

Response from ORBV on:

CONSULTATION PAPER
Privacy & Information Sharing

Proposal and Description	Position of the ORBV
<i>Proposal 3.1.1:</i> It is proposed that all requests for information will indicate the purposes for which it is being collected.	Agreed
<i>Proposal 3.1.2:</i> It is proposed that the national scheme legislation provide for the following key categories of information for the registration of individuals.	Agree to all

<p>Proposal 3.2.1: It is proposed that the national scheme legislation provide the boards with the power to collect employer details and other similar details in order to enable notification by the relevant board to employers when a practitioner’s registration status changes or conditions are placed on practice.</p> <p>There are two options to give effect to this arrangement:</p> <p>Option 1: Require name and address of employer, public health organisations, private hospitals, day procedure centres or nursing homes at which the practitioner is accredited to be recorded on registration and updated on renewal.</p> <p>Option 2: Provide the boards with a power to require the practitioner to provide these details to the board, as necessary.</p>	<p>Unnecessary</p> <p>Preferred option</p>
<p>Proposal 3.3.1: It is proposed that the legislation require that each registered health practitioner be allocated a unique identifier in the new registration system.</p>	<p>Agreed</p>
<p>Proposal 3.3.2: It is proposed that the national scheme legislation authorise NEHTA and Medicare Australia, to adopt, use and disclose the unique identifier allocated to practitioners in order to enable e-health developments and other information sharing in the public interest. It is further proposed that the legislation governing the operation of NEHTA and Medicare Australia provide appropriate protection for the information provided to these agencies by the national scheme.</p>	<p>Agreed</p>
<p>Proposal 3.4.1: It is proposed that the national scheme legislation provide a power for boards to require identity checking, through photo identification and a “100 point check” system.</p> <p>There are three options to give effect to this arrangement:</p> <p>Option 1: All boards to require identity checking on initial registration post 1 July 2010, but not for existing registrants.</p> <p>Option 2: Boards to decide whether identity checking along the lines of Option 1 will be required in their profession.</p> <p>Option 3: Boards to decide whether identity checking along the lines of Option 1 will be required for only some applicants for registration.</p>	<p>Option One (1)</p>
<p>Proposal 3.8.1: It is proposed that the national scheme legislation provide for the Ministerial Council to specify from time to time, certain data items that must be collected as part of registration and renewal of registration processes where these data items are needed for workforce planning purposes as long as there is a clear need for the data and it is not too burdensome. Note that provision will also be made for additional data to be collected on a voluntary basis.</p>	<p>Agreed</p>
<p>Proposal 3.8.2: It is further proposed that the current voluntary paper-based labour force surveys conducted by current boards on behalf of</p>	<p>Agreed</p>

<p>jurisdictions be discontinued.</p> <p><i>Proposal 3.8.3:</i> It is further proposed that information collected purely for workforce planning purposes will not be made available for board/agency purposes.</p>	<p>It should be made available if wanted and it has been de-identified</p>
<p><i>Proposal 3.8.4:</i> It is proposed that the national scheme legislation provide for the Ministerial Council to require that specified, de-identified information is provided to the Council and any of its committees for workforce planning analysis.</p>	<p>Agreed</p>
<p><i>Proposal 3.8.5:</i> It is proposed that the national scheme legislation requires that de-identified information relevant to workforce planning is made publicly available in a timely manner and by suitable means.</p>	<p>Agreed</p>

<p>Proposal 4.1.1: It is proposed that the national scheme legislation specify that the following categories of information in relation to each registrant are available on the public register:</p> <ul style="list-style-type: none"> (a) Current name (b) Sex (c) Postcode of contact address and name of postcode area (d) Registration identifier (e) Date of first registration (f) Renewal date (g) Class of registration (where relevant) (h) Division (where relevant) (i) Conditions on practice (where relevant) (j) Date of suspension and date suspension is to end (where relevant) (k) Endorsed specialities (where relevant), and (l) Other endorsements (where relevant). 	<p>Agreed,</p>
<p>Proposal 4.2.1: It is proposed that the national scheme legislation provide that Option 4 be adopted and that the names of practitioners de-registered for conduct reasons appear on the public register with an indication that they have been de-registered for conduct reasons.</p>	<p>Option 4 is agreed to but for how long does this remain. Is the practitioner punished indefinitely. Perhaps a time frame should be added.</p>
<p>Proposal 4.3.1: If conditions on practice relate to practitioner health or impairment issues, it is proposed that the national scheme legislation provide that the public register record that a health condition applies, with no further details appearing on the register. However, if specific restrictions on professional practice apply, they would appear on the register.</p> <p>The agency could release information about health conditions in particular circumstances if it was judged to be in the public interest but the test would be a high one.</p>	<p>Agreed, but if practitioner resigns their registration then they would be removed from the Register</p>
<p>Proposal 4.5.1: It is proposed that there be a general power in the national scheme legislation to allow any person to obtain a copy of, or an extract from, the register on payment of the fee determined by the agency. It is proposed that the agency would have a power to refuse to provide a copy of the register to any person unless satisfied that it is in the public interest to do so.</p>	<p>Agreed</p>
<p>Proposal 4.6.1: It is proposed that the national scheme legislation provide for the publication of tribunal decisions relating to registrants where it is in the public interest to do so.</p>	<p>Agreed</p>
<p>Proposal 4.6.2: There is a public interest in making board or committee decisions in relation to conduct matters public. It is proposed that decisions be published on the register of decisions on the agency's website.</p>	

<p>There are two options to give effect to this arrangement:</p> <p>Option 1: All conduct decisions of boards or committees are published (with patient details de-identified).</p> <p>Option 2: Boards may order that certain decisions are confidential and order that the decision register contain a confidential information notice.</p>	<p>Option 2 gives Board more flexibility</p>
<p>Proposal 5.1.1: It is proposed that the national scheme legislation use the private sector provisions of the <i>Privacy Act 1988</i> as the basis for the privacy arrangements in the national scheme.</p>	<p>Agreed</p>
<p>Proposal 5.2.1: It is proposed that the existing Commonwealth private sector privacy regime and National Privacy Principles are incorporated by reference into the national scheme legislation.</p>	<p>Agreed</p>
<p>Proposal 7.1.1: It is proposed that the national scheme legislation prevents the adoption of the scheme's health practitioner identifier for other purposes by other bodies. The legislation would also need to exempt the adoption and use of the identifier for e-health purposes subject to legislation providing appropriate protections being in place to oversight such e-health activities.</p>	<p>Agreed</p>
<p>Proposal 7.2.1: It is proposed that the national scheme legislation provide for de-identified information from the registration system to be available to government agencies and to appropriate classes of other persons for research and statistical purposes.</p>	<p>Agreed</p>
<p>Proposal 7.3.1: It is proposed that the national scheme legislation governing the release of information by the agency and the boards will set out the circumstances when material will be forwarded to the PSR.</p>	<p>Agreed</p>
<p>Proposal 7.4.1: It is proposed that the national scheme legislation governing the release of information by the agency and the boards enables the release of information to Medicare Australia and specifies the purposes for which the information is to be released.</p>	<p>Agreed</p>
<p>Proposal 7.5.1: It is proposed that the privacy framework to apply to the agency authorise the disclosure of relevant information to the DIAC for purposes under the <i>Migration Act 1958</i>.</p>	<p>Agreed</p>
<p>Proposal 7.7.1: It is proposed that the national scheme legislation enable the sharing of de-identified information with State and Territory government bodies for specified purposes and the notification of identified practitioners who pose a public health risk.</p>	<p>Agreed</p>
<p>Proposal 7.8.1: It is proposed that the national scheme legislation provide that whenever a board identifies that the health of a patient who is not directly involved in a case under investigation may have been adversely affected by a practitioner, the board must notify the relevant</p>	

State or Territory health department so that remedial action can be taken.	
<i>Proposal 7.12.1:</i> It is proposed that the national scheme legislation make appropriate provisions to cover the sharing of information with New Zealand registration authorities consistent with the TTMRA.	Agreed
<i>Proposal 7.13.1:</i> It is proposed that the national scheme legislation give boards powers to exchange information with international registration bodies.	Agreed
<i>Proposal 8.1:</i> It is proposed that the national scheme legislation make the boards the repository of last resort with the power to take possession of patient health records when a practitioner has defaulted on their obligations.	Not Agreed, too time consuming and costly to administer.