



**4 MAY 2015**

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## JUDGMENTS

### Queensland (QLD)

27 March 2015 - [Medical Board of Australia v Cooke \[2015\] QCAT 103](#)

The Queensland Civil and Administrative Tribunal ('the Tribunal') has held that the respondent engaged in unsatisfactory professional conduct contrary to the *Health Practitioners (Professional Standards) Act 1999* (Qld). The Tribunal found that the respondent's treatment of a deep wound infection suffered by his patient following surgery constituted unsatisfactory professional conduct.

The respondent, a specialist orthopaedic surgeon, performed two surgical procedures on the patient in September and October 2006. The patient was then admitted a third time in relation to a draining wound haematoma. The Board alleged that the respondent had failed to diagnose a subsequent infection of the wound, and to treat it adequately.

The Tribunal found that complaints made by the Medical Board that the respondent commenced the patient on antibiotics without first confirming infection, and failed to treat the site of the infection with a wound washout were substantiated. The Tribunal held that the respondent's behaviour fell 'far short of the standards of medical practice expected by the public and the profession itself' to the extent that it amounted to unsatisfactory professional conduct.

The Tribunal raised concerns about the veracity of notes kept by the respondent relating to the treatment, which the respondent alleged had been written at the time he treated the patient.

It is interesting to note that this complaint was pursued by the Medical Board, and not by the patient herself in proceedings for negligence.

The Tribunal has reserved its decision in relation to appropriate sanction and costs.

### South Australia. Coroner

24 April 2015 - [Inquest into the deaths of Philip John Byrne and Jacqueline Weaver](#)

The South Australian Coroner's Court has made a number of recommendations in relation to the diagnosis of Deep Vein Thrombosis ('DVT') and pulmonary embolus. Due to the common causes and circumstances of each death, the Coroner conducted concurrent inquests into the deaths of the two otherwise unrelated persons.

The Coroner found that each deceased died from pulmonary thromboembolus, where no prior diagnosis of pulmonary embolus had been made. Each deceased had consulted general practitioners with symptoms that were potentially suggestive of DVT prior to their deaths. The Coroner found that DVT should have been diagnosed in each case, and that both deaths were preventable.

The Coroner made a number of recommendations, including that:

- Greater education and advice be given to general practitioners, physiotherapists and other health care practitioners regarding the signs and symptoms of DVT and pulmonary embolus;
- The Chief Executive Officer of the Royal Australian College of General Practitioners develop guidelines in relation diagnosing DVT and pulmonary thromboembolus;
- General practitioners be advised to consider the possibility of DVT in all cases of calf pain, and not to include a diagnosis on the basis of clinical signs and symptoms alone;

- General practitioners be advised not to unduly rely on the 'DVT Probability: Wells Score System'; and
- General practitioners work collaboratively with other health care practitioners (such as physiotherapists) who provide treatment to the patient in making diagnoses, and to discuss the possibility of DVT or thromboembolus with other practitioners where there is no obvious cause for the patient's symptoms.

### Victoria. Coroner

29 April 2015 - [Inquest into the death of John Manias](#)

Inquest - findings in relation to hospital - no recommendations

30 April 2015 - [Inquest into the death of Dean Alan Carson Laycock](#)

Inquest - recommendations made in relation to inpatient psychiatric facilities.

### Australia. Administrative Appeals Tribunal

15 April 2015 - [Darnell v Australian Community Pharmacy Authority \[2015\] AATA 263](#)

Pharmaceutical benefits – application for approval to supply pharmaceutical benefits – 'new additional pharmacy' – at least 200 m in a straight line from nearest approved premises – whether located in the same town – interpretation of 'town' – ordinary and accepted meaning – does not have attributes of town – decision under review affirmed.

### New South Wales (NSW)

27 April 2015 - [Health Care Complaints Commission v Baraz \[2015\] NSWCATOD 39](#)

Capacity of Medical practitioner- impairment - mood disorder and drug addiction, both in remission- not currently detrimentally affecting, or likely to detrimentally affect, capacity to practice. Suspension followed by conditions on registration.

27 April 2015 - [Reimers v Medical Council of NSW \[2015\] NSWCATOD 38](#)

Medical practitioner- application for re-registration- onus and evidence necessary to demonstrate appropriate to re-register- Held not satisfied.

28 April 2015 - [Brown v Health Care Complaints Commission \[2015\] NSWCATOD 40](#)

Health Practitioner Regulation National Law (NSW) 2009 - reinstatement as registered nurse - costs.

## LEGISLATION

### Commonwealth

29 April 2015 - [Health Insurance \(Diagnostic Imaging Accreditation\) Amendment Instrument 2015](#).

29 April 2015 - [National Health \(Highly specialised drugs program for hospitals\) Special Arrangement Amendment Instrument 2015 \(No. 5\) \(PB 43 of 2015\)](#).

29 April 2015 - [National Health \(Efficient Funding of Chemotherapy\) Special Arrangement Amendment Instrument 2015 \(No. 4\) \(PB 44 of 2015\)](#).

24 April 2015 - [Private Health Insurance \(Council Administration Levy\) Amendment Rules 2015 \(No. 1\)](#).

24 April 2015 - [National Health \(Listing of Pharmaceutical Benefits\) Amendment Instrument 2015 \(No. 4\) \(PB 39 of 2015\)](#).

24 April 2015 - [National Health \(Pharmaceutical Benefits – Early Supply\) Amendment Instrument 2015 \(No. 4\) – specification under subsection 84AAA\(2\) \(PB 46 of 2015\)](#).

## Reports & publications

### Australia. Department of Health

#### Media releases

26 April 2015 - [Press Conference regarding the Sixth Community Pharmacy Agreement](#) - 26/04/2015 - Transcript of Minister for Health, Susan Ley's press conference regarding the Sixth Community Pharmacy Agreement.

25 April 2015 - [Pharmaceutical submission guidelines to be reviewed](#) - 25/04/2015 - The Minister for Health Sussan Ley has announced a review of the PBAC's submission guidelines to ensure Australians continue to have affordable and timely access to new medicines and products.

### Australia. Parliament. House of Representatives. Standing Committee on Health

[Inquiry into Hepatitis C in Australia](#). Next hearing on 4 May 2015 in Canberra.

### Australia. Department of Social Services

25 April 2015 - [Consumer directed care \(CDC\) in home care packages](#)

24 April 2015 - [Revised Aged Care Management of Place Forms](#)

4 May 2015 - [Information for Aged Care Providers Newsletter #16](#)

### Australia. National Health & Medical Research Council

[Principles for the translation of 'omics'-based tests from discovery to health care.](#)

### Australia. COAG Health Council

17 April 2015 - [COAG Health Council Communique.](#)

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

29 April 2015 - Tribunal finds nurse guilty of professional misconduct -The State Administrative Tribunal of Western Australia has found Mr Timothy Buckby guilty of professional misconduct for engaging in a sexual relationship with a patient and breaching obligations of confidentiality. [Read more.](#)

29 April 2015 - Updated section for internationally qualified nurses and midwives -today we launched new pages with updated content on the internationally qualified nurses and midwives sections on the Nursing and Midwifery Board of Australia (NMBA) website. [Read more.](#)

24 April 2015 - Identifying hot-spots of risk to improve healthcare quality and safety-A research project launched in December is using AHPRA data to track risks in order to prevent harm. The project has many potential benefits. [Read more.](#)

24 April 2015 - Health and Care Professions Council (HCPC) UK: on collaboration and proactive regulation - HCPC Chair, Dr Anna van der Gaag CBE, visited AHPRA in February as part of an ongoing information-sharing relationship. She had many insights to share on the challenges of multi-profession regulation. [Read more.](#)

23 April 2015 - Health Ministers to consider NRAS review report in August-Federal and State and Territory Health Ministers will respond to the report of the review of the National Scheme in August this year. [Read more.](#)

30 April 2015 - The Dental Board of Australia releases its latest communiqué. [Read more.](#)

30 April 2015 - Newsletter from the National Board - The Medical Board of Australia releases its latest newsletter. [Read more.](#)

28 April 2015 - The Pharmacy Board of Australia releases its latest communiqué. [Read more.](#)

24 April 2015 - Guidelines for compounding pharmacists take effect Tuesday, with one section that has been postponed for three months. [Read more.](#)

1 May 2015 - Australia and New Zealand have launched the first bi national physiotherapy practice threshold statements at a joint meeting of both countries' key physiotherapy stakeholders held in Singapore today. [Read more.](#)

29 April 2015 - The Psychology Board of Australia has released the March 2015 communiqué. [Read more.](#)

24 April 2015 - Further information for psychologists approved to provide Medicare services - In the recent issue of the Psychology Board of Australia's newsletter the Board reported it had received correspondence from Medicare which included advice of amendments to their requirements for approval to provide Psychological Therapy services (clinical psychology). [Read more.](#)

23 April 2015 - The Psychology Board releases Issue 13 of Connections newsletter. [Read more.](#)

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

27 April 2015 – On the Radar – Issue 220 ([PDF 101KB](#)) ([Word 129KB](#)).

[Guide to the National Safety and Quality Health Service Standards for health service organisation boards, April 2015.](#)

### **Australian Institute of Health & Welfare**

1 May 2015 - [Cervical screening in Australia 2012–2013](#) | [media release](#)

30 April 2015 - [Aboriginal and Torres Strait Islander health organisations: Online Services Report—key results 2013–14](#) | [media release](#)

24 April 2015 - [Alcohol and Other Drug Treatment Services \(AODTS\) in Australia 2013–14 collection and reporting \(web\)](#) | [media release](#)

### **Australia. National Health Performance Authority**

30 April 2015 - [Landmark report reveals costs of patient care](#) - Some public hospitals spend twice as much as others to treat acute patients. [Hospital Performance: Costs of acute admitted patients in public hospitals in 2011–12](#) - [Media release.](#)

### **Australian Competition & Consumer Commission (ACCC)**

24 April 2015 - [ACCC authorises Medicines Australia code subject to strengthening individual reporting.](#)

### **Australia. Pharmaceutical Benefits Scheme (PBS)**

1 May 2015 - The Schedule of Pharmaceutical Benefits was updated on 1 May 2015 and the Summary of Changes can be found on the New, Amended and Deleted Items page. [Read more.](#)

30 April 2015 - The public submission process for the Post-market Review of the Life Saving Drugs Programme (LSDP review) Issues Paper has been extended to 18 May 2015. [Read more.](#)

29 April 2015 - An Opioids Roundtable meeting will be held on 27 May 2015, in Canberra. [Read more.](#)

29 April 2015 - The Agenda for the July 2015 Pharmaceutical Benefit Advisory Committee (PBAC) meeting is now available. [Read more.](#)

27 April 2015 - The Minister for Health, Sussan Ley, has approved a review of the Pharmaceutical Benefits Advisory Committee's (PBAC) submission guidelines to ensure Australian. [Read more.](#)

### **Australia. Productivity Commission**

23 April 2015 - [Efficiency in Health](#) - This research paper identifies areas of Australia's health system where there are good prospects for efficiency gains.

Australia. Therapeutic Goods Administration (TGA)

1 May 2015 - [Conference participation by the TGA.](#)



1 May 2015 - **Consultation: Orphan drugs program** - The TGA is seeking comments from interested parties on the Orphan drugs program discussion paper. Closing date: 15 June 2015.

30 April 2015 - **Methotrexate (DBL Methotrexate Tablets) 2.5 mg tablets, bottles of 30** - Recall - bottles supplied without child-resistant caps.

30 April 2015 - **Consultation: Draft OTC medicine monographs for Bromhexine hydrochloride; Dextromethorphan hydrobromide; Laxatives: Docusate sodium and/or sennosides; Hand sanitisers** - The TGA is seeking comments from interested parties on the draft OTC medicine monographs for Bromhexine hydrochloride, Dextromethorphan hydrobromide, Docusate sodium and/or sennosides and hand sanitisers. Closing date: 11 June 2015.

29 April 2015 - **IMMUCYST® BCG and ONCOTICE® (Bacillus Calmette and Guerin) - medicine shortages** - Medicine shortage - Immucyst and Oncotice.

29 April 2015 - **Submissions received: Regulation of autologous stem cell therapies** - Publication of submissions received from the consultation on 'Regulation of autologous stem cell therapies'.

28 April 2015 - **MMC USA Blue Shark capsules** - Safety advisory.

28 April 2015 - **Compositional guidelines** - Updated list of current compositional guidelines.

28 April 2015 - **Australian Public Assessment Reports for prescription medicines (AusPARs)** - Added Remestemcel-L, ex vivo adult human mesenchymal stem cells (Prochymal).

28 April 2015 - **TGA Business Services site replaces eBS** - Today we have launched the upgraded TGA Business Services site - an improved way to help industry do business with the TGA.

27 April 2015 - **Application instructions: Conformity assessment certification** - Updated guidance on how to apply for a conformity assessment certificate.

24 April 2015 - **Reduction of assessment fees for medical devices** - Updated guidance on eligibility requirements and procedures.

### **Australian Capital Territory (ACT). Chief Minister & Minister for Disability**

**ACT Disability Inclusion Statement 2015 – 2017** - You are invited to help shape a welcoming and inclusive Canberra community. Closes 15 May 2015 | [Find out more](#).

### **Australian Capital Territory Health**

30 April 2015 - **Get a seasonal flu vaccination to protect yourself and your community**-Simon Corbell, MLA.

29 April 2015 - **Accreditation | ACT Health** - ACT Health will undertake its first accreditation against the 10 NSQHS Standards in May 2015.

### **New South Wales. NSW Health**

Media releases

27 April 2015 - **NSW Health issues measles alert after two infected travellers return from India**

24 April 2015 - **NSW storms: Health advice on medicines requiring refrigeration**

29 April 2015 - **NSW research centre among world's best**

Policy Directive

27 April 2015 **Data Dictionary & Collection Requirements for the NSW MDS for Drug and Alcohol Treatment Services**.

Information bulletins

30 April 2015 - **Clinical Procedure Safety PD2014\_036 - Revised Commencement Date**.

30 April 2015 **Updated Application Forms for Authority to Prescribe Pharmacotherapies**.

29 April 2015- [Leave for Staff of the NSW Health Service Affected by Flooding and Storm Damage - April 2015](#).

10 April 2015 - [2016 Graduate Nursing and Midwifery Transition to Professional Practice Handbook](#).

1 April 2015 - [Whooping Cough: Identify, Protect, Prevent Pamphlet](#).

1 April 2015 - [Whooping Cough: Identify, Protect, Prevent Poster](#).

31 March 2015 - [Specialist Mental Health Services for Older People \(SMHSOP\) Acute Inpatient Units in NSW: Information for Consumers, Families and Carers](#).

### **Northern Territory Budget 2015/16**

Boosting Health Care - [Download PDF](#).

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

24 April 2015 - [Health Ombudsman releases third quarterly performance report](#) - More people than ever are contacting the Office of the Health Ombudsman (OHO), according to figures released this week by the Health Ombudsman for the third quarter of the 2014–15 financial year (1 January to 31 March 2015). During the quarter, the OHO was contacted over 2 250 times by members of the public and health service providers wanting to make a health service complaint, enquiring as to how the Health Ombudsman could assist them or seeking more information on how to manage concerns they may have with a health service provider.

### **Queensland. Queensland Health**

30 April 2015 - [Milestone for new Sunshine Coast Hospital](#) - Minister for Health and Minister for Ambulance Services | The Honourable Cameron Dick | The \$1.8 billion Sunshine Coast Public University Hospital is one step closer to completion with the final slab poured on the hospital's main building today.

30 April 2015 - [Queensland Health supporting Samoan community](#) - Minister for Health and Minister for Ambulance Services | The Honourable Cameron Dick | Queensland Health is collaborating with the Samoan Ministry of Health to assist with reforming and improving the governance of the nation's health program.

29 April 2015 - [Labor tackles waiting lists](#) - Minister for Health and Minister for Ambulance Services | The Honourable Cameron Dick | Over 10,000 Queenslanders currently on waiting lists will have their medical needs addressed quicker through an extra \$30 million the Queensland Government has allocated to address the problem.

29 April 2015 - [Barcaldine dental hub to undergo \\$1.92 million expansion](#) - Minister for Health and Minister for Ambulance Services | The Honourable Cameron Dick | The Palaszczuk Government has announced a \$1.92 million commitment to expand and upgrade the Barcaldine Hospital's regional dental hub.

28 April 2015 - [Country Kitchens Program Given Green Light](#) - Minister for Health and Minister for Ambulance Services | The Honourable Cameron Dick | Funding for a program to improve the health of rural families by developing their cooking skills has been approved by Queensland Health Minister Cameron Dick.

27 April 2015 - [Tele-chemotherapy service for Thursday Island](#) - Minister for Health and Minister for Ambulance Services | The Honourable Cameron Dick | The Palaszczuk Government has announced the commencement of the tele-chemotherapy service to Thursday Island and the Torres Strait.

26 April 2015 - [CareFlight outback rescue services secured](#) - Premier and Minister for the Arts | The Honourable Anastacia Palaszczuk | Premier Anastacia Palaszczuk has announced a \$56 million extension of CareFlight's contract to provide doctors to transport sick patients in remote Queensland to major hospitals, ensuring outback families will continue to have access to high-quality medical facilities.

### **South Australia. SA Health**

29 April 2015 - [Media release: GP contract discussions complete](#)

Free whooping cough vaccinations for pregnant women - 26/03/2015 - South Australian women can now receive the pertussis (whooping cough) vaccine for free in the last trimester of pregnancy to help protect young babies against the deadly illness. [Read more.](#)

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

[Exposure Draft of the White Paper](#) - The Exposure Draft of the White Paper outlines a series of proposals that taken together will help deliver better health outcomes.. [Read more.](#)

28 April 2015 - [Temporary inpatient building at the RHH promises 500 jobs](#) - Temporary inpatient building at the RHH promises 500 jobs.

28 April 2015 - [Redevelopment Early Works Advertised](#) - RHH Redevelopment early works packages will create jobs and boost the construction industry and economy.

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

Media releases

1 May 2015 - [Funding for eating disorders projects.](#)

1 May 2015 - [Duress card trial to get underway for at risk women.](#)

30 April 2014 - [Labour Government makes boxing and combat sports integrity a priority.](#)

30 April 2015 - [Support for general practitioners when treating people with intellectual disabilities.](#)

29 April 2015 - [Fund to help communities tackle ice in their local area.](#)

28 April 2015 - [Labour saves the national centre for farmer health.](#)

28 April 2015 - [Minister announces new work health advisory group.](#)

#### **Victoria. Office of the Health Services Commissioner**

[Office of the Health Services Commissioner - half yearly report - July - Dec 2014 \(pdf\)](#)

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

Media releases

8 April 2015 - Minister for Mental Health: Mental health support after domestic violence - Training will be provided in the south east metropolitan area to help staff working with women experiencing or escaping family and domestic violence

29 April 2015 - [Minister for Health and Minister for Regional Development: Landmark new hospital for Pilbara now closer](#) - The largest hospital infrastructure project investment ever undertaken in regional Western Australia is a step closer today with the State Government announcing that Brookfield Multiplex is the preferred respondent for the design and construction of the new \$207.15 million Karratha Health Campus.

#### **United Kingdom. Department of Health**

[EAGA guidance on HIV post-exposure prophylaxis](#)

#### **Canada. Health Canada**

1 May 2015 - [The Government of Canada Encourages Canadians to Join the Efforts to Prevent Prescription Drug Abuse.](#)

29 April 2015 - [Statement from the Honorable Rona Ambrose Minister of Health - Auditor General's Findings on healthcare services to remote First Nations Communities.](#)

29 April 2015 - [Health Canada First Nations and Inuit Branch Program Overview.](#)



## USA. Department of Health & Human Services (HHS)

30 April 2015 - [HHS IDEA Lab's Shark Tank and Demo Day Highlights](#) - By: Malini Sekhar, HHS IDEA Lab Shark Tank and Demo Day was the culmination of the efforts of 15 teams and 78 employees from two internal innovation initiatives.

27 April 2015 - [HHS issues final recommendation for community water fluoridation](#)

23 April 2015 - [HHS Innovation Ventures Fund Program Announces 2015 Projects](#)

## British Medical Association (BMA)

30 April 2015 - [Alcohol misuse measures to improve drinks labels](#) - A proposed alcohol strategy to tackle health harm in Europe could include better drinks labeling.

24 April 2015 - [Student leaders call for better workforce planning.](#)

29 April 2015 - [Five ways to make life easier for deaf patients](#) - Posted by [Flavia Munn](#) - Deaf people visiting their doctor can feel like a cat going to the vet.

20 April 2015 - [Failed in his final wish](#) - Posted by [Gwynne Meijer](#) - All I could see were his eyes and a wisp of grey hair peeking out from the covers. An elderly Labrador lay curled at the foot of the bed. Neither stirred as I entered.

## Canadian Medical Association

April 27 2015 - [Canadian Medical Association Demands a Plan for Seniors](#)

## ABOUT US

### Caroline Atkins



Caroline Atkins is the Office Managing Partner for the Canberra office of DLA Piper and has worked extensively in the health sector for Australian Government agencies. Her experience includes the conduct of major technology projects for the health sector, such as in the e-health and aged care sectors, and in advising the Commonwealth on the implementation of policy programs in contractual arrangements (including for medical indemnity insurance and for CSO arrangements for PBS funding). She has also advised the National Blood Authority on major Commonwealth contracts for the supply of blood products including with the Red Cross and CSL. Caroline's commercial experience extends over 30 years and also includes significant experience in ICT outsourcing, whole-of-government technology procurements, intellectual property rights licensing, contract management, procurement strategy and dispute resolution.

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