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JUDGMENTS

Western Australia

26 September 2014 - [Pisano v Health Solutions \(WA\) Pty Ltd \[2014\] WASC 356](#)

Dr Pisano is registered under the *Health Practitioner Regulation National Law (WA) Regulations 2010* as a specialist in orthopaedic surgery. Health Solutions (WA) Pty Ltd and Ramsay Health Care Pty Ltd were at various times the managers of Peel Health Campus (PHC).

Dr Pisano ceased providing health services at PHC in February 2013 after PHC advised him that his Agreement for services to public patients would not be extended and his theatre list for private patients would be allocated to another surgeon.

The issue between the parties was whether there was a contract for Dr Pisano's services by virtue of an email and letter of 28 February 2012 in which PHC stated that Dr Pisano was re-credentialed as an accredited specialist practitioner orthopaedic surgeon for a term of three years expiring on 1 March 2015.

Counsel for Health Solutions argued that credentialing of a practitioner is simply a precondition to a contract of services between the practitioner and PHC. Ramsay Health Care argued that there was no contract due to uncertainty of the agreement.

In its judgment, the Supreme Court of Western Australia adopted the analogy used by counsel for Health Solutions. It said that "*credentialing is the ticket that provides entry to the showground. It does not carry the right to ride any particular attraction.*" In the absence of a separate agreement governing the actual practice, patients and so on, Dr Pisano's credentialing was merely a prerequisite to practice; it did not of itself entitle him to provide services at PHC.

New South Wales

26 September 2014 - [Dr A v Health District \(No 2\) \[2014\] NSWIRComm 50](#)

The respondent threatened to dismiss Dr A from his employment in the Emergency Department of the Hospital following allegations that he forcefully applied a pillow to the face of a patient who was spitting at him (the incident). Dr A made an application to the Industrial Relations Commission of NSW to prevent the respondent from dismissing him.

A central issue for the Commission was Dr A's use of the pillow on the patient. Dr A maintained that he used the pillow only on one occasion as a 'spit shield' and that he did not press the pillow against the patient's face. Various clinicians who were present gave evidence that the pillow was used inappropriately on two occasions and pressed firmly onto the patient's face for various time periods.

Although the Commission did not consider Dr A to be completely credible, District Health was unable to meet its burden of proof as it failed to prove that Dr A forcefully applied the pillow.

As the respondent did not prove the allegations against Dr A, the Commission held that it was unreasonable (as distinct from unjust) to threaten to dismiss him. This was the case despite the fact that the Commission considered Dr A's use of the pillow to be inappropriate and despite the fact that Dr A had a non-communicative attitude unsatisfactory for an experienced medical practitioner. These matters did not justify a threat to dismiss. The Commission suggested the appropriate course would have been counselling and monitoring of Dr A's conduct.

1 October 2014 - [Ibrahim v Medical Board of Australia \[2014\] NSWCATOD 108](#)

Registration as medical practitioner - International Medical Graduate - Application for Limited Registration on an Area of Need Basis - Refused by Board - Appeal - Whether compliance with relevant standards - Gap in clinical practice - extent of adequacy of supervision plan - performance in pre-employment structured clinical view - Appeal dismissed - ground for refusal confined to failure to meet requirements for registration.

Victoria

30 September 2014 - [Finding into death with inquest of Iman Kassis COR 2008 004559](#)
Death from hemopericardium, dissection of the thoracic aorta with Ehler's Danlos Syndrome as a contributing factor.

30 September 2014 - [Finding into death with inquest of Robert James Barron COR 2013 003421](#)
Death from lung cancer.

29 September 2014 - [Finding into death with inquest of Kelvin Robert Davidson 2007/3955](#)
Death from hanging.

1 October 2014 - [Finding into death with inquest of Raymond John O'Brien COR 2013 3874](#)
Death from acute myocardial infarction and coronary artery disease.

1 October 2014 - [Finding into death with inquest of Gary Jason Cramer COR 2013 4679](#)
Death from Influenza B infection.

2 October 2014 - [Finding into death with inquest of Jayson Peter Hawkins 2009/5986](#)
Death from hypoxic brain injury and airway obstruction.

LEGISLATION

Commonwealth

25 September 2014 - [Aged Care and Other Legislation Amendment Bill 2014](#).

25 September 2014 - [Amendment Determination under section 84AH of the National Health Act 1953 \(2014\) \(No. 4\) - PB 77 of 2014](#) F2014L01305 • PB 77 of 2014 as made.

25 September 2014 - [National Health \(Pharmaceutical Benefits - Therapeutic Groups\) Amendment Determination 2014 \(No. 2\) \(PB 80 of 2014\)](#) F2014L01310 • PB 80 of 2014 as made.

25 September 2014 - [National Health \(Listed drugs on F1 or F2\) Amendment Determination 2014 \(No. 9\) \(PB 76 of 2014\)](#) F2014L01306 • PB 76 of 2014 as made.

24 September 2014 - [National Health \(Epworth and Cabrini Private Hospitals Paperless Prescribing and Claiming Trial\) Special Arrangement 2014 \(PB 68 of 2014\)](#) F2014L01302 • PB 68 of 2014 as made.

23 September 2014 - [National Health \(Listing of Pharmaceutical Benefits\) Amendment Instrument 2014 \(No. 10\) \(PB 72 of 2014\)](#) F2014L01298 • PB 72 of 2014 as made.

23 September 2014 - [National Health \(Price and Special Patient Contribution\) Amendment Determination 2014 \(No. 6\) \(PB 73 of 2014\)](#) F2014L01289 • PB 73 of 2014 as made.

23 September 2014 - [National Health Determination under paragraph 98C\(1\)\(b\) Amendment 2014 \(No. 9\) \(PB 74 of 2014\)](#) F2014L01286 • PB 74 of 2014 as made.

23 September 2014 - [National Health \(Pharmaceutical Benefits - Early Supply\) Amendment Instrument 2014 \(No. 6\) - specification under subsection 84AAA\(2\) \(No. PB 75 of 2014\)](#) F2014L01293 • PB 75 of 2014 as made.

23 September 2014 - [National Health \(Efficient Funding of Chemotherapy\) Special Arrangement Amendment Instrument 2014 \(No. 9\) \(No. PB 78 of 2014\)](#) F2014L01291 • PB 78 of 2014 as made.

23 September 2014 - [National Health \(Paraplegic and Quadriplegic Program\) Special Arrangement Amendment Instrument 2014 \(No. 6\) \(No. PB 79 of 2014\)](#) F2014L01287 • PB 79 of 2014 as made.

REPORTS

Australia. Department of Health & Ageing

3 October 2014 - [Mobile Cardiac Care for Regional Queensland](#) A new Australian Government-supported mobile clinic that will bring quality cardiac and respiratory care within easier reach for people living in regional, rural and remote Queensland has been announced.

Australia. Health Practitioner Regulation Agency and the boards

2 October 2014 - Victorian man pleads guilty to pretending to be a registered dentist Victorian man, Mr Adel Abraham, last week pleaded guilty to 12 counts of carrying out dental acts that are restricted by law and one count of pretending to be a registered dentist. [Read More](#)

1 October 2014 - Communique from the Board The Osteopathy Board releases its latest communique. [Read More](#)

29 September 2014 - Communiqué from the Board The National Nursing & Midwifery Board has published its August communique. [Read More](#)

26 September 2014 - Newsletter from the National Board The Medical Board of Australia releases its latest newsletter. [Read More](#)

Australia. Therapeutic Goods Administration

2 October 2014 - [Orphan drugs](#) Added Lumacaftor (VX-809) and Selexipag.

2 October 2014 - [Listing notices](#) Added link to Therapeutic Goods (Listing) Notice 2014 (No. 5).

1 October 2014 - [Medicines Safety Update, Volume 5, Number 5, October 2014](#) October 2014 edition of the Medicines Safety Update.

30 September 2014 - [Complementary medicines: Cancellations from the ARTG following compliance review](#) Cancellation of Child Cough & Phlegm Drink and K.P.24 Natural Head Lice Mousse from the ARTG.

30 September 2014 - [Australian Public Assessment Reports for prescription medicines \(AusPARs\)](#) Added Obinutuzumab (Gazyva) and Certolizumab (Cimzia).

30 September 2014 - [Reasons for scheduling delegate's interim decision and invitation for further comment for the ACCS and the Joint ACCS-ACMS, September 2014](#) Interim decisions and reasons for scheduling decisions and invitation for further submissions. Closing date: 14 October 2014.

30 September 2014 - [Scheduling news](#) Added interim decisions and public submissions.

30 September 2014 - [Public submissions on scheduling matters referred to the ACCS#11 and the joint ACCS-ACMS#9](#) Public submissions on scheduling matters referred to the ACCS#11 and the joint ACCS-ACMS#9 (July 2014 meeting).

30 September 2014 - [Australian Influenza Vaccine Committee \(AIVC\)](#) Added Role of the AIVC, AIVC members, Contacting AIVC, AIVC terms of reference and Rules for the AIVC.

30 September 2014 - [Information & notices about TGA fees & payments](#) Payments to the TGA are now made through an upgraded online payment portal.

29 September 2014 - [Meningitec meningococcal serogroup C conjugate vaccine suspension for injection, single dose syringe](#) Emerge Health is recalling all unexpired doses of Meningitec meningococcal serogroup C conjugate vaccine suspension for injection, single dose syringe.

Australian Institute of Health & Welfare

2 October 2014 - [Housing outcomes for groups vulnerable to homelessness: 1 July 2011 to 31 December 2013 media release.](#)

1 October 2014 - [BreastScreen Australia monitoring report 2011–2012 | media release.](#)

Australian Commission on Safety and Quality in Health Care

On the Radar – 29 September 2014 – Issue 193 ([PDF 329KB](#)) ([Word 207KB](#))

Australia. National Mental Health Commission

26 September 2014 - [National Mental Health Commissioner with lived experience appointed .](#)

New South Wales. Ministry of Health

Media Releases

2 October 2014 - [Boost for women as Minister funds mammography equipment for Nepean Hospital.](#)

1 October 2014 - [Blacktown Hospital leads the way into a digital future.](#)

1 October 2014 - [Minister announces expansion of surgery at Blue Mountains Hospital.](#)

Policy Directives & Guidelines

2 October 2014 - [Visiting Medical Officers - Rural Doctors Settlement Package Hospitals Indexation of Fees - 1/8/2014](#) PD2014_034.

1 October 2014 - [Pension Based Scale of Fees - Charging Arrangements and Scale of Fees](#) PD2014_033.

Information Bulletins

2 October 2014 - [Visiting Medical Officers - Rural Doctors Settlement Package Hospitals Indexation of Fees - 1/8/2014](#) PD2014_034.

1 October 2014 - [Pension Based Scale of Fees - Charging Arrangements and Scale of Fees](#) PD2014_033.

Northern Territory. Department of Health

2 October 2014 - [More breast cancer screening services for NT women](#) Northern Territory women have access to more breast cancer screening services than ever before thanks to a new clinic at Palmerston and the remote BreastScreen Bus.

29 September 2014 - [New cardiac service celebrated on World Heart Day](#) Minister for Health Robyn Lambley says World Heart Day marks seven months since the start of a new angioplasty service that is helping to change the lives of Territorians and their health care.

28 September 2014 - [Progress in \\$50 million program for remote NT health clinics](#) The Northern Territory Government has released a tender for works on a new health clinic at Canteen Creek, as part of the \$50 million program to build and upgrade health centres in the bush.

Queensland. Department of Health

3 October 2014 - [Queensland leads nation in elective surgery wait times](#)

South Australia. Department for Health & Ageing

3 October 2014 - [Letting go of mental health stigma](#) Hon Jack Snelling MP South Australians are being encouraged to help reduce the stigma and discrimination surrounding mental illness during Mental Health Week, which begins on Sunday.

2 October 2014 - [Improved dental care for Murray Bridge](#) Hon Jack Snelling MP Health Minister Jack Snelling has today officially opened the new \$3.8 million Murray Bridge Public Dental Clinic today.

1 October 2014 - [Funeral bungle referred for independent investigation](#) Hon Jack Snelling MP SA Health will be asked to refer the leaking of incorrect information to the Opposition about an elderly woman's death at Noarlunga Hospital to the Crown Solicitor for an independent investigation.

29 September 2014 - [The new Royal Adelaide Hospital reaches its peak](#) Hon Jay Weatherill MP Hon Jack Snelling MP The new Royal Adelaide Hospital is celebrating another significant milestone following the completion of the hospital's ten-storey structure.

Victoria. Department of Health

30 September 2014 - [Box Hill Hospital moves healthcare into the future](#) Staff and patients at Box Hill Hospital are marking a new era in acute healthcare in Melbourne's east, Minister for Health David Davis said today.

30 September 2014 - [Tackling ice in regional Victoria at a community level](#) The Napthine Government will work with more than 980 local sporting clubs in regional Victoria to deal with illicit drug problems, including the use of ice.

30 September 2014 - [New hub to improve access to health services](#) Bendigo and surrounding communities will benefit from a new single entry point into alcohol and drug treatment and mental health community support services, ensuring simple, seamless and effective access to treatment.

Western Australia. Department of Health

Media Releases

3 October 2014 - [Premier opens Perth's new flagship hospital.](#)

Operational Directives

1 October 2014 - [IC 0200/14](#) Guidelines for Managing Statewide Reporting Definitions The Guidelines for Managing Statewide Reporting Definitions (Guidelines) apply to the management of reporting definitions for all statewide performance reports and illustrates the process for managing reporting definitions as well as detailing the approval process required.

New Zealand. Ministry of Health

30 September 2014 - [Breast screening position statement released.](#)

29 September 2014 - [Report on the Performance of General Practices in Whānau Ora Collectives as at June 2014.](#)

United Kingdom. Department of Health

2 October 2014 - [Defeating Ebola in Sierra Leone conference.](#)

1 October 2014 - [Help for NHS to recover costs of care from visitors and migrants.](#)

30 September 2014 - [Personalised GP care for everyone.](#)

29 September 2014 - [Transfer of 0 to 5 children's public health commissioning to local authorities.](#)

United States of America. Department of Health & Human Services

1 October 2014 - [HHS pursues detection tests for influenza.](#)

29 September 2014 - [HHS funds drug to treat severe infections and prevent cytokine storm.](#)

Australian Medical Association

2 October 2014 - [AMA Vice President, Dr Stephen Parnis, Radio National, 2 October 2014](#) Transcript: AMA Vice President, Dr Stephen Parnis, Radio National, 2 October 2014. [Read more](#)

1 October 2014 - [AMA Transcript - AMA Vice President, Dr Stephen Parnis, 2SM Radio, 1 October 2014](#) Transcript: AMA Vice President, Dr Stephen Parnis, 2SM Radio, 1 October 2014 Subject: Ebola outbreak. [Read more](#)

1 October 2014 - [Investment in future medical workforce being wasted](#) AMA Vice President, Dr Stephen Parnis, said today that hard-fought investment in Australia's future medical workforce was being wasted as State and Territory Governments fail to provide sufficient. [Read more](#)

1 October 2014 - [Memo to Senate crossbenchers: the AMA does not support the Government's GP co-payment model](#) Amid reports of a possible Budget retreat by the Government, the AMA reiterates that it strongly opposes the Government's proposed co-payment model for GP, pathology, and radiology services, and t... [Read more](#)

British Medical Association

2 October 2014 - ['Let the DDRB do its job,' says BMA](#) The BMA is calling for an above-inflation increase in doctors' pay to reverse years of decline...

1 October 2014 - **Prime minister promises to ringfence NHS budget** Pledges on NHS investment are only worthwhile if they keep up with rising patient demand.

30 September 2014 - **Call to modernise NHS** The NHS is a 20th century system trying to deal with 21st century needs.

30 September 2014 - **Patient — not doctor — knows best, says health secretary** The government must take action on critical public health issues as part of creating a sustainable NHS.

30 September 2014 - **GP contract will 'give breathing space'** Changes to the GP contract in England will give general practice breathing space.

29 September 2014 - **Doctors vote against occupational health merger** A plan to merge two occupational medicine professional organisations into one has been defeated.

Canadian Medical Association

26 September 2014 - **CFMS opposes “criminalization” of HIV infection** The Canadian Federation of Medical Students has spoken out against the “criminalization” of HIV infe...

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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