



2 FEBRUARY 2015

Judgments.....	2
New South Wales	2
Victoria	2
Australian Capital Territory.....	3
Legislation.....	3
Commonwealth	3
Reports & Publications	3
Australia. Department of Health & Ageing	3
Australia. Department of Social Services.....	4
Australia. Productivity Commission	4
Australian Health Practitioner Regulation Agency.....	4
Australian Commission on Safety and Quality in Health Care	5
Australian Institute of Health & Welfare	5
Australia. National Blood Authority	5
Australia. National Health & Medical Research Council.....	5
Australia. Therapeutic Goods Administration	5
New South Wales Health	6
New South Wales. Health Statistics	6
Northern Territory. Department of Health	6
Queensland. Office of the Health Ombudsman	6
South Australia. Department of Health	7
Tasmania. Department of Health & Human Services	7
Victoria. Department of Health & Human Services.....	7
Western Australia. Department of Health	8
New Zealand. Ministry of Health.....	8
United Kingdom. Department of Health.....	8
Canada. Health Canada	8
British Medical Association	8
Canadian Medical Association	8
About Us.....	9
More Information	9

JUDGMENTS

New South Wales (NSW)

Janet Harris v Sydney Local Health District [2014] NSWDC 21

The plaintiff is a 48 year old woman with a long history of drug and alcohol addiction. She had been admitted to the Concord Repatriation Hospital (the hospital) on several occasions for drug withdrawal and heroin dependence.

The plaintiff had received treatment at the hospital's emergency department on a number of occasions for ear infections. On 15 July 2011, she attended the emergency department and had an 'ear wick' inserted into her right ear by way of treatment. Upon discharge, an appointment was made for the plaintiff at the hospital's outpatient clinic on 20 July 2011. The plaintiff missed the appointment and the hospital did not follow this up with the plaintiff. The ear wick became infected.

The Court found that the hospital had breached its duty of care to the plaintiff, because it had failed to follow up when the plaintiff did not attend her outpatient appointment. The Court noted that, ordinarily, the scope of the duty of care for a large hospital would not extend to ensuring the attendance of a patient at an outpatient clinic for on-going treatment. However, in this case, the hospital was on notice that the plaintiff:

- was vulnerable (due to her drug and alcohol addiction); and
- had been hospitalised previously for the same condition.

This placed an onus on the hospital to take positive steps to ensure the plaintiff attended her outpatient appointment.

Victoria

Finding into death without inquest of Michael Justin Nicoll COR 2012 4544

Mr Nicoll attended the Cabrini Hospital Emergency Department (ED) on 20 October 2012 with diarrhoea, nausea and vomiting. Dr Pui, the ED registrar, diagnosed Mr Nicoll with gastroenteritis and administered an anti-emetic medication. Mr Nicoll was discharged without admission at approximately 4.30am on 21 October 2012, despite continued episodes of diarrhoea and being persistently tachycardic throughout that night.

Mr Nicoll's condition did not improve at home and he presented to the ED again on 22 October 2012 in septic shock. Mr Nicoll was admitted to Intensive Care and diagnosed with streptococcus pyogenes septicaemia (a severe form of sepsis). Despite aggressive life support measures, Mr Nicoll died on 25 October 2012.

Coroner English noted that Mr Nicoll's death may have been prevented if he had been admitted to Cabrini Hospital on his presentation on 20 October 2012. As it was, Dr Pui had made an incorrect clinical decision not to admit Mr Nicoll.

The Coroner declined to hold an inquest into this death. Her Honour cited with approval the fact that Cabrini Health had thoroughly addressed their acknowledged clinical error with an extensive internal review. Along these lines, Coroner English commented that the steps implemented by Cabrini Health will help to reduce the number of preventable deaths in the future. Those steps included:

- Changes to staffing levels in the ED which are intended to provide greater support to the night duty doctor; and
- The development of an Emergency Department Safe Discharge Program, implementing a review process for discharge decision making.

17 December 2014 - [Inquest into the Death of Paul Kanis](#)

Death as a result of organising pneumonia with loculated pleural effusion in the setting of drug use including methadone and benzodiazepines in a man with significant co-morbidities including asthma.

Australian Capital Territory (ACT)

16 January 2015 - [Medical Board of Australia v Tausif \(Occupational Discipline\) \[2015\] ACAT 4](#)

Occupational discipline – health practitioner – general practitioner – prescribing controlled medicines without approval and inappropriately – inadequate record keeping – failing to make or record diagnosis – failing to provide adequate treatment plans – professional misconduct – contribution of lack of supervision and mentorship in ‘independent contractor’ practice – registration on conditions requiring supervision, restriction on prescribing controlled medications, remedial courses, audit of clinical notes and further education.

16 January 2015 - [Wang v Australian Capital Territory \(Discrimination\) \[2015\] ACAT 5](#)

Catchwords: discrimination – employment – education – race – age – international medical graduate – requirement for period of internship – application for internship and resident medical officer position at Canberra hospital – adoption of policy to guide allocation of internships – policy establishes priority categories dependent on geographic location of university from which medical qualification obtained – automatic allocation of internationally trained graduates to category 8 – no prospect of category 8 graduate being allocated an internship – policy discriminates on the basis of a characteristic international medical graduates generally have, namely their nationality – finding of unlawful discrimination on basis of race – distinction between ACT and Commonwealth legislation – automatic allocation of international medical graduates to category 8 likely to disadvantage them – finding of indirect discrimination on basis of race – rejection of application for resident medical officer position not directly or indirectly discriminatory – no discrimination on basis of age.

LEGISLATION

Commonwealth

[National health \(highly specialised drugs program for hospitals\) special arrangement amendment instrument 2015 \(No. 1\) \(PB 3 of 2015\).](#)

[National health \(efficient funding of chemotherapy\) special arrangement amendment instrument 2015 \(No. 1\) \(PB 4 of 2015\).](#)

[National health \(listed drugs on F1 or F2\) amendment determination 2015 \(No. 1\) \(PB 6 of 2015\).](#)
[Therapeutic goods information \(sharing of information about prescription medicines\) specification 2015.](#)

REPORTS & PUBLICATIONS

Australia. Department of Health & Ageing

The national seasonal influenza immunisation program for 2015 will not commence on the usual start date of 15 March. The main reason for the delay is that 2015 southern hemisphere seasonal influenza vaccine will contain three seasonal influenza strains, with two strain changes from the 2014 vaccine. This double-strain change has caused manufacturing delays. A decision has been made to delay the program until sufficient supplies of influenza vaccine are available. The delay will not affect vaccine supply volumes, and no vaccine shortages are anticipated.

Private Health Insurance Circulars (PHI)

28 January 2015 - [PHI 07/15 Private Hospital Information](#)

21 January 2015 - [PHI 06/15 private health insurance administration council \(PHIAC\) - agency transfer consultation session 2.](#)

19 January 2015 - [PHI 05/15 critical dates for February 2015 prostheses list.](#)

16 January 2015 - [PHI 04/15 new private day hospital.](#)

13 January 2015 - [PHI 03/15 private health insurance administration council \(PHIAC\) - agency transfer consultation sessions.](#)

13 January 2015 - [PHI 02/15 appointment of acting private health insurance ombudsman.](#)

12 January 2015 - [PHI 01/15 private health insurance \(prudential supervision\) Bill 2014 - exposure draft and explanatory materials.](#)

Current issues

23 January 2015 - [Health effects of water fluoridation.](#)

Consultations

[Staff with Disability Network Awards Nomination](#) - date ends 6 February 2015.

[Copy of Questionnaire for continuing panel members](#) - date ends 9 February 2015.

[Draft national framework for health services for Aboriginal and Torres Strait Islander children and families](#) - Date ends 13 February 2015.

[Opportunities to reduce regulation and red tape](#) - date ends 30 June 2015.

Australia. Department of Social Services

24 January 2014 - [Tribute to Professor Graeme Hugo, deputy Chairman, Aged Care Financing Authority \(ACFA\).](#)

23 December 2014 - [Medication management in residential aged care facilities.](#)

Australia. Productivity Commission

[Report on Government Services](#) - The annual Report on Government Services (RoGS) provides information on the equity, effectiveness and efficiency of government services in Australia. This report will be progressively released between 28 January - 6 February 2015. At a glance data available now.

Australian Health Practitioner Regulation Agency (AHPRA)

The Occupational Therapy Board of Australia (the National Board) invites applications from experienced practising occupational therapists interested in being included on the National Board's list of advisors. [Read more.](#)

19 December 2014 - Public consultation on draft registration standard: limited registration for teaching or research. The Chinese Medicine Board of Australia is undertaking public consultation on its draft registration standard: Limited registration for teaching or research. Closes: Friday 13 February 2015. Please provide written submissions as a Word document (not PDF) by email, marked 'consultation – limited registration for teaching or research' and email by [clicking here](#).

[Consultation document for draft registration standard: for teaching or research, Word version.](#)
[Responses to consultation questions.](#)

19 December 2014 - The Psychology Board of Australia is seeking input on proposals to update the provisional registration standard and the guidelines for the 4+2 internship program. The Board is asking the community and practitioners to have their say on the standard that psychologists must meet for entry into the profession as a provisional psychologist; and the requirements for developing the knowledge, skills and competence required for entry into general registration via the 4+2 internship program pathway. Closes: 27 February 2015. Please provide written submissions, marked 'Consultation - Provisional registration standard' and [click here](#) to email.

[Consultation paper 24: proposed amendments to the Provisional registration standard and the Guidelines for the 4+2 internship program, Word version.](#)

[Attachment D: public consultation draft Guidelines for the 4+2 internship program; Word version.](#)
[Attachment E: public consultation draft reporting and recording forms for the 4+2 internship program.](#)

23 January 2015 - Tribunal lifts suspension of medical practitioner - Dr Wijeneka Liyanage - suspension on registration lifted following appeal. [Read more.](#)

23 January 2015 - Medical practitioner reprimanded and conditions imposed - Tribunal finds professional misconduct, imposes conditions on registration. [Read more.](#)

20 January 2015 - Call for applications - applications are now sought for a medical practitioner member from the Northern Territory to fill the following board member vacancy - [Read more.](#)

20 January 2015 - Students graduate from first medical radiation practice programs to be accredited and approved - Students have graduated from the first medical radiation practice programs of study to be accredited and approved under the National Registration and Accreditation Scheme (the National Scheme). [Read more.](#)

29 January 2015 - In 2015, the Nursing and Midwifery Board of Australia (NMBA) continues its mission to work in partnership with the nursing and midwifery professions and associations, the education sector and the wider community. [Read more.](#)

21 January 2015 - Focus groups for issues affecting health impaired nurses and midwives - the NMBA and the AHPRA are exploring the role of the regulator in the referral, treatment and rehabilitation services for nurses and midwives with a health impairment. [Read more.](#)

8 January 2015 - The National Board has published its December communiqué. [Read more.](#)

27 January 2015 - The Optometry Board of Australia releases its latest communiqué. - [Read more.](#)

20 January 2015 - Call for applications to the scheduled medicines advisory committee of the Optometry Board of Australia. [Read more.](#)

15 January 2015 - The Osteopathy Board of Australia releases its latest communiqué - [Read more.](#)

07 January 2015 - The Physiotherapy Board of Australia provides advice to practitioners about the use of titles - [Read more.](#)

06 January 2015 - The Physiotherapy Board of Australia releases its latest communiqué. - [Read more.](#)

09 January 2015 - The Psychology Board of Australia has released the December 2014 communiqué - [Read more.](#)

Australian Commission on Safety and Quality in Health Care

27 January 2015 - On the Radar – Issue 207 ([PDF 172KB](#)) ([Word 257KB](#)).

Australian Institute of Health & Welfare

30 January 2015 - [Australian Burden of Disease Study: fatal burden of disease 2010 - Fatal burden infographic \(1.1MB PDF\)](#) | [media release.](#)

Australia. National Blood Authority

6 January 2015 - National patient blood management collaborative - anaemia - The Australian Commission on Safety and Quality in Health Care (the Commission) has been engaged by the Australian Government Department to lead a national patient blood management (PBM) collaborative focussing on Anaemia management for patients having elective surgery. [Read more.](#)

Australia. National Health & Medical Research Council (NHMRC)

27 January 2015 - [NHMRC survey reveals key dementia research priorities.](#)

23 January 2015 - [NHMRC Research Tracker.](#)

NHMRC Health Tracker - January 2015

Australia. Therapeutic Goods Administration (TGA)

30 January 2015 - [Updates to the list of designated orphan drugs](#) - Added Vinflunine Ditartrate (Javlor).

29 January 2015 - [Advisory Committee on Prescription Medicines \(ACPM\) meeting statement, Meeting 301, 4-5 December 2014](#) - Role of the advisory committee on prescription medicines (ACPM) in the TGA's regulatory decision making process.

29 January 2015 - [Consultation: Invitation for public comment - ACCS meeting, March 2015](#) - Public consultation on the proposed amendments to the poisons standard (chemicals). Closing date: 27 February 2015.

28 January 2015 - [Australian public assessment reports for prescription medicines \(AusPARs\)](#) - Added Dapagliflozin (Xigduo XR) and DTPa-hepB-IPV-Hib vaccine (Hexaxim).

28 January 2015 - [Australian regulatory guidelines for prescription medicines \(ARGPM\)](#) - Added link to related information, updated links to minor variations guidance, removed links to superseded guidance, no content changes.

28 January 2015 - [InterStim and InterStim II neurostimulation devices used for sacral nerve stimulation](#) - Hazard alert - risk of premature battery depletion that may lead to early device replacement.

23 January 2015 - [Guidance on release for supply](#) - Release for supply is a mandatory step in manufacture, in which the last manufacturer in the supply chain certifies each batch of medicines produced, before being released to the Australian market.

23 January 2015 - [Liel Icos Cialis tadalafil 80mg and 100mg tablets](#) - safety advisory.

23 January 2015 - [Top Gun for Men tablets](#) - safety advisory.

New South Wales Health (NSW)

Media releases

23 January 2015 - [NSW Health warning to be on alert for measles.](#)

23 January 2015 - [Avoid dodgy food and mozzies this Australia day.](#)

22 January 2015 - [New smoke-free outdoor dining bans come into effect in six months.](#)

22 January 2015 - [\\$150 million for next stages of Dubbo Hospitals major upgrade.](#)

12 January 2015 - [NSW committed to four hour benchmark.](#)

28 January 2015 - [Mental health 'one-stop shop' service to be expanded across NSW.](#)

Policy Directives and Guidelines

[Principles for safe management of disturbed and /or aggressive behaviour and the use of restraint.](#)

[Human Immunodeficiency Virus \(HIV\) - Management of non-occupational exposure.](#)

New South Wales. Health Statistics

14 January 2015 - [Mothers in NSW.](#)

Northern Territory. Department of Health

[Call for nominations for the 2015 nursing and midwifery excellence awards.](#)

Queensland. Office of the Health Ombudsman

21 January 2015 - [Health Ombudsman releases second quarterly performance report](#) - almost half of all health service complaints assessed by the office of the Health Ombudsman (OHO) during the second quarter of 2014–15 identified poor performance and communication on the part of health service providers, according to quarterly figures released today by the Health Ombudsman.

15 December 2014 - [Interstate interim prohibition order re Mr Ian Harris, formerly known as Dr Ian Raymond Gregory](#) - The Health Ombudsman issued an interstate interim prohibition order on Monday 15 December 2014.

South Australia. Department of Health

Media releases

29 January 2015 - Health leaders meet in Adelaide to drive investment - World leaders in the health, biomedical, pharmaceutical and finance industries have met in Adelaide to drive investment in the state. [Read more.](#)

15 January 2015 - Avoidable hospital admissions set to soar in wake of Medicare changes - The number of South Australians ending up in hospital with conditions that could have been avoided would soar in the wake of Federal Government changes to Medicare, Health Minister Jack Snelling said today. [Read more.](#)

14 January 2015 - Fire-affected hospitals return to normal - services at Gumeracha hospital and Mount Pleasant hospital have returned to normal following the Sampson Flat bushfire. [Read more.](#)

Tasmania. Department of Health & Human Services (DHHS)

23 January 2015 - [Graduate Diploma in Mammography Scholarship.](#)

Media releases

26 January 2015 - [Temporary pharmacy to open on King Island tomorrow](#) - Deputy Premier and Liberal Member for Braddon, Jeremy Rockliff, has moved to reassure King Island residents that they will continue to have access to essential services following yesterday's fire.

23 January 2015 - [Evidence of broken system highlights need for real reform](#) - Today's DHHS quarterly report highlights why our plan to reform the health system is so important, with thousands of Tasmanians still waiting too long for the care they need.

18 January 2015 - [Health Reform Consultation Underway](#) - The Liberal Government is committed to putting patients back where they belong – at the forefront of decision-making in health.

6 January 2015 - [New Chair of Tasmanian Health Organisations](#) - The Liberal Government is reforming our health system to ensure patients are at the forefront of every decision.

Victoria. Department of Health & Human Services

1 January 2015 - the Victorian Government established the [DHHS](#) to integrate health and human services policies, programs and services to improve the wellbeing of all Victorians. The new DHHS brings together the former Department of Health, former Department of Human Services and Sport and Recreation Victoria.

Media releases

30 January 2015 - [Dr Rosemary Lester To Retire Published.](#)

28 January 2015 - [Top QC to head medicinal cannabis review published.](#)

28 January 2015 - [Working with paramedics to address the ambulance crisis.](#)

28 January 2015 - [Victorians urged to beware of driveway dangers.](#)

26 January 2015 - [Victorian heroes receive ambulance service medals.](#)

21 January 2015 - [Cancer cluster found at infamous fire facility.](#)

21 January 2015 - [Tougher penalties to protect kids now in force.](#)

21 January 2015 - [Labor government reminds Victorians to be sun smart.](#)

18 January 2015 - [Free whooping cough vaccine for Victorian parents.](#)

13 January 2015 - [Liberal cuts to health hurt Victorians.](#)

29 December 2014 - [Final specifications for revisions to the Victorian perinatal data collection for 1 July 2015.](#)

21 January 2015 - [Quality indicators in public sector aged care services resource materials 2015.](#)

Western Australia (WA). Department of Health

Media releases

22 January 2015 - [Minister for Health: Leading light shows the way at new burns unit](#) - Led by one of the world's leading burns experts, Professor Fiona Wood AM, Western Australia's internationally recognised burns service will move from Royal Perth Hospital early next month as part of the final opening stages of Fiona Stanley Hospital.

27 January 2015 - [WA medical research benefits from Change Day 2014](#) - This time last year WA's Chief Medical Officer Gary Geelhoed pledged to improve the state of medical research in Western Australia.

23 January 2015 - [Royal Perth Hospital in 2015 and beyond](#) - With the changes at Royal Perth Hospital (RPH), as a number of services move to the new Fiona Stanley Hospital (FSH), RPH is to become a central health care hub for city residents, visitors and workers.

New Zealand. Ministry of Health

27 January 2015 - [Annual Report on Drinking-Water Quality 2013-14](#).

United Kingdom. Department of Health

29 January 2015 - [Language controls for healthcare and associated professions](#).

29 January 2015 - [New funds to kickstart joint working with NHS and councils this winter](#).

29 January 2015 - [National health screening: government response](#).

Canada. Health Canada

29 January 2015 - [Note to Editors - health product InfoWatch](#) - Today, Health Canada released the inaugural edition of the Health Product InfoWatch, a new monthly publication that will make health product safety information easier to find and use for health professionals.

27 January 2015 - [Minister Ambrose participates in national dialogue on addiction recovery in Canada](#) - Supporting the Government's goal of prevention, treatment, and long-term recovery from addiction recovery.

22 January 2015 - [Statement from Minister Ambrose on the release of the Mental Health Commission of Canada's mental health data report](#).

British Medical Association (BMA)

28 January 2015 - [Labour Party lays out 10-year National Health Service \(NHS\) plan](#).

23 January 2015 - [Politicians urged to set minimum alcohol price](#).

23 January 2015 - [Patients pitch ideas for future GP services](#).

23 January 2015 - [Medics treating torture survivors promised support](#).

22 January 2015 - [Government presses ahead with standardised tobacco packaging](#).

Canadian Medical Association (CMA)

January 29 2015 - [Welfare of Canadian seniors key to Canada's economic stability](#).

January 28 2015 - [CMA Board of Directors announces Chief Executive Officer of newest subsidiary](#).

January 19 2015 - [CMA announces Chief Executive Officer](#).

January 22 2015 - [Statement from Dr. Chris Simpson President, Canadian Medical Association on the Mental Health Commission of Canada release of Mental Health Indicators](#).

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.

Contact Details

T +61 2 6201 8789

caroline.atkins@dlapiper.com

MORE INFORMATION

Contact your nearest DLA Piper office:

BRISBANE

Level 29, Waterfront Place
1 Eagle Street
Brisbane QLD 4000
T +61 7 3246 4000
F +61 7 3229 4077
brisbane@dlapiper.com

CANBERRA

Level 3, 55 Wentworth Avenue
Kingston ACT 2604
T +61 2 6201 8787
F +61 2 6230 7848
canberra@dlapiper.com

MELBOURNE

Level 21, 140 William Street
Melbourne NSW 3000
T +61 3 9274 5000
F +61 3 9274 5111
melbourne@dlapiper.com

PERTH

Level 31, Central Park
152–158 St Georges Terrace
Perth WA 6000
T +61 8 6467 6000
F +61 8 6467 6001
perth@dlapiper.com

SYDNEY

Level 22, No.1 Martin Place
Sydney NSW 2000
T +61 2 9286 8000
F +61 2 9286 8007
sydney@dlapiper.com

www.dlapiper.com

DLA Piper is a global law firm operating through various separate and distinct legal entities.

For further information, please refer to www.dlapiper.com

Copyright © 2015 DLA Piper. All rights reserved.

If you would like to reproduce any of this publication, please contact Michael Regos on +61 3 9274 5437 or michael.regos@dlapiper.com.

[Doc ID]