



# HEALTH ALERT

18 January 2016

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## JUDGMENTS

### New South Wales

14 January 2016 - [Health Care Complaints Commission v Athour \[2016\] NSWCATOD 5](#)

The New South Wales Civil and Administrative Tribunal (Tribunal) has considered the application by the Health Care Complaints Commission (HCCC) regarding the behaviour of a doctor who was accused of inappropriately performing rapid opioid detoxification on numerous patients. The Tribunal found that in the administration of the treatment, the doctor had failed to ensure the correct procedure was followed in relation to taking patient histories, conducting adequate medical assessments and providing post-treatment supervision.

Despite having the authority to cancel or suspend the doctor's registration, the Tribunal distinguished penalties intended as protective measures from those imposed as punitive measures. In doing so, the Tribunal examined the motivation for the doctor's behaviour and the lack of personal benefit to him, finally determining that a ban on the performance of the offending procedure, a limitation on his practice and increased supervision was sufficient to protect the public.

The test that should be applied is whether the practitioner is permanently unfit to practice. In making its decision, the Tribunal determined that the relevant point in time to consider the practitioner's fitness is at the time of the decision rather than at the time of the misconduct. Accordingly, where a practitioner has indicated through their subsequent behaviour that they are not injurious to the public, there is no need to punish them through a cancellation or suspension of their registration. However, there is a component of deterrence and so the Tribunal deemed that a pecuniary fine and additional ethics training was also appropriate for the conduct in question.

13 January 2016 - [Health Care Complaints Commission v Priyamanna No 2 \[2016\] NSWCATOD 3](#)

ADMINISTRATIVE LAW – Civil and Administrative Tribunal Act 2013 (NSW) Where practitioner found guilty of unsatisfactory professional conduct and professional misconduct. Where conduct warrants cancellation of the practitioner's registration. Consideration of an appropriate period before the practitioner can apply for re-instatement to the register of Medical Practitioners.

5 January 2016 - [AIN v Medical Council of New South Wales \[2016\] NSWCATAD 5](#)

Medical Tribunal – NPO – breach – non-effective redactions - Google search - privacy

5 January 2016 - [AIN v Medical Council of NSW \[2016\] NSWCATAD 8](#)

Privacy – request for information – delay – scope of request - versions of document

5 January 2016 - [AIN v Medical Council of New South Wales \[2016\] NSWCATAD 7](#)

Section 14 – versions – “revisions” - electronically held information

5 January 2016 - [AIN v Medical Council of New South Wales \[2016\] NSWCATAD 6](#)

Privacy – request for information – breach of privacy

23 December 2015 - [Fraser v Health Care Complaints Commission \[2015\] NSWCA 421](#)

The Tribunal has examined the behaviour of a nurse in administering an experimental cancer therapy regime, known as insulin potentiation therapy (IPT), in her treatment of patients. IPT is the intravenous administration of insulin to induce low blood sugar levels, together with low doses of conventional chemotherapy drugs, and is generally regarded as experimental and not scientifically proven. One of the patients treated was the nurse's brother.

The nurse had her registration cancelled on the basis of her conduct in earlier proceedings and challenged this penalty as unjust in the circumstances. While ultimately finding that she had no grounds for an objection and upholding the cancellation of her registration, the Tribunal examined the importance of correctly demonstrating a link between the conduct of the registered practitioner and the harm caused, in particular looking at specificity in relation to complaints.

The Tribunal voiced its criticism of complaints that consist of general language such as "engaged in improper or unethical conduct" and "care exercised by the practitioner in the practice of nursing is significantly below the standard" where the specific conduct and actions of the individual is not attributed to these statements. The nurse in this case was not prejudiced by the way the complaint was drafted but, had it not been for the cumulative effect of the evidence, there may have been insufficient evidence to establish professional misconduct.

22 December 2015 - [Western Sydney Local Health District v Chan \[2015\] NSWSC 1968](#)

ADMINISTRATIVE LAW – judicial review – decision of Appeal Panel constituted under Workplace Injury Management and Workers Compensation Act 1998 (NSW) – whether finding that Approved Medical Specialist had considered all relevant material in assessing Whole Person Impairment was “irrational, illogical and not based on findings or inferences of fact supported by logical grounds”

21 December 2015 - [Health Care Complaints Commission v Spruce \(No. 2\) \[2015\] NSWCATOD 153](#)

COSTS — principles applying to awarding costs under the Health Practitioner Regulation National Law (NSW) — whether presumption displaced that the successful party is ordinarily entitled to recover its costs

21 December 2015 - [Health Care Complaints Commission v Brush \(No. 2\) \[2015\] NSWCATOD 154](#)

COSTS — principles applying to awarding costs under the Health Practitioner Regulation National Law (NSW) — whether presumption displaced that the successful party is ordinarily entitled to recover its costs

18 December 2015 - [Health Care Complaints Commission v Mitchell \[2015\] NSWCATOD 15](#)

Breach of Practice Conditions; Unsatisfactory Professional Conduct; Professional Misconduct

18 December 2015 - [Burton v Osteopathy Council of New South Wales \[2015\] NSWCATOD 150](#)

Health Practitioner Regulation National Law - Suspension of health practitioner pursuant to s 150 of the National Law – Appeal pursuant to s 159 of the National Law – Nature of an appeal pursuant to s 159

18 December 2015 - [Cook v City of Sydney \[2015\] NSWSC 1904](#)

ADMINISTRATIVE LAW – Judicial Review – Review of the decision of medical panel – Where error conceded – Where statutory provision provided a mechanism to correct error – Whether such provision gave the plaintiff an equally convenient and beneficial remedy – Whether court should exercise discretion to refuse the relief sought in those circumstances

17 December 2015 - [Health Care Complaints Commission v Watson \[2015\] NSWCATOD 148](#)

Professional Boundaries of enrolled nurse in care of patient in respite care.

17 December 2015 - [Z v Mental Health Review Tribunal \[2015\] NSWSC 1943](#)

MENTAL HEALTH – community treatment order – remitter from Court of Appeal – Court of Appeal allowed an appeal from a judge of the division dismissing an appeal from the Mental Health Tribunal – community treatment order expired shortly after decision of Court of Appeal – utility of further consideration of the appeal – whether such utility exists because Court might determine community treatment order made by Mental Health Tribunal not “properly” made – nature of an appeal under the Mental Health Act 2007 (NSW)

17 December 2015 - [Health Care Complaints Commission v Ghannoum \[2015\] NSWCATOD 149](#)

Disciplinary proceedings; Medical practitioner; prescribing addictive drugs, inadequate patient records, breach of condition of registration, treating family members. Professional misconduct, conditions imposed on registration.

15 December 2015 - [Health Care Complaints Commission v Stewart \[2015\] NSWCATOD 145](#)

Dentist, Impairment, Alcohol Use Disorder, Urine Testing, Breathalyser Testing, Antabuse, Critical Compliance Order

15 December 2015 - [Health Care Complaints Commission v Ngo \[2015\] NSWCATOD 143](#)

Pharmacist - Unprofessional Conduct, Professional Misconduct, Oxycontin, Fraudulent Scripts

15 December 2015 - [M v Mental Health Review Tribunal and Others \[2015\] NSWSC](#)

MENTAL HEALTH – Mental Health Review Tribunal – Appeal – Community Treatment Order – Forced medication by depot injection – Mental Health Act 2007 NSW ss 51, 53, 163, 164

15 December 2015 - [Health Care Complaints Commission v Sciberras \[2015\] NSWCATOD 146](#)

Unsatisfactory professional conduct and professional misconduct by psychologist; serious boundary violations; sexual relationship with former client; inappropriate communications and abusive behaviour.

14 December 2015 - [Crickitt v Medical Council of New South Wales \(No 3\) \[2015\] NSWCATOD 141](#)

Medical Tribunal - appeal against suspension order - appeal substantially dismissed but on basis different to decision under appeal - costs application - discretion to order costs - held respondent entitled to 55% of costs.

7 December 2015 - [Health Care Complaints Commission v BXD \(No 1\) \[2015\] NSWCATOD 134](#)

PROFESSIONAL DISCIPLINE – Medical Practitioner - Disciplinary Findings and Orders – Treatment of Family Members – Self Treatment – Breach of applicable ethical standards – other matters – Unsatisfactory professional conduct admitted – Whether constituted professional misconduct – So held – Appropriate order – Reprimand – conditions imposed on registration.

7 December 2015 - [Health Care Complaints Commission v BXD \(No 2\) \[2015\] NSWCATOD 135](#)

PROFESSIONAL DISCIPLINE – Medical Practitioner – Adverse Disciplinary Findings and Order – Application for Non-Publication Order – Potential Impact on health care of family member – Public interest in open justice – Whether this is an exceptional case – Application granted. Health Practitioner Regulation National Law, Sched 5D [NSW], cl 7

27 November 2015 - [Health Care Complaints Commission v Duggan \[2015\] NSWCATOD 142](#)

Osteopathy; application by practitioner to terminate proceedings under Sch 5D cl 12 (1) of the National Law; application opposed by HCCC; practitioner unregistered and undertakes not to seek re-registration; serious allegations of misconduct involving intimate touching not clinically warranted; misconduct not conceded; public interest in proceedings

## Queensland

18 December 2015 - [Isles v State of Queensland \[2015\] QDC 335](#)

INFERIOR TRIBUNALS – Coroner – setting aside finding of – scope and basis of District Court's power – whether new evidence – whether evidence to support finding – whether finding reasonably supported by the evidence

## Victoria

8 January 2016 - [Dental Board of Australia v Abdullah \(Review and Regulation\) \[2016\] VCAT 19](#)

Health Practitioner Regulation National Law Act 2009 (Vic); Health Professions Registration Act 2006 (Vic) (HPR) ss3, 77(1); Health Practitioner Regulation National Law; Regulation 30; professional misconduct; unprofessional conduct; substandard treatment; inadequate records; failure to obtain informed consent; breach of conditions of registration.

24 December 2015 - [Boynes v Brown Group Personnel \[2015\] VSC 702](#)

ADMINISTRATIVE LAW — Judicial review — Medical Panel — Jurisdictional error

## Commonwealth, Administrative Appeals Tribunal

5 January 2016 - [Krnjeta and Australian Postal Corporation \(Compensation\) \[2015\] AATA 802](#)

COMPENSATION – right arm and psychological injuries - contribution by employment not found to be to a significant degree - decisions affirmed – accepted injury to left arm – no incapacity for work – decision affirmed – lower back injury – aggravation which arose out of, or in the course of employment – decision set aside and substituted.

## United Kingdom

23 December 2015 - [Grimstone v Epsom and St Helier University Hospitals NHS Trust \[2015\] EWHC 3756 \(QB\)](#)

23 December 2015 - [MK v MK v Care Quality Commission \(Care standards : Registration of health care\) \[2015\] UKUT 700 \(AAC\)](#)

21 December 2015 - [WH v Llanarth Court Hospital \(Partnerships in Care\) \(Mental health : All\) \[2015\] UKUT 695 \(AAC\)](#)

16 December 2015 - [Synclair v East Lancashire Hospitals NHS Trust \[2015\] EWCA Civ 1283](#)

16 December 2015 - [Barry v Health Service Executive & anor \[2015\] IEHC 79116/12/2015](#)

15 December 2015 - [AC \(A Minor\) v St Georges Healthcare NHS Trust \[2015\] EWHC 3644 \(QB\)](#)

8 December 2015 - [Anderson v North West Strategic Health Authority \[2015\] EWHC 3563 \(QB\)](#)

1 December 2015 - [Crammond v Medway NHS Foundation Trust \[2015\] EWHC 3540 \(QB\)](#)

## REPORTS

### Australia. Australian Competition & Consumer Commission (ACCC)

18 December 2015 - [NRM found guilty of contempt for making representations about Advanced Medical Institute treatments](#) - The Federal Court has found NRM Corporation Pty Ltd and NRM Trading Pty Ltd (together, NRM), guilty of contempt of court. NRM owns and operates the business known as the Advanced Medical Institute (AMI).

### Australia. Department of Health

Media releases

9 January 2016 - [Holiday travel perfect time to talk biosecurity](#) - The busy holiday travel season is the perfect time to talk about the importance of protecting Australia against communicable diseases entering the country, Minister for Health, Sussan Ley, said today.

7 January 2016 - [Extra Government Funding for Royal Flying Doctor Service](#)

3 January 2016 - [New Aged Care Complaints Commissioner gets to work](#) - Australia's "independent" Aged Care Complaints Commissioner starts work this week, to handle and investigate any complaint relating to a Commonwealth subsidised residential or home-based aged care service.

1 January 2016 - [Discount PBS Prescriptions Start Today Jan 1](#) - Today marks the start of landmark competition reforms in the medicines sector, whereby pharmacists are able to discount the cost of a prescription subsidised through the Government's Pharmaceutical Benefits Scheme for the first time.

30 December 2015 - [ACCC Panadol Osteo](#) - There are no obvious market changes that justify such a substantial increase.

28 December 2015 - [Review of Medicare Benefits Schedule](#) - The Turnbull Government is committed to working with health professionals and patients to build a Medicare Benefits Schedule that is based on contemporary clinical practice.

20 December 2015 - [Turnbull Government Invests over \\$1 billion to Cure HEP C](#) - The Turnbull Government will invest more-than \$1 billion to give all Australians with Hepatitis C access to breakthrough cures that could all but eradicate the deadly and debilitating disease within a generation.

17 December 2015 - [Collaborative Cancer Research passes \\$100m milestone](#) - Minister for Health, Sussan Ley, and Cancer Australia have confirmed the latest round of cancer research funding from the nation's leading cancer agency, pushing the amount invested past \$100 million dollars in eight years.

16 December 2015 - [Stronger Compliance to Protect Integrity of Aged Care Sector](#) - A stronger compliance regime, including tough new fines, and better-targeting of funding will be introduced to protect the integrity of Australia's residential aged care sector.

15 December 2015 - [Building a Health Workforce for Rural Australia](#) - More doctors, nurses and allied health professionals will be trained and located in rural Australia under an overhaul of clinical training by the Australian Government.

15 December 2015 - [Labor blows \\$500m for 1% increase in pathology bulk-billing rates](#) - Pathology bulk billing rates have only increased by about 1 percent since Labor introduced a bulk billing incentive in 2009/10, despite the subsidy costing taxpayers half-a-billion dollars over the same five year period.

#### Current Issues

8 January 2016 - [Funding for stroke support](#) - The Australian Government is aware of the significant burden stroke places on individuals, their families and the community, and is committed to preventing stroke where possible and to optimising outcomes for those affected.

18 December 2015 - [Private Health Insurance Consultations 2015/16](#) - The Australian Government is undertaking a number of reviews aimed at ensuring that consumers can access affordable, quality and timely health services into the future.

17 December 2015 - [Tobacco Excise](#)

10 December 2015 - [Food Standards Australia New Zealand \(FSANZ\) and requests to amend the Object clause of the Food Standards Australia New Zealand Act 1991](#)

#### Private Health insurance Circulars

23 December 2015 - [PHI 85/15 Changes to Second Tier Eligible Hospitals](#)

23 December 2015 - [PHI 84/15 Changes to Private Health Insurance \(Benefit Requirements\) Rules 2011](#)

21 December 2015 - [PHI 83/15 Prostheses List Guide and Updated Website](#)

18 December 2015 - [PHI 82/15 Appointment of new PLAC Chair](#)

11 December 2015 - [PHI 81/15 Prostheses List February 2016 - Critical Dates](#)

8 December 2015 - [PHI 80/15 Prostheses List Management System](#)

#### Consultations

18 December 2015 to 8 February 2016 - [Medicare Benefits Schedule Review – Obsolete Items – Tranche #1](#)

18 December 2015 to 22 January 2016 - [National Immunisation Education Framework for Health Professionals](#)

11 January 2016 to 12 February 2016 [The Australian Immunisation Handbook - Yellow Fever Chapter Update](#)

1 December 2015 to 12 February 2016 - [MSAC Reforms - call for public comment](#)

#### Medical Benefits Schedule

24 December 2015 - [Implementation arrangements for lipectomy items](#)

17 December 2015 - [The 1 January MBS files are now available](#)

#### Australia. Health Practitioner Regulation Agency and the boards (AHPRA)

15 January 2016 - [Tribunal reprimands medical practitioner for professional misconduct](#) - The Victorian Civil and Administrative Tribunal (VCAT) has found Dr Andrew Carl Schneider, an anaesthetist, engaged in professional misconduct.

14 January 2016 - [Communiqué from the Board](#) - The Occupational Therapy Board of Australia releases its latest communiqué.

14 January 2016 - [Communiqué from the Board](#) - The Osteopathy Board releases its latest communiqué.

12 January 2016 - **Call for applications** - Call for applications for appointment to the Northern Territory Board of the Medical Board of Australia.

7 January 2016 - **Call for expressions of interest** - Call for applications – Queensland Board Member vacancy

7 January 2016 - **Call for applications** - Call for applications for appointment to the Northern Territory Board of the Medical Board of Australia.

6 January 2016 - **Competency standards being developed for Occupational Therapists** - Project update on the development of threshold competency standards for Australian occupational therapists.

5 January 2016 - **Call for expressions of interest** - Call for expressions of interest - Overseas Qualified Psychologists Assessment Advisory Committee of the Psychology Board of Australia

5 January 2016 - **Call for applications** - Call for applications from community members to the New South Wales Board of the Nursing and Midwifery Board of Australia.

4 January 2016 - **Revised guidelines take effect from today** - New international medical graduate (IMG) supervision requirements come into effect today.

1 January 2016 - **Apologies, we made an error** - We mistakenly sent emails to some currently registered nurses and/or midwives. We are sorry for any inconvenience or confusion this caused.

31 December 2015 - **Obligations for employers of health practitioners** - If you employ registered health practitioners, you have an important obligation to ensure that they hold current registration and that you understand your mandatory notification requirements under the National Law.

31 December 2015 - **Revised PII standard for all medical practitioners takes effect on 1 January 2016** - The revised registration standard for Professional indemnity insurance arrangements for medical practitioners takes effect on 1 January 2016.

30 December 2015 - **Tribunal affirms Board decision to refuse registration** - A tribunal has affirmed a decision by the Psychology Board of Australia to refuse registration to a man who applied for registration 18 years after practising as a psychologist for three and a half months.

21 December 2015 - **Communiqué from the Board** - The Chiropractic Board of Australia releases its December communiqué.

21 December 2015 - **Communiqué from the Board** - The Pharmacy Board of Australia releases its latest communiqué.

18 December 2015 - **Revised documents for pharmacy interns and preceptors published** - The Pharmacy Board of Australia (the Board) today published revised documents for pharmacy interns and preceptors.

22 December 2015 - **Health practitioner regulation: Learn how you're protected** - A new video and an accompanying infographic explaining the Australia-wide scheme that is in place to protect members of the public were launched today by the Australian Health Practitioner Regulation Agency.

22 December 2015 - **Communiqué from the Board** - The Optometry Board of Australia releases its latest communiqué.

22 December 2015 - **New video about the National Psychology Exam** - The Psychology Board of Australia (the Board) has released a video providing information about the National Psychology Exam and what registrants need to do in order to prepare for the exam.

22 December 2015 - **Newsletter from the National Board** - The Medical Board of Australia releases its latest newsletter.

18 December 2015 - **Upcoming changes to Equivalent qualifications** - From 1 February 2016 changes to the Medical Radiation Practice Board's Equivalent qualifications list will take effect.

18 December 2015 - **The Board warns international medical practitioners about fraudulent registration advice** - The Medical Board of Australia has warned overseas doctors to take care before

handing over money or official registration documents to anyone purporting to arrange medical registration in Australia.

16 December 2015 - [Call for applications](#) - Call for applications from community members to the New South Wales Board of the Nursing and Midwifery Board of Australia.

14 December 2015 - [Newsletter from the Board](#) - The Dental Board of Australia releases its latest newsletter.

5 December 2015 - [Board resources explain medical radiation practitioner obligations in the National Scheme](#) - The obligations of registered medical radiation practitioners are now explained in a video and infographic.

### **Australia. National Health & Medical Research Council (NHMRC)**

14 January 2016 - [NHMRC's Partnership Centre initiative now open](#)

8 January 2016 - [NHMRC Research Tracker](#)

23 December 2015 - [Improvement to the NHMRC's Guideline Approval Program](#)

18 December 2015 - [NHMRC Health Tracker](#)

11 December 2015 - [NHMRC Research Tracker - 11 December 2015](#)

### **Australia. Australian Institute of Health & Welfare (AIHW)**

18 December 2015 - [Fewer cases of golden staph in public hospitals](#)

16 December 2015 - [Nationally, use of seclusion practices in mental health facilities declines](#)

15 December 2015 - [1 in 2 Australians affected by eye problems—higher for Indigenous Australians](#)

21 December 2015 [Aboriginal and Torres Strait Islander health performance framework 2014 report: detailed analyses](#)

### **Australia. Australian Commission on Safety and Quality in Health Care**

On the Radar – 18 January 2016 – Issue 256 ([PDF 230KB](#)) ([Word 235KB](#))

On the Radar – 11 January 2016 – Issue 255 ([PDF 122KB](#)) ([Word 148KB](#))

On the Radar – 21 December 2015 – Issue 254 ([PDF 141KB](#)) ([Word 192KB](#))

On the Radar – 14 December 2015 – Issue 253 ([PDF 254KB](#)) ([Word 297KB](#))

On the Radar – 7 December 2015 – Issue 252 ([PDF 108KB](#)) ([Word 141KB](#))

### **Australia. National E-health Transition Authority (NEHTA)**

5 January 2016 - [NEHTA eHealth Software Developer Community announcement – Secure Messaging Conformance Test Tools](#) - The National E-Health Transition Authority (NEHTA) is pleased to announce the publication of the Secure Messaging Conformance Test Tools.

23 December 2015 - [Detailed Clinical Model Library v4.3](#) - December 2015 Release now available for download [here](#).

22 December 2015 - [The Clinical Terminology December v20151231](#) - The Clinical Terminology December v20151231 release is now available for download from the NEHTA website [here](#).

21 December 2015 - [NEHTA eHealth Software Developer Community Announcement - Invitation to become a member of the My Health Record Developer Community](#) - The National E-Health Transition Authority (NEHTA) is the lead organisation supporting a national eHealth vision for Australia.

### **Australian Capital Territory (ACT). Health Directorate**

29 December 2015 - [Stay cool this festive season](#) - The prospect of a long, hot summer and potentially high UV exposure during outdoor events has prompted the ACT Chief Health Officer to encourage people to take appropriate precautions.



28 December 2015 - [Get some "Water on tap" this summer](#) - ACT Chief Health Officer Paul Kelly Minister has reminded Canberrans to drink enough water as we head into a long, hot summer.

26 December 2015 - [Be food safe this festive season](#) - Food safety should be on every good cook's menu this festive season, as meals are prepared for sharing with family and friends around the ACT and region.

25 December 2015 - [Live Lighter this holiday season](#) - The festive season is often celebrated with an abundance of food and drink, but if taken to excess, this could have an adverse effect on our health.

17 December 2015 - [Calvary car park completed early for the holiday season](#) - Calvary Hospital's new \$16.87m five-storey car park was today opened for operation two months ahead of schedule and in time for the holiday season by Minister for Health Simon Corbell.

14 December 2015 - [Canberra Mums: the fairest of them all](#) - Canberra mums are among the healthiest in country when it comes to maternal and perinatal health, according to a new report released today by the Australian Institute of Health and Welfare.

### **New South Wales (NSW). Ministry of Health**

#### Media Releases

23 December 2015 - [NSW Health and the NSW Food Authority urge caution as warmer weather leads to more Salmonella cases](#)

22 December 2015 - [People encouraged to take care during the festive season](#)

22 December 2015 - [NSW Health encouraging families to give healthy Christmas presents this year](#)

21 December 2015 - [Self-harm a risk during the festive season: NSW Health](#)

11 December 2015 - [Construction begins on clinical school in South Western Sydney](#) - Construction has begun on a new clinical school in south-western Sydney which will provide advanced training to young medical students and researchers.

10 December 2015 - [Aboriginal dental graduates all set for health careers](#) - Ready to launch their dental health careers, 18 Aboriginal students from across NSW recently graduated from the Aboriginal Dental Assistant Trainee program which is boosting the Aboriginal dental workforce in regional areas

9 December 2015 - [Cosmetic surgery industry under spotlight](#) - The public has an opportunity to participate in a review of the cosmetic surgery industry in NSW, Health Minister Jillian Skinner announced today.

9 December 2015 - [New era in health: \\$211 million Tamworth Hospital officially opened](#) - Health Minister Jillian Skinner, Federal Member for New England Barnaby Joyce and Member for Tamworth Kevin Anderson today officially opened Tamworth Hospital.

8 December 2015 - [Illawarra's new surgical services centre officially opened](#) - Health Minister Jillian Skinner and Parliamentary Secretary for the Illawarra and South Coast Gareth Ward visited Wollongong Hospital today to officially open the Illawarra Elective Surgical Services Centre (IESS).

#### Publications

6 January 2016 - [NSW Rural Health Plan - Progress Report 2015](#)

6 January 2016 - [Translational Research Grants Scheme - Guidelines for Applicants](#)

17 December 2015 - [NSW Mental Health Reform 2014 – 2024](#)

9 December 2015 - [Medical Research Support Program - Application Guidelines and Program Details 2016-2020](#)

#### Policy Directives & Guidelines

18 December 2015 - [NSW Framework and Standard Operating Procedure for HIV Point of Care Testing](#)

16 December 2016 - [NSW Health Code of Conduct](#)

15 December 2016 - [Oral Health Patient Record Protocol](#)

15 December 2015 - [Adult Urethral Catheterisation for Acute Care Settings](#)

9 December 2015 - [NSW Framework and Standard Operating procedure for HIV Point of Care Testing](#)

Information Bulletins

10 December 2015 - [New Classifications of Critical Care Paramedic \(Aeromedical\)](#)

9 December 2015 - [Allied Health Assistants Increased Rates of Pay](#)

### **Northern Territory (NT). Department of Health**

4 January 2016 - [Flooding prompts mosquito borne disease warning](#) - Territorians have been urged to protect themselves against mosquitoes, with high numbers expected following flooding rains over the Christmas period. Director of Medical Entomology, Nina Kurucz, said flooding rains in the Top End and Central Australia had created favourable breeding conditions for the common banded mosquito that can transmit Ross River virus (RRV) and Murray Valley encephalitis virus (MVE). "We are now in the high risk period for RRV and the very wet conditions in the NT could also trigger an early start to the MVE season," Ms Kurucz said.

24 December 2015 - [Remote students to receive life-saving first aid training](#) - Students in remote Northern Territory communities will have access to potentially life-saving first aid training thanks to the Northern Territory Government and St John Ambulance. Minister for Business Peter Styles today confirmed St John Ambulance NT would receive a Major Community Benefit Fund (CBF) grant of \$199,024 to purchase and equip two four-wheel drive vehicles to be deployed across the Territory as part of the First Aid in Schools program. "The Country Liberals Government is extremely supportive of the work St John Ambulance volunteers do to raise awareness and knowledge of first aid amongst young Territorians," Minister Styles said. "Knowing how to administer first aid is a life skill that every young person should possess.

23 December 2015 - [Don't get Melioidosis](#) - Top Enders have been reminded that the current heavy rains are providing ideal conditions for the bacteria which causes the potentially deadly soil-borne disease, melioidosis. Melioidosis is a serious disease caused by germs in the soil that surface after heavy rains. These germs enter the body through cuts and sores or can be breathed in during rain and windy conditions. There have been six cases of melioidosis diagnosed in the Top End this Wet Season, with four people requiring intensive care management and one person has died.

### **Queensland. Department of Health**

14 January 2016 - [Buggy helps patients move around Toowoomba Hospital](#) - A new patient transport service kicked off at Toowoomba Hospital this week. The multi-passenger buggy has been busy in its first days of service, ferrying patients to and from locations around the hospital campus. Dr Peter Gillies, General Manager of Toowoomba Hospital, said he was pleased to see the buggy making a difference to patients coming to the hospital. "This is a large campus and for some patients, getting from the car park to where they need to be can be tiring, so we're very pleased to be able to provide this service," he said. "The idea for the buggy was first discussed at our monthly Consumer Advisory Group meetings last year.

12 January 2016 - [Record intern intake at Queensland Hospitals](#) - A record 740 graduates in Medicine will start work as interns in Queensland hospitals this week as part of the Palaszczuk Government's moves to provide better frontline services in Queensland hospitals.

11 January 2016 - [Allergen warning for pine nuts containing peanuts](#) - A Brisbane-based wholesaler has moved swiftly to remove products from shelves after he found false packaging might put consumers in danger. Country Fresh Food Products has removed from sale 120g containers of Beta Wholesale pine nuts as they contain peanuts. Customers who have purchased the product and have peanut allergies should not consume, and return to the place of purchase.

7 January 2016 - **Southport domestic and family violence court trial extended** - A trial of Queensland's first dedicated specialist domestic and family violence court at Southport has been extended, Attorney-General and Minister for Justice Yvette D'Ath announced today.

6 January 2016 - **Unlocking the Secrets of Melanoma** - Melanoma patients could be saved unnecessary radiation treatment as a result of ground breaking research at the Princess Alexandra Hospital and the Translational Research Institute.

4 January 2016 - **Queensland Health contributes to ground-breaking research** - Queensland Health's Forensic and Scientific Services (FSS) will be part of an innovative global health and development research project led by the University of the Sunshine Coast (USC), which won a Grand Challenges Explorations grant from the Bill & Melinda Gates Foundation. The project is titled "A rapid field test for detecting infected mosquitoes". The test will allow for rapid detection of mosquito-borne pathogens, such as dengue and chikungunya viruses, and malaria parasites, in locations where there is limited access to specialised diagnostic equipment. Results can then be used to target control strategies to limit human cases. The collaborative project is one of more than 50 Global Challenges Explorations Round 15 grants announced by the Bill & Melinda Gates Foundation. The project will use its US\$100,000 (A\$138,000) grant over 18 months to develop a world-first rapid test kit for detecting multiple pathogens, such as deadly malaria and dengue, in infected mosquitoes. The test kit will be using new dipstick technology built at USC.

29 December 2015 - **\$4 million state wide program enhances epilepsy treatment for Queenslanders** - Queensland epilepsy sufferers now have greater access to treatment for their condition than ever before thanks to a \$4 million specialised care program.

24 December 2015 - **Public submissions to Ravenshoe Review welcomed** - The systemic review of the largest aeromedical retrieval of burns victims in Queensland's history is underway to identify lessons learned and inform future responses. Queensland Health Director-General Michael Walsh said it was imperative to learn from unprecedented events such as the Ravenshoe disaster. "This incident has presented us with an opportunity to learn valuable lessons that can assist our health system to respond to future mass casualty events," Mr Walsh said. "The investigation team will be speaking directly to health workers involved in the response. "Members of the public are invited to provide submissions as part of the review process." Former Queensland Ambulance Commissioner David Melville APM ASM has been appointed to lead the review into the health system's response.

#### **Queensland. Office of the Health Ombudsman**

16 December 2015 - **November performance data – Office of the Health Ombudsman** - Data released by the Office of the Health Ombudsman (OHO) for November shows the number of contacts received has continued to rise each month since July 2015.

#### **South Australia (SA). Department for Health & Ageing**

7 January 2016 - **Dental agreement doesn't get to the root of the problem** - South Australia's Health minister has welcomed a new federal government funding agreement that will cut adult public dental waiting list times dramatically, but warns it will be short lived. Jack Snelling said the agreement, worth more than \$12 million, will see an extra 14,617 eligible adult public patients treated. But come the end of the 2015/16 financial year, the funding will cease. "While we appreciate the federal funding to help ease waiting times, it is only a short-term fix." "We need long term, sustainable funding arrangements for public dental services to ensure we can maintain consistent high quality services for South Australians,"

31 December 2015 - **X-Ray Company makes the move to Tonsley** - The developer of an ultra-lightweight x-ray machine is the latest medical device company to make the move to South Australia's innovation district - Tonsley. Micro-X has moved to South Australia to take advantage of the State's growing medical device sector, and Health Industries Minister Jack Snelling said Tonsley was the ideal location for the company. "Tonsley provides important connections between companies, researchers, grant programs, and market opportunities, with medical devices emerging as one of the leading lights in advanced manufacturing in South Australia," he said.

29 December 2015 - **Health warning for swimmers** - A dramatic rise in the number of cases of people contracting a parasite that's easily spread through swimming pools has prompted an urgent warning from

health authorities. Just under 400 people have contracted the diarrhea-inducing cryptosporidium parasite this year, the highest number of cases since 2007. Health Minister Jack Snelling said one of the most common ways crypto is spread is through swimming pools. "Pools are a great way to escape the heat but people must be aware that they can lead to the spread of illness," Mr Snelling said. "Cryptosporidium is a highly contagious and hardy parasite that is often transmitted when recently infected swimmers contaminate the water with the germ present on their body.

23 December 2015 - **Strong interest in Repat site** - SA Health has received a strong level of interest in the Repatriation General Hospital (Repat) site following an Expression of Interest (EOI) process which closed today. Health Minister Jack Snelling said this is another significant step forward in determining the future of the Repat site. "Last month we asked for formal Expressions of Interest from private sector and not for profit organisations interested in using the site for rehabilitation, health, education, aged care or community-related services," Mr Snelling said. "I am pleased that we have received a strong response to our EOI process.

### **Tasmania. Department of Health & Human Services**

11 January 2016 - **More elective surgeries performed under Hodgman Liberal Government** - Last financial year there were additional elective surgeries performed in our health system, waiting lists went down and elective surgery cancellations also decreased. We have already spent more than \$8 million of Commonwealth funding to provide surgery and endoscopies to more than 2000 Tasmanians, in both the public and private sectors. This includes patients who had waited up to 10 years for surgery. Under the One State, One Health System, Better Outcomes reforms the Hodgman Liberal Government is changing the way our health system operates so we can get better results for Tasmanians. There is still a lot more to be done, but as a result of the additional \$100 million we are investing into frontline health services and the support of dedicated health professionals, we are starting to make a difference where it counts. One of the important changes occurring is the private sector elective surgery panel.

9 January 2016 - **Health services secured for the West Coast and King Island** - I am pleased to announce that Ochre Health Pty Ltd has been awarded a ten year contract to provide Rural Medical Services for the West Coast and King Island. Securing a sustainable long-term provider in these areas of need will provide support to our rural hospitals, promoting continuity of care and improved health outcomes for patients on the West Coast and King Island through ongoing access to both public and private services. Ochre Health will immediately commence Rural Medical services under the new arrangement at the West Coast District Hospital, Rosebery Health Centre and King Island Hospital and Health Centre. Ochre will also continue to operate private general practices at Queenstown, Strahan, Rosebery and Zeehan.

23 December 2015 - **AMA claims** - The Government is currently negotiating a new wages agreement in good faith with Visiting Medical Offices (VMOs), in line with the Government wages policy of two per cent per annum. The AMA media release unfortunately did not acknowledge that it was agreed at the Tasmanian Industrial Commission today that negotiations will progress in early January. We value the expertise of visiting medical professionals and we hope that a satisfactory outcome can be reached sooner rather than later.

23 December 2015 - **Strong response to Healthy Tasmania consultation draft** - I am very heartened to the strong response in the brief period since the release of our Healthy Tasmania consultation draft. In particular, people have been very keen to engage on the question of whether we should increase the legal smoking age to 21, or 25. Already, a few key issues have emerged, and I want to take the opportunity to provide a bit more information around them, so that people can continue to have an informed discussion about this important issue over the Christmas/New Year period.

21 December 2015 - **A Healthy Tasmania** - The Tasmanian Government came to office in 2014 with a goal to make Tasmania the healthiest population in Australia by 2025. This is a necessarily ambitious target, since Tasmanians currently experience some of the worst population health outcomes in the country, with high rates of chronic disease and health risk factors like smoking, obesity, poor nutrition, low physical activity levels, and risky alcohol consumption.

20 December 2015 - **Healthy Tasmania** - The Hodgman Liberal Government has an ambitious goal for Tasmania to have the healthiest population in Australia by 2025. Addressing Tasmania's high rates of

chronic disease and health and risk factors such as smoking, obesity, poor nutrition, low physical activity levels and risky alcohol consumption is a priority of our draft Consultative Healthy Tasmania Five Year Strategic Plan. Being ambitious is important if we truly want to work together as a community to improve our health and wellbeing. Getting a good start to life in developing healthy habits early is critical for a healthy adulthood and healthy ageing. Keeping ourselves healthier for longer and managing our risk of chronic disease is an integral part of living happy, productive and fulfilled lives. It is also critical for the sustainability of the health system, which currently faces the challenge of ever-increasing demand on acute services.

### Victoria. Department of Health

12 January 2016 - **No Exceptions, No Excuses – Never Leave Kids In Cars** - The Andrews Labor Government and Kidsafe are working together to increase parents' and carers' awareness of the dangers of leaving children in parked cars with the No Exceptions, No Excuses campaign. Despite recent heat warnings, severe penalties and record-breaking summer temperatures, children are still being left unattended in parked cars, putting them at risk of serious heat-related injury or death. Since releasing annual figures in December, Ambulance Victoria has revealed that Victorian paramedics were called to 225 cases of children left in cars during December 2015 – up from 161 the year before.

12 January 2016 - **Rescue Choppers On Summertime Beach Patrol** - Surf rescue helicopters are patrolling Victorian beaches daily to keep a look out for sharks, rips and people in distress in the water this summer. Minister for Emergency Services Jane Garrett said the helicopter rescue service, run by Life Saving Victoria, had already completed 50 patrols along Victoria's coastline this summer. A group of highly trained crews operate the two Westpac Lifesaver Rescue Helicopters which scan the water for people in distress, boating accidents, rip currents and marine life such as sharks. The choppers patrol the state's coastline from Waratah Bay in South Gippsland to Apollo Bay in south-western Victoria.

7 January 2016 - **New Way To Monitor Air Quality In Victoria** - Minister for Environment, Climate Change and Water Lisa Neville today launched a new way for Victorians to easily understand information about the air they breathe. Known as *EPA AirWatch*, a new interactive map, will provide the community with a quick and reliable way to check local readings of air quality and obtain health advice on days when poor air quality is recorded. Using data from EPA's 19 air monitoring locations across metropolitan and regional Victoria, *EPA AirWatch* will show a range of common pollutants in the air.

1 January 2016 - **New Child Safe Standards Take Effect Today** - New legislation introduced by the Andrews Labor Government will take effect today to ensure organisations that deal with children have appropriate and consistent measures in place to prevent and respond to allegations of child abuse. Minister for Families and Children Jenny Mikakos said the standards will drive cultural change in organisations so that protecting children from abuse is embedded in everyday thinking and practice.

18 December 2015 - **VaxOnTime app now available** - VaxOnTime has been developed by the Victorian Department of Health & Human Services to help remind parents and carers in Victoria when immunisations for their children is due. An estimated 20 per cent of parents simply forget to vaccinate their children on time. The VaxOnTime app can support parents to meet the legislative requirements under the No Jab No Play laws, by reminding them when vaccinations are due, assisting them to locate and book appointments with immunisation providers and access quality-assured information about vaccines on the Better Health Channel.

14 December 2015 - **Prior Year Adjustment** - 08/2015 - This circular relates to the reconciliation approach that will be utilised in the 2015-16 Prior Year Adjustment process for Transport Accident Commission and Department of Veterans' Affairs activity.

### Western Australia (WA). Department of Health

#### Media Releases

13 January 2016 - **Minister for Health and Minister for Regional Development: Bold design for Katanning health facility** - The fresh face of Katanning Health Service has been unveiled in architectural drawings which detail the new emergency department, medical imaging and outpatient care building.

13 January 2016 - **Designs revealed for Katanning ED** - The new face of Katanning Health Service has been unveiled in architectural drawings which detail the new emergency department, medical imaging and outpatient care building.

12 January 2016 - **Minister for Health and Minister for Regional Development: Merredin hospital design offers fresh new look** - Residents of Merredin and surrounding areas will have their first glimpse of the final elevations and plans for the redeveloped Merredin Health Service, with the unveiling of architectural designs for the site.

12 January 2016 - **Meningococcal disease in an adult** - The Department of Health today reported that a young adult is recovering in hospital after having been diagnosed with meningococcal disease.

12 January 2016 - **Merredin Hospital design released** - Residents of Merredin and surrounding areas will have their first glimpse of the final elevations and plans for the redeveloped Merredin Health Service, with the unveiling of architectural designs for the site.

12 January 2016 - **New respite facilities for families of sick kids** - Perth Children's Hospital (PCH) and Ronald McDonald House (RMH) Perth have forged an innovative partnership to provide new support services for young patients and their families and carers.

11 January 2016 - **WA hospitals welcome new junior doctors** - WA Health today welcomed more than 300 new junior doctors into the state's tertiary hospitals.

11 January 2016 - **Special Events Exemption Act in review** - Submissions are being sought for interested parties to assist in the review of the Health Professionals (Special Events Exemption) Act 2000

#### Operational Directives

13 January 2016 - **OD 0648/16 - WA Paediatric National Inpatient Medication Chart** - In December 2008, Australian Health Ministers endorsed the paediatric versions of the short stay and long stay National Inpatient Medication Chart (NIMC). The paediatric charts were developed by Children's Hospitals Australasia, under the auspices of the Australian Commission on Safety and Quality in Health Care (ACSQHC). The charts have been specifically developed to maximise safety for this patient population.

13 January 2016 - **OD 0647/16 - National Standard for User-Applied Labelling of Injectable Medicines, Fluids and Lines** - The Australian Commission on Safety and Quality in Healthcare has released the National Standard for User-applied Labelling of Injectable Medicines, Fluids and Lines (the Labelling Standard) in September 2015.

7 January 2016 - **OD 0646/16 - Infection Prevention and Control of Vancomycin-Resistant Enterococci in Western Australian Healthcare Facilities** - This Operational Directive (OD) describes the minimum requirements for the routine screening and subsequent management of people identified with vancomycin-resistant enterococci (VRE) in Western Australian (WA) healthcare facilities (HCFs). Routine screening beyond the patient groups specified in this OD can only occur with the endorsement of the Chief Medical Officer. All acute care HCFs shall ensure their procedures are aligned with those described in the attached policy document Infection Prevention and Control of Vancomycin-Resistant Enterococci (VRE) in Western Australian Healthcare Facilities. Guidance for the management of VRE-positive individuals in specific healthcare settings and residential care facilities (RCFs) is also provided.

7 January 2016 - **OD 0645/16 - Guidelines for exclusion of people with enteric infections and their contacts from work, school and child care settings** - The purpose of this document is to advise health care workers of the recommended action to be undertaken for the exclusion of persons with notifiable and non-notifiable enteric infections and their contacts from work, school and child care settings.

7 January 2016 - **OD 0644/16 - Community Mental Health Welfare Checks: Role of Mental Health Clinicians** - This operational directive describes the circumstances and procedures to ensure that individuals in the community who require mental health status review are seen and assessed by appropriately trained clinicians, wherever possible, rather than relying on Police to undertake this function.

7 January 2016 - **OD 0643/16 - Use of Photographic Equipment in Mental Health Services** - This operational directive to ensures that using any photographic equipment, including mobiles and watches

with photographic capabilities, is prohibited in all mental health facilities unless permission is sought from the Mental Health Director of the facility.

6 January 2016 - [OD 0642/16 - Vaccine Administration Code: Mumps Outbreak 2015-2016](#) - Authorisation of mumps vaccination under the Vaccine Administration Code

Reports

16 December 2015 - [Elective Surgery Wait List reports](#)

15 December 2015 - [Population surveys](#)

### **New Zealand (NZ). Ministry of Health**

22 December 2015 - [National Maternity Monitoring Group Annual Report 2015](#) - This report presents the activities and recommendations of the National Maternity Monitoring Group in their third year of operation, 2014/15.

21 December 2015 - [Te Ara Whakapiri: Principles and guidance for the last days of life](#) - This guide outlines the requirements to ensure consistent and quality care for all New Zealand adults at the end of life.

21 December 2015 - [The New Zealand Casemix System – An Overview](#) - A guide for clinical staff, clinical coders, service managers, and other sector participants in understanding the casemix based funding system, the importance of clinical coding, and how it is applied in the funding of inpatient hospital admissions in New Zealand.

18 December 2015 - [Amphetamine use 2014/15: New Zealand Health Survey](#) - This report presents findings from the 2014/15 New Zealand Health Survey (NZHS) about amphetamine use in the last 12 months (past-year) in adults aged 16-64 years of age.

18 December 2015 - [Infant Feeding in an Emergency](#) - Advice for emergency management staff on planning for and responding to infant feeding needs in an emergency. This includes the Guide for DHB Emergency Management Staff and the Roles and Responsibilities document.

17 December 2015 - [Taking Action on Fetal Alcohol Spectrum Disorder \(FASD\): A discussion document](#) - This discussion document seeks feedback on the proposed principles, outcomes and action areas to address Fetal Alcohol Spectrum Disorder (FASD). It provides background information on FASD and outlines the proposed approach for the action plan.

16 December 2015 - [Mortality 2013 online tables](#) - These tables contain provisional information on the underlying causes of all deaths registered in New Zealand in 2013. Most information is broken down by age, sex, ethnicity, district health board and ICD-10-AM chapter, subgroup and three character classification.

14 December 2015 - [Cohort and case control analyses of breast cancer mortality: BreastScreen Aotearoa 1999-2011](#) - This major new study confirms that New Zealand's organised breast screening programme, BreastScreen Aotearoa (BSA) is reducing deaths from breast cancer.

14 December 2015 - [Annual Update of Key Results 2014/15: New Zealand Health Survey](#) - This report provides a snapshot of the health of New Zealanders through the publication of key indicators on health behaviours, health status and access to health care for both adults and children.

10 December 2015 - [Report on Maternity, 2014](#) - This report describes: the demographic profile of women giving birth (eg, age, ethnicity, deprivation) and selected antenatal factors (eg, BMI, smoking); events relating to labour and birth (eg, type of birth, interventions, place of birth) and the demographic profile of live-born babies, their birthweight and gestation and care provided after birth.

7 December 2015 - [The Office of the Director of Mental Health Annual Report 2014](#) - The main purpose of the report is to present information and statistics that serve as barometers of quality for our mental health services. Active monitoring of services is vital to ensuring New Zealanders are receiving quality mental health care.

## ABOUT US

### Michael Regos



Michael is the head of the DLA Piper health litigation group.

He practises in the areas of health law, insurance law, medical negligence and coronial enquiries. He represents Victorian public hospitals and their insurers, the Victorian Managed Insurance Authority and is the solicitor of choice for Australia's second-largest private health operator.

Michael regularly presents to medical groups and hospitals on medico-legal issues.

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