



# HEALTH ALERT

**17 May 2010**

Welcome to this week's edition of Health Alert. The Health Alert is transmitted on Monday of each week (unless there is a public holiday on Monday).

Health Alert is a summary of the critical judgments, legislation, press releases and news items which have come to our attention each week. Many of the summaries will contain a hyperlink.

If an item is of special interest, we may insert commentary into the body of Health Alert. However in general, Health Alert is a quick and effective means of ensuring that you are aware of significant recent changes with little or no commentary from ourselves.

If you would like to include a colleague or contact on our distribution list, or be removed from the list and not receive further issues from us, please contact **Anne Arfi** at [anne.arfi@dlaphillipsfox.com](mailto:anne.arfi@dlaphillipsfox.com) with the relevant contact details.

**Nigel Preston and the DLA Phillips Fox Health Team**

## **JUDGMENTS**

There are no judgments this week.

## ABOUT US



### Louise Nixon

Louise is a Senior Associate in the Brisbane Health Law Team. She represents regulators in the health industry on the conduct of disciplinary proceedings and often appears on their behalf at hearings.

Louise advises Queensland Health and other regulators about taking administrative action, including drafting information notices and representing them in appeals.

#### Contact details

Direct dial: 07 3246 4081

Facsimile: 07 3229 4077

E-mail: Louise.Nixon@dlaphillipsfox.com

## LEGISLATION

### Commonwealth

**Health Legislation Amendment (Australian Community Pharmacy Authority and Private Health Insurance) Bill 2010 - C2010B00079 - Health - A Bill for an Act to amend the National Health Act 1953 and the Private Health Insurance Act 2007, and for related purposes**

**National Health Amendment (Continence Aids Payment Scheme) Bill 2010 - C2010B00084 - Health - A Bill for an Act to amend the law relating to health, and for related purposes**

## REPORTS

### Australia. Department of Health & Ageing

#### Media releases

- 07 May 2010-**\$16 Million for Anti-Epilepsy Drug - Now Available on the PBS**-Australians with epilepsy who have not responded to other medicines will now have subsidised access to the drug lacosamide through the Pharmaceutical Benefits Scheme.
- 13 May 2010-**Biggest Morning Tea Has \$12 Million Target for Cancer**-Australia's Biggest Morning Tea – one of the Cancer Council's leading fund-raising events – came to Parliament House.
- 12 May 2010-**Australia's First Public Nurse-Led Walk-In Centre Launched in Canberra**-International Nurses' Day was celebrated by the Federal Minister for Health and Ageing Nicola Roxon and ACT Minister for Health Katy Gallagher as they launched Australia's first public nurse-led Walk-in Centre.

- **11 May 2010-\$325 Million Boost to Sport & Getting More Australians Active**-The Australian Government is delivering \$324.8 million ongoing funding to boost the number of Australians participating in sport and to drive Australia's continued sporting success.
- **11 May 2010-Agreements Ensure Sustainable Access to Medicines**-The Australian Government will ensure all Australians continue to have access to essential medicines, and will deliver better value for money for the Australian taxpayer through agreements that save \$2.5 billion over five years.
- **11 May 2010-Building a Health and Hospitals Network for Australia's future**-The Government will put in place the most significant reforms to Australia's health and hospitals system since the introduction of Medicare – to create a National Health and Hospitals Network that is funded nationally and run locally.
- **11 May 2010-Building a National Aged Care System**-The 2010-11 Budget builds on the Australian Government's reforms to aged care that will create a national aged care system to provide better support for older Australians.
- **11 May 2010-Building the Foundations for Better Mental Health Care**-The Australian Government will invest \$175.8 million to improve mental health services – through more youth-friendly mental health services, more funding for mental health nurses, and funding for packages of care for people with mental illness.
- **11 May 2010-Closing the Gap – Strengthening Indigenous Communities**-The Budget continues the Government's commitment to closing the gap between Indigenous and non-Indigenous Australians – health reforms will mean real, on-the-ground improvements in health and hospital care for Indigenous Australians.
- **11 May 2010-More Comprehensive and Convenient GP and Primary Care**-The Budget will deliver a massive \$1.2 billion boost to GP and primary health care, to deliver real improvements in frontline health services for patients across Australia.
- **11 May 2010-More Doctors and More Nurses in National Health and Hospitals Network**-The Government will invest \$1.2 billion in training and supporting more doctors, nurses and allied health professionals, as part of building a National Health and Hospitals Network.
- **11 May 2010-More GP Super Clinics and Extra GP Infrastructure**-The Government will invest \$355.2 million to build around 450 GP Super Clinic type facilities.
- **11 May 2010-Personally Controlled Electronic Health Records for All Australians**-Australians will be able to check their medical history online through the introduction of personally controlled electronic health records, which will boost patient safety, improve health care delivery, and cut waste and duplication.



- 11 May 2010-**Proud Moment for New Socceroos and Nation**-The Minister for Sport Kate Ellis has today congratulated the 31 players named in the squad for this year's FIFA World Cup Finals in South Africa next month.
- 11 May 2010-**Quicker Access to High Quality Hospital Care**-The Government will invest more than \$3.4 billion over four years to deliver better public hospital services for all Australians.
- 11 May 2010-**Rudd Government Continues to Tackle the Rural Health Challenge**-Building a National Health and Hospitals Network will deliver better health and hospitals for rural Australians and their families
- 11 May 2010-**Three Major Reform Projects Responded to in the 2010-11 Budget**-The Budget is the culmination of the work of the Government's three key health reform reports, and provides \$7.3 billion in new funding to implement their key recommendations.
- 11 May 2010-**World First Action on Preventative Health**-The Rudd Government will boost its efforts in preventative health with world leading new action on smoking and other chronic disease risks.
- 10 May 2010-**Funding Round Open for 80 Indigenous Traineeships in Remote Communities**-The Australian Government will provide 80 traineeships in business and administration for Aboriginal and Torres Strait Islander people in aged and primary health care facilities.

#### Private Health Insurance Circulars

- 12th – PHI 29/10 – *Lifetime Health Cover Mailout: Fee for Service Cost Recovery – Budget Measure 2010*
- 11th – PHI 28/10 – *Private Health Insurer Code Changes*
- 11th – PHI 27/10 – *Hospital Information*

#### **Australia. Therapeutic Goods Administration**

**Declarations to Schedule 3 Part 7.5 of the Therapeutic Goods (Medical Devices) Regulations 2002 (new)**

**Drugs designated as orphan drugs (added sunitinib malate (SUTENT))**

**Australian Public Assessment Report (AusPAR) for prescription medicines (Tacrolimus, Fibrin Sealant)**

**Presentation: Shelf life stability studies (new)**

**Schedule 1 of the Therapeutic Goods Regulations explained (advertising and supply of therapeutic goods to complementary healthcare professionals)**

**Euphausia superba oil - draft compositional guideline (new)**

**Audit feedback forms - pilot (new)**

**Office of Manufacturing Quality complaint process (new)**

### **Australia. National E-Health Transition Authority**

Government announcement 11 May 2010 - Government announces Personally Controlled Electronic Health Records for all Australians. - [Read More](#)

### **Australia. National Health & Medical Research Council**

NHMRC Budget Statement 201013 May 2010 - In the 2010 budget the Government reaffirmed its commitment to NHMRC's forward estimates. There were no changes in government policy on the Medical Research Expenditure Account (MREA). - » [View more information](#)

Australian Clinical Guidelines – A National Study 7 May 2010 - An NHMRC team has recently published in the *Medical Journal of Australia* (3 May 2010) on the outcomes of a national study of clinical practice guidelines. » [View more information](#)

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

**Public and private sector medical indemnity claims in Australia 2006-07: a summary** - Public and private sector medical indemnity claims in Australia 2006-07: a summary presents data from the combined Medical Indemnity National Collection of public and private sector claims. Data on claims ... Published 11 May 2010.

**Gynaecological cancer projections 2010-2015** - This document provides information on the projected incidence of gynaecological cancers for the calendar years 2010 to 2015, by state and territory and at the national level. ... Published 10 May 2010.

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

**Improving patient medication safety in Australia World Health Organization's High 5s Project - 20 April 2010** - Today, the Australian Commission on Safety and Quality in Health Care (ACSQHC) has, with the participation of 28 hospitals across Australia, launched a program to improve the safety of patients receiving medicines in hospitals.

### **Australia. Dental Board of Australia**


Thursday 29 April 2010 - New national registration standards for dentists, dental therapists, dental hygienists and dental prosthetists. The Dental Board of Australia has published **Approved Registration Standards** which will take effect on 1 July 2010. A **Fact Sheet** explaining the new obligations for dentists, dental therapists, dental hygienists and dental prosthetists is also available.

### **Australia. Nursing and Midwifery Board of Australia**

Monday 10 May 2010 - Explanatory Notes for Part 2 of the Registration Form - The Nursing and Midwifery Board of Australia has published notes to help nurses and midwives complete the "Part 2" form in the recent mail out.  [Explanatory notes and options available for Part 2\\_ Proposed registration under the National Law - 10 May 2010 \(PDF, 44kb\)](#)

Thursday 29 April 2010 - New national registration standards for nurses and midwives  
- The Nursing and Midwifery Board of Australia has published **Approved Registration Standards** which will take effect on 1 July 2010. A **Fact Sheet** explaining the new obligations for nurses and midwives is also available.

### **Australia. Medical Board of Australia**

Tuesday 4 May 2010 - The Medical Board of Australia has published notes to help medical practitioners to complete the "Part 2" form in the recent mail out.   
**Explanatory Notes for Part 2 proposed registration under the National Law (pdf, 105kb).**

Thursday 29 April 2010 - New national registration standards for medical practitioners  
- The Medical Board of Australia has published **Approved Registration Standards** which will take effect on 1 July 2010. A **Fact Sheet** explaining the new obligations for doctors is also available.

### **Australia. Private Health Insurance Ombudsman**

Quarterly Bulletin 54: 01 January 2010 - 31 March 2010 - Complaint statistics, premium increase and rule changes, two month waiting period for psychiatric care, health insurance claims not payable outside Australia, optical provider registration, and acute care certification. - **download pdf**

### **Australian Capital Territory. Department of Health**

Media releases

- **ACT Nurse and ACT Midwife of the Year announced** Katy Gallagher, MLA 13 May 2010
- **Australia's first public nurse-led Walk-in Centre launched in Canberra** Katy Gallagher, MLA 12 May 2010
- **New Calvary ICU approaches completion** Katy Gallagher, MLA 12 May 2010
- **ACT a leader in Lupus research** Katy Gallagher, MLA 10 May 2010
- **Supporting General Practice: 2010 GP Development Fund Round 2 Opens** Katy Gallagher, MLA 7 May 2010

**GP Development Fund Round 2 (7 May 2010)** - The second round of the 2010 GP Development Fund is now open.

**Health Records changes (7 May 2010)** - Changes to the Health Records (Privacy & Access) Act 1997 will start on 1 October 2010.

### **New South Wales. Department of Health**

Media releases

- **Capital Investment for Sydney Children's Hospital** [13 May 2010]
- **Warning on eating raw slugs** [13 May 2010]

Policy directives

- **Recognition and Management of a Patient who is Clinically Deteriorating** PD2010\_026 10/05/2010
- **Radiation Oncology Equipment - Health Program Grants** PD2010\_025 07/05/2010

**Northern Territory. Department of Health & Families**

Media release

- **Kon Vatskalis - Excellence of Territory's Nurses and Midwives Celebrated** - The achievements of the Northern Territory's Nurses and Midwives were celebrated tonight at the 2010 NT Nursing and Midwifery Excellence Awards at Parliament House.

**Queensland. Department of Health**

Queensland Health Payroll Assistance

Independent KPMG Review of Queensland Health Payroll Implementation (Dept of Premier & Cabinet)

**South Australia. Department of Health**

11 May 2010 - **Influenza vaccination update (pdf 40kb)** - Public Health Information

Media releases

- One registration for Australia's health professionals - Thursday, 06 May 2010 - Doctors, nurses and other health professionals in South Australia will become part of a single - nationwide - registration system, under a bill introduced in Parliament today. [Read more...](#)
- **New Surgi-Centre for Modbury Hospital** - Wednesday, 28 April 2010 - People living in Adelaide's North-Eastern suburbs will be able to have routine surgery more quickly and closer to home, with work now underway on the new \$1.3 million Surgi-Centre at Modbury Hospital. - [Read more...](#)

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

Health Practitioners Tribunal Bill 2010 for consultation - 13 May 2010

DHHS Progress Chart - February 2010 - 11 May 2010

Sunday Tasmanian column - **Taxing Tobacco - Everyone is a winner** - 11 May 2010

Media release

- **Major Mersey Redevelopment Underway** Minister for Health 13 May 2010

**Victoria. Department of Health**

Media releases

- **Victoria keeps on blooming published:** - 12/05/2010



- **Victorians say thanks for 20 years of cancer support published:** - 11/05/2010
- **\$7.4 Million healthy heart boost for Northern Hospital published:** - 11/05/2010
- **More health funding and a second hospital for Geelong published:** - 07/05/2010
- **Praise And Honour For Victoria's Healthcare Volunteers** - 13 May 2010 - Dedicated health volunteers in hospitals and communities across Victoria have been honoured at the 2010 Minister for Health Volunteer Awards.
- **Victorians Say Thanks For 20 Years Of Cancer Support** - 11 May 2010 - The State Government today paid tribute to the Cancer Council Victoria's Information and Support Service for providing dedicated support and important information to patients and their loved ones for 20 years.
- **\$7.4 Million Healthy Heart Boost For Northern Hospital** - 11 May 2010 - Residents with heart problems in Melbourne's growing northern suburbs will have even better access to vital cardiac services thanks to a \$7.4 million Brumby Labor Government boost.
- **\$1 Billion Cancer Centre Boosts Jobs And Local Industry** - 10 May 2010 - Two hundred jobs and \$80 million in work for local industry are the benefits of a Brumby Labor Government decision for 90 per cent of work on the \$1 billion Parkville Comprehensive Cancer Centre to be sourced locally.
- **Arion A Model For Mental Health Care** - 12 May 2010 - Victorians living in Melbourne are set to receive greater mental health support thanks to the Brumby Labor Government's \$590,000 expansion and redevelopment of the Arion Prevention and Recovery Care (PARC) service in Flemington.

**Annual Reporting Guidelines - Health Services 2009/10 (PDF file 843KB)**

HDSS Bulletin:  **Bulletin 155 - 28 April 2010 (PDF file 44KB)** - Added 28 April 2010

**Disability Residential Services Palliative Care guide (PDF, 640KB)** - April 2010

## **Western Australia. Department of Health**

### Media releases

- 12 May 2010 **Jacobs Minister launches new mother-infant bonding initiative for at risk women**
- 12 May 2010 **Jacobs Cyrenian House's Saranna Women and Children's program opened**
- 12 May 2010 **Hames Call for Nursing and Midwifery Excellence Award nominations**
- 11 May 2010 **Hames Dialysis study to break down borders for WA patients**



### New Zealand. Ministry of Health

**13 May: Preventing and Minimising Gambling Harm: Three-year service plan 2010/11–2012/13** - The three-year service plan sets out the funding for problem gambling services over the 2010/11–2012/13 period. These services comprise primary (public health), secondary and tertiary prevention (intervention) services, including research, evaluation and workforce development.

**13 May: Preventing and Minimising Gambling Harm: Six-year strategic plan 2010/11–2015/16** - The six-year strategic plan provides a high-level framework to guide the structure, delivery and direction of Ministry-funded problem gambling services and activities. It also outlines strategic alliances with other key stakeholders and organisations with an interest in preventing and minimising gambling harm.

**12 May: Issuing Permissions for Vertebrate Toxic Agents (VTAs): Guidelines for Public Health Units** - These guidelines will assist officers in: assessing the hazard and risk posed by a proposed VTA operation, applying the appropriate Model Permit Conditions, modifying the Model Permit Conditions in response to the specific risk profile of each VTA operation. The guidelines will also help officers to appropriately communicate the risks of these operations to affected parties.

### New Zealand. Medsafe

**Consultation Documents** - Outcome of the consultation on the proposal to widen prescriber access to clozapine

**Guidelines and Codes** - *Guideline on the Regulation of Therapeutic Products in New Zealand*. - Changes to the guidelines and codes Medsafe is in the process of progressively updating its guidelines and codes for therapeutic products. The New Zealand Regulatory Guidelines for Medicines will eventually be replaced by the *Guideline on the Regulation of Therapeutic Products in New Zealand* (the "new" guideline). The new guideline will be divided into a number of topic-related parts and have two schedules (Schedule A and Schedule B). The skeleton of the new guideline has been published on the Medsafe website (<http://www.medsafe.govt.nz/regulatory/guidelines.asp>). During the process of updating current guidance into the new format, the New Zealand Regulatory Guidelines for Medicines will remain published on the Medsafe website. As each part of the new guideline is finalised and published, the text it replaces will be deleted from the "old" guideline and a re-direction comment added to refer the reader to the updated guidance.

### Canada. Health Canada

**Government of Canada Announces Funding to Support 15 New Family Medicine Positions for Canada's North** [2010-05-10]

**Your Health at Home - The First Nations Environmental Health Guide is Now Available** [2010-05-07]

## Australian Medical Council

### Important Notice: Bridging courses and AMC Clinical Examinations

The AMC, for many years, has been a strong advocate for bridging courses for International Medical Graduates (IMGs) preparing for the AMC examinations. As part of its support for bridging programs, the AMC agreed to provide scheduling priority for clinical examinations for AMC candidate who had registered with established bridging programs.

Recently, the numbers of IMGs presenting for the clinical examinations have increased to the point where the ratio of applicants to available clinical examination places now exceeds three to one. In order to address the demand for clinical examination places the AMC is currently developing a number of initiatives to increase capacity for clinical assessment. These include:

- Delivery of the AMC clinical examination in multiple venues on the same day. This has increased the capacity of the AMC clinical examination from approximately 1000 places to 1,500 places per year.
- Trial testing of the COAG Workplace-based assessment pathway, as an alternative to the AMC clinical examinations. Currently three trial examination sites are being developed and a fourth site is under consideration.
- Negotiations with Medical Schools to conduct AMC clinical examinations outside the current AMC cycle of examinations.

In the meantime, in the face of the increased demand for clinical examination places and the extended delays in placement in clinical examinations, the AMC, with considerable regret, is obliged to temporarily halt the scheduling priority for bridging course candidates. All candidates for the AMC clinical examination, including bridging course candidates, will be scheduled strictly according to the published AMC scheduling criteria.

As soon as the clinical examination capacity has been increased, as a result of the initiatives outlined above, the AMC will again review the situation regarding scheduling priority for bridging course candidates. Last Updated on Thursday, 06 May 2010

## Medicines Australia

R&D tax credit can make Australia more competitive - 13 May 2010 - The new R&D tax incentive legislation introduced into Parliament today has the potential to make Australia a more competitive pharmaceutical R&D investment location, Medicines Australia chief executive Dr Brendan Shaw said. - [more>](#)

Australia's pharmaceutical industry signs historic agreement with Commonwealth Government - 11 May 2010 - Medicines Australia member companies today signed a historic agreement with the Commonwealth Government that will ensure a stable environment for business and continued access to new medicines for all Australians. [more>](#)

Medicines Australia welcomes e-health investment - 11 May 2010 - Medicines Australia chief executive Dr Brendan Shaw today welcomed the \$466.7 million investment in e-health announced in the Federal Budget. [more>](#)

PBS policy flaws putting patients at risk - 7 May 2010 - Major policy flaws in the management of the Pharmaceutical Benefits Scheme could be putting patients at risk, Medicines Australia chairman Will Delaat told the Senate Community Affairs References Committee today. [more>](#)

### **Australian Medical Association**

**Woman who dreams of medical career awarded AMA Indigenous Peoples' Medical Scholarship** 13 May 2010 - A former high school teacher and mentor who wants to improve the health of Indigenous people has won the AMA Indigenous Peoples' Medical Scholarship for 2010. Karen Taylor was awarded the scholarship by AMA Federal Vice President and Chair of the AMA Indigenous Health Taskforce, Dr Steve Hambleton. Valued at \$9,000 for each year of study, the scholarship provides support and encouragement for Aboriginal and Torres Strait Islander students studying medicine.

**Health Budget 2010-11: AMA welcomes substantial investment in health and calls for careful implementation** 11 May 2010 - The AMA tonight welcomed the Federal Budget investment of more than \$7 billion to bolster the health system and provide Australians with better access to quality health services. AMA President, Dr Andrew Pesce, said the AMA has been calling for major Government investment in health and tonight's Budget has delivered substantial new funding and reforms within a tight fiscal environment. "In good economic times and bad, governments must invest in the health of the population – and this Budget delivers strongly for health," Dr Pesce said. "The Budget confirms the promised funding for the COAG health agreement and spells out new spending in key areas of the Government's health reform agenda, including primary care and e-Health. "This investment package will require careful implementation, particularly in the areas of diabetes care and chronic disease management, so that what currently works well is not weakened in an attempt to shift resources for patients away from medical practices and their family doctor.

### **American Medical Association**

**AMA Announces Support for Healthcare Truth and Transparency Act** - AMA Press Release, May 13, 2010 - Nation's largest physician organization says patients deserve to know who is providing their care [Read more](#)

### **Canadian Medical Association**

05/12/2010 - **Change Medicare system to save it: CMA**

05/10/2010 - **Wait-time treadmill keeps moving: WTA**

05/06/2010 - **"Establish a sustainable system," MD leaders told**

05/03/2010 - **Readership in CMA's magazine for patients surges**



**MORE INFORMATION**

Contact your nearest DLA Phillips Fox office:

**MELBOURNE**

Nigel Preston, Partner  
Tel +61 3 9274 5582  
nigel.preston@dlaphillipsfox.com

Dr Arthur Rallis, Senior Associate  
Tel +61 3 9274 5151  
arthur.rallis@dlaphillipsfox.com

Dr Heather Wellington, Consultant  
Tel +61 3 9274 5022  
heather.wellington@dlaphillipsfox.com

**ADELAIDE**

Caroline Knight, Partner  
Tel +61 8 8124 1902  
caroline.knight@dlaphillipsfox.com

**BRISBANE**

Andrew Forbes, Partner  
Tel +61 7 3246 4086  
andrew.forbes@dlaphillipsfox.com

Roberta Bozzoli, Senior Associate  
Tel +61 7 3246 4003  
roberta.bozzoli@dlaphillipsfox.com

Louise Nixon, Senior Associate  
Tel +61 7 3246 4081  
louise.nixon@dlaphillipsfox.com

**CANBERRA**

Lex Holcombe, Partner  
Tel +61 2 6201 8774  
lex.holcombe@dlaphillipsfox.com

George Marques, Partner  
Tel +61 2 6201 8707  
george.marques@dlaphillipsfox.com

**PERTH**

Mark Williams, Partner  
Tel +61 8 6467 6015  
mark.williams@dlaphillipsfox.com

**SYDNEY**

Alison Choy Flannigan, Partner  
Tel +61 2 9286 8629  
alison.choyflannigan@dlaphillipsfox.com

**WELLINGTON**

Brian Bray, Partner  
Tel +64 4 474 3236  
brian.bray@dlaphillipsfox.com

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