



HEALTH ALERT

8 SEPTEMBER 2014

Judgements.....	2
Northern Territory	2
New South Wales	2
Commonwealth	2
Legislation.....	3
HEALTHCARE LAW MATTERS - DLA PIPER (US) BLOG.....	3
Reports	3
Australia. Department of Health & Ageing	3
Australia. Health Practitioner Regulation Agency and the boards	3
Australia. National Health & Medical Research Council	4
Australia. Therapeutic Goods Administration	4
Australian Institute of Health & Welfare	4
Australian Commission on Safety and Quality in Health Care	4
Australia. Private Health Insurance Administration Council.....	4
Australian Capital Territory. Health Directorate	5
New South Wales. Ministry of Health.....	5
Northern Territory. Department of Health	5
Queensland. Department of Health	5
South Australia. Department for Health & Ageing.....	5
Victoria. Department of Health	6
Western Australia. Department of Health	6
New Zealand. Ministry of Health.....	6
United Kingdom. Department of Health.....	6
United States of America. Department of Health & Human Services	6
Australian Medical Association.....	7
British Medical Association	7
Canadian Medical Association	7

JUDGMENTS

Northern Territory

1 September 2014 - [Inquest into the death of Braden \(aka* Braydon\)\(Kwementyaye\) Brown \[2014\] NTMC 019](#)

Mr Brown was a 17 year old who suffered from bacterial meningitis. He presented to his local clinic on three occasions. By the second presentation, his symptoms were sufficient to require further testing. Such testing could have led to early recognition of meningitis. No testing was undertaken until Mr Brown's condition was so severe that he was retrieved by the Royal Flying Doctor and taken to the Alice Springs Hospital. There were a number of reasons for the delay, one of which was that the treating doctor was unable to contact anybody outside his clinic to consult as to the required steps for treatment.

The Coroner made a number of recommendations to the Northern Territory Department of Health.

Firstly, the Coroner recommended that the Northern Territory required tele-health facilities to ensure that staff working in remote clinics have access to other facilities, outside of their clinics. This would have reduced the delay in providing treatment to Mr Brown. Secondly, the Coroner recommended that changes be made to the Central Australia Rural Practitioners Association Manual so that it better assists practitioners to diagnose and treat meningitis. Finally, the Coroner recommended that all clinical staff were to undergo regular training and up-skilling within their scope of practice. He recommended that they should undergo training to highlight conditions that they are unlikely to encounter in routine practice.

This inquest highlighted some significant challenges faced by medical practitioners in rural areas.

1 September 2014 - [Inquest into the death of Baby C \[2014\] NTMC 017](#) Death of baby in care of foster parent; cause of death undetermined; care and treatment whilst at hospital and in care.

New South Wales (NSW)

2 September 2014 - [AJD v Royal Prince Alfred Hospital \[2014\] NSWCATAD 125](#)

AJD (the Applicant) sought a review of conduct by the Royal Prince Alfred Hospital (the Alfred) under the Health Privacy Principles (HPP).

AJD's primary submission was that the Alfred Hospital disclosed her health information without her consent when it released health records of her children to their father. She argued that the Alfred was only authorised to release the part of the records that contained her children's health information, not the part that contained her health information.

The Tribunal considered whether the information in question was actually AJD's information or the children's information. The information at the centre of this dispute was that AJD suffered from a serious chronic illness. Evidence showed that AJD's health information was relevant to the provision of a health service to one of her children. The Tribunal said that to the extent that this information was relevant to the provision of that health services to her child, it could also be classified as the health information of that child. In other words, because this information also constituted the child's health information, the Alfred had not breached the HPP by providing a copy of this information to the father.

The Tribunal also held that other aspects of AJD's health information included on the children's records were neither relevant nor necessary for the care and treatment of the children. In relation to this information, the Alfred was in breach of the HPP.

4 September 2014 - [Health Care Complaints Commission v Do \[2014\] NSWCA 307](#) Medical profession - professional misconduct - where doctor prescribed drugs of addiction and restricted substances to de facto partner, a drug-dependent person - where doctor failed to maintain records of prescriptions and consultations and services - where doctor no longer registered as a medical practitioner at time protective orders made - whether Tribunal failed properly to have regard to objective of protecting health and safety of public when making protective orders - *Health Practitioner Regulation National Law (NSW) ss 3(2), 3A and 4* - objective requires denunciation of serious misconduct - whether doctor should have been disqualified from being registered - effect of disqualification order on reapplication for registration - *Health Practitioner Regulation National Law (NSW) ss 149C(4)(b) and 163B and Pt 7COSTS* - power of Court to

order costs in proceedings under Health Practitioner Regulation National Law (NSW) - general rule that costs of proceedings before Medical Tribunal follow the event - where appeal hearing necessary irrespective of formal opposition by doctor - where order sought seemingly based on wrong view of operation of the National Law

Commonwealth

3 September 2014 - [Danial Woods and Secretary, Department of Social Services \[2014\] AATA 627](#)
Social security – pensions, benefits and allowances – disability support pension – impairment tables – conditions not fully treated and stabilised – conditions not permanent – no impairment rating – decision under review affirmed.

LEGISLATION

Commonwealth

11 April 2014 - [Health Insurance \(Pathologist-determinable Services\) Amendment Determination 2014](#).

Victoria

[Healthcare Quality Commissioner Bill 2014](#)

HEALTHCARE LAW MATTERS - DLA PIPER (US) BLOG

4 September 2014 - [Lessons learned and lessons confirmed: community health systems' scary security breach](#).

REPORTS

Australia. Department of Health & Ageing

Media releases

5 September 2014 - [Journey continues to close the gap](#). A report released by the Australian Institute of Health and Welfare highlights that while progress is being made, there is still a long way to go to close the gap in Indigenous life expectancy.

4 September 2014 - [Australian women living with undiagnosed osteoporosis](#). A new report suggests that many women may have osteoporosis without knowing it.

1 September 2014 - [Minister Opens Asia-Pacific Prostate Cancer Conference](#). The Minister for Health Peter Dutton has welcomed hundreds of delegates to the 15th Asia-Pacific conference on prostate cancer in Melbourne.

29 August 2014 - [More grants to support medical research](#). Researchers will benefit from 95 National Health and Medical Research Council grants totalling almost \$70 million.

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

4 September 2014 - The Nursing and Midwifery Board of Australia and AHPRA have announced a response for some nurses and midwives caught by changes to registration requirements in February 2014. [Read more](#).

4 September 2014 - The regulator for Chinese medicine, the Chinese Medicine Board of Australia (National Board), is urging people to check that their Chinese medicine practitioner is registered. [Read more](#).

3 September 2014 - The National Board is a member organisation of the International Nurse Regulators Collaborative (INRC) and has published the INRC position statement on social media use. [Read more](#).

Australia. National Health & Medical Research Council (NHMRC)

29 August 2014 - [NHMRC supports stars of Australian clinical research](#). Seventeen of Australia's best clinical researchers have received prestigious National Health and Medical Research Council (NHMRC) Practitioner Fellowships to conduct research that is strongly informed by their careers in health care. Practitioner Fellows are awarded to active clinicians and public health or health services professionals to undertake research that is linked to their work. [Read more](#).

29 August 2014 - [Supporting Australia's outstanding health and medical researchers](#). Seventy four researchers at the peak of their careers have received prestigious National Health and Medical Research Council Research Fellowships. The Fellowships support researchers with incredibly strong career track records, many with a proven ability to translate research into commercial, health practice or policy outcomes. [Read more](#).

29 August 2014 - [New research to prevent Indigenous youth suicide](#). Minister for Health, Peter Dutton today announced four new National Health and Medical Research Council (NHMRC) grants which aim to put a stop to escalating rates of Indigenous youth suicide. The grants are the result of an NHMRC [Read more](#).

Australia. Therapeutic Goods Administration (TGA)

3 September 2014 - [Questions and answers about the registration process for prescription medicines in Australia](#). Questions and answers that are most frequently asked and answered by the TGA about the prescription medicines registration process for Category 1 and 2 applications (other than for only additional trade names).

2 September 2014 - [Update: EU DCP: International collaboration for the evaluation of generic drugs](#) The TGA encourages generic drug manufacturers to consider participating in this ground-breaking pilot.

1 September 2014 - [Medical devices and IVDs compliance actions](#) 1 September 2014: Details of products cancelled from the ARTG.

1 September 2014 - [Special access scheme](#). Updated contact details for enquiries about the Special Access Scheme.

1 September 2014 - [Medical Devices Safety Update, Volume 2, Number 5, September 2014](#). September 2014 edition of the medical devices safety update.

Australian Institute of Health & Welfare (AIHW)

5 September 2014 - [Mortality and life expectancy of Indigenous Australians 2008 to 2012 | media release](#).

5 September 2014 - [AIHW Access no. 38](#).

4 September 2014 - [Estimating the prevalence of osteoporosis in Australia | media release](#).

3 September 2014 - [National Community Services Data Dictionary, version 8](#).

Australian Commission on Safety and Quality in Health Care

3 September 2014 - [Commission and jurisdiction partners receive award for excellence at APAC Forum](#) We are very pleased to announce the Australian Commission on Safety and Quality in Health Care's (the Commission) success at the APAC Forum – Asia Pacific's premier healthcare conference. The Commission and the Australian, state and territory health departments received the award for National Partnership in the Implementation of Improved Safety Systems for Patients for implementation of the National Safety and Quality Health Service (NSQHS) Standards.

1 September 2014 - On the Radar – Issue 189 ([PDF 99KB](#)) ([Word 125KB](#)).

Australia. Private Health Insurance Administration Council

2 September 2014 - [Statistical Release – June 2014 — September 02, 2014](#) Quarterly statistics released.

Australian Capital Territory. Health Directorate

3 September 2014 - **Chief health officer announces healthy and innovative grant recipients.**

New South Wales (NSW). Ministry of Health

Media Releases

4 September 2014 - **Latest data reveals NSW treating more patients faster than ever.**

3 September 2014 - **NSW Government boosts funding for grassroots cancer initiatives.**

1 September 2014 - **Minister tours new \$41 million St George hospital emergency department.**

1 September 2014 - **Healthy workers celebrated during multicultural health week.**

Policy Directives & Guidelines

3 September 2014 - **Leave Matters for the NSW Health Service.**

2 September 2014 - **Open Disclosure Policy.**

Information Bulletins

3 September 2014 - **Broken Hill Health Service employees increase in rates of pay and allowances.**

Northern Territory (NT). Department of Health

4 September 2014 - **Award winning work to tackle chronic disease in the NT.** The Minister for Health Robyn Lambley has congratulated the winners of the 2014 Chronic Disease network recognition awards in Alice Springs today.

3 September 2014 - **Katherine paramedic wins top award.** The Minister for Health Robyn Lambley has honoured the winners of the 2014 NT Paramedic of the Year Awards at a ceremony at Parliament House tonight.

2 September 2014 - **Aboriginal and Torres Strait Islander Health Practitioner Awards open for nominations.** The Minister for Health Robyn Lambley is calling on Territorians to help recognise the talent, skill and dedication of our Aboriginal and Torres Strait Islander Health Practitioners, with nominations now open for the profession's annual awards.

1 September 2014 - **Scholarship program opens for the NT Disability sector.** The Minister for Disability Services Robyn Lambley has announced that the Northern Territory Government's scholarship program for Territorians working in the Disability Services sector is now open.

1 September 2014 - **Multi-million dollar investment for Royal Darwin Hospital baby boom.** Minister for Health Robyn Lambley has announced that Royal Darwin Hospital will receive an immediate multi-million dollar boost to its maternity services to respond to the Top End's baby boom.

Queensland. Department of Health

4 September 2014 - **Feedback sought on Medicines, Poisons and Therapeutic Goods Bill.**

30 August 2014 - **New campaign says GP not ED.** A new marketing campaign aims to improve Emergency Department wait times by encouraging patients to visit their GP, instead of hospital Emergency Departments.

South Australia (SA). Department for Health & Ageing

5 September 2014 - **Almost 5000 cases of the flu reported in SA.**

2 September 2014 - **Father-son duo win technology award for work in reproductive health.**

1 September 2014 - **New clinic to support Autism spectrum disorder.**

1 September 2014 - **Paramedic title protected - to ensure patient safety.**

1 September 2014 - **More rehabilitation services for Adelaide's north.**

Victoria. Department of Health

- 5 September 2014 - [Naphthine Government expands programs and funding to deal with ice related harm.](#)
- 4 September 2014 - [What are you doing on ice?](#)
- 4 September 2014 - [New Victorian smoking bans another step closer.](#)
- 1 September 2014 - [Transformation in alcohol and drug services.](#)
- 30 August 2014 - [Discount energy plans for seniors card holders.](#)
- 29 August 2014 - [Work underway on new inner-city mental health service.](#)

Western Australia. Department of Health

Operational Directives (OD)

- 3 September 2014 - [OD 0556/14 Community Mental Health Welfare Checks: Role of Mental Health Clinicians](#) This Operational Directive is to ensure individuals in the community requiring mental health status review are seen and assessed by appropriately trained clinicians.
- 3 September 2014 - [OD 0555/14 Guidelines for the Credentialing of PAP Smear Providers](#) This Operational Directive outlines the requirements for nurses and midwives to credential as Pap smear providers, as well as the obligations of the health service in supporting this role.
- 3 September 2014 - [IC 0196/14 Department of Health Medical Practitioners \(Clinical Academics\) AMA Industrial Agreement 2013 \[PSAAG 6 of 2014\] Department of Health Medical Practitioners \(Clinical Academics\) AMA Industrial Agreement 2013 \(the Agreement\).](#)

New Zealand. Ministry of Health

- 2 September 2014 - [Expiry date for stored gametes and embryos: 22 November 2014.](#)
- 1 September 2014 - [Get up to date this cervical screening awareness month.](#)
- 30 August [Health.govt.nz now more mobile-friendly](#)

United Kingdom. Department of Health (DH)

- 4 September 2014 - [Honours: celebrating contributions to health and care.](#)
- 4 September 2014 - [Emergency asthma inhalers for use in schools.](#)
- 3 September 2014 - [Special educational needs and disabilities \(SEND\) reform: letters.](#)
- 3 September 2014 - [NHS terms and conditions for procuring goods and services](#) Part of a collection: [NHS procurement.](#)
- 2 September 2014 - [Statement on Ashya King.](#)
- 2 September 2014 - [DH business expenses for 2014](#) Part of a collection: [DH business expenses.](#)
- 2 September 2014 - [DH departmental spending over £500: 2011](#) Part of a collection: [DH spending over £500.](#)
- 1 September 2014 - [Pharmaceutical buying groups in the NHS](#) Part of a collection: [Commercial Medicines Unit \(CMU\).](#)
- 1 September [DBS guide to eligibility](#) Part of a collection: [DBS criminal record checking guidance](#)
- 30 August [NHS Very Senior Managers pay review for 2015 to 2016](#)
- 30 August [Agenda for Change pay system for NHS staff: 2015 to 2016](#)

United States of America. Department of Health & Human Services (HHS)

- 3 September 2014 - [Statement by Health and Human Services Secretary Sylvia Burwell on CVS ending tobacco sales.](#)

2 September 2014 - [HHS awards \\$65 million in Healthy Start grants to reduce infant mortality.](#)

2 September 2014 - [HHS contracts with Mapp Biopharmaceutical to develop Ebola drug.](#)

Australian Medical Association (AuMA)

5 September 2014 - [AuMA backs innovative plan to attract doctors to work and live in small country towns.](#)

3 September 2014 - [AuMA calls for Regional Training Networks to help build future rural medical workforce.](#)

3 September 2014 - [Government must dispense with Pharmacy Guild plan to plunder primary care.](#)

British Medical Association (BMA)

4 September 2014 - [GPs join scheme to ease OOH pressure](#) GPs are taking part in a pilot scheme aimed at addressing difficulties staffing out-of-hours service.

3 September 2014 - [Call to strengthen prosecutions for assault on staff](#) efforts to strengthen the prosecution of assaults on NHS staff have been backed by the BMA.

2 September 2014 - [Alcohol survey findings alarm doctors.](#) Doctors leaders have expressed disappointment at the findings of an alcohol survey.

29 August 2014 - [Inspection regime threatens to compound pressure on doctors, warns BMA.](#) Doctors leaders have questioned whether a further hospital inspection regime will benefit patients.

Canadian Medical Association

2 September 2014 - [Canadian medical graduates staying in Canada.](#)

American Medical Association (AMA)

2 September 2014 - [AMA Announces Collaboration with SKY Family YMCA, Sarasota County Medical Society to Prevent Type 2 Diabetes.](#)

ABOUT US

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Mark's focus is on public liability and professional indemnity insurance and associated litigation. He has particular experience with medical negligence claims and the complex insurance and indemnity arrangements prevalent in the resources, mining, building and construction industries.

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