim the manager is happy for Rob to return the PWC and he offers a full refund. However, Rob still needs to buy an appropriate PWC for his upcoming trip.

Rob contacts Sarah, his usual OT. She has had a cancellation and is able to do the assessment the following week. Sarah gives Rob 3 options for a PWC she has assessed as being suitable and in stock at a different AT supplier. Rob organises a trial that Sarah can attend to offer her professional opinion and ensure Rob buys the most suitable PWC for his trip and ongoing use.

Outcome 2

Rob and his wife speak with a trusted person, who point out the situation is a potential conflict of interest. They say that John and Kerry, by recommending Rob buy a PWC from the AT supplier they work for, appear to have put their own interests ahead of Rob's need to buy an appropriate PWC.

Rob and his wife contact the NDIS Quality and Safeguards Commission to report the potential conflict of interest and breach of the [NDIS Code of Conduct](#).

What good practice looks like

Allied health providers must act with integrity, honesty and transparency. This means they should disclose any real, perceived or potential conflicts of interest when offering and delivering supports.

Providers are expected to:

- declare any connections and relationships with other providers
- keep accurate and up to date records of management of a conflict of interest and provide copies to all parties involved
- declare supports and services delivered by their own organisation
- where possible provide at least 3 or more support or service options
- avoid engaging in, participating in, or promoting 'sharp practices' or practices that are unethical, unscrupulous or not in the interests of participants
- comply with the Commonwealth *Privacy Act 1988* and state and territory privacy laws.

The [Conflicts of Interest declaration form](#) can help providers document how they manage conflicts of interest.

The [NDIS Practice Standards](#) set out what registered NDIS providers are required to do to avoid real or perceived conflicts of interest in the delivery of supports and services.

The [NDIS Code of Conduct](#) promotes safe and ethical service delivery by setting out expectations for the conduct of both NDIS providers and workers.

What participants should think about before buying assistive technology

Before buying AT, make sure you do some research about the equipment you need, talk to others, trial the equipment and take your time to make a decision. Speak up if things do not go to plan and the piece of equipment is not working for you.

You can seek help from an AT advisor (including an AT mentor) or ask other AT users about what works best for them and what to be aware of when purchasing AT.

It is important to list out your requirements, including where and how you will use the equipment. Research what is available and compare prices, ideally with the help of

an independent AT advisor. Try out various models and brands so you can explore what works best for you.

Poor decisions, including those involving a conflict of interest, can happen when people are rushed to meet a deadline.

What participants can do if they identify a conflict of interest

If you identify a conflict of interest or are concerned that your allied health provider is not acting in your best interests, you should talk to someone you trust, such as your nominee, family member, friend, or decision supporter.

You can also talk to your My NDIS contact, whose name is on your NDIS plan. They can help make sure you are safe.

You should also read any documents you received from your provider when you signed up for supports and services such as your service agreement or intake pack to identify steps or options outlined by your provider to discuss the conflict.

You may want to talk directly to your allied health provider to explain your concerns. You can seek support from an advocate or someone you trust to help you have this conversation.

Ask questions

You can ask your provider questions such as:

- Do you have a conflict of interest policy or procedure document for me to read?
- What options did you consider when prescribing the assistive technology or home modifications?
- Can you provide a list of alternative providers that supply the prescribed assistive technology?
- Have you considered the availability of a piece of equipment that is competitively priced?
- Do you have a connection or relationship with the provider?
- Can I trial or loan the equipment before buying, to see if it is right for me?

Make a complaint

- If you are concerned about the quality or safety of your current NDIS supports, you can make a complaint to the [NDIS Quality and Safeguards Commission](#) on their website or call them on 1800 035 544.
- If you feel your NDIS funding has been misused, you can [report suspicious behaviour](#) to the NDIA.
- If you are at immediate risk of harm, or have concerns about a person's wellbeing, call 000 at once.

National Disability Insurance Agency

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Telephone 1800 800 110

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