

Private Health Facilities (Standards) Amendment Notice (No. 1) 2015

Explanatory notes for SL 2015 No. 38

made under the

Private Health Facilities Act 1999

General Outline

Short title

Private Health Facilities (Standards) Amendment Notice (No. 1) 2015.

Authorising law

Section 12 of the *Private Health Facilities Act 1999*.

Policy objectives and the reasons for them

The objective of the *Private Health Facilities (Standards) Amendment Notice (No. 1) 2015* (the Amendment Notice) is to notify the making of the Management and Staffing Standard (MSS), version 5, which will apply to licensed private health facilities in Queensland.

The main object of the *Private Health Facilities Act 1999* (the Act) is to provide a framework for protecting the health and wellbeing of patients receiving health services at private health facilities. This object is achieved by several means, including establishing a licensing regime for persons to operate a private health facility and for enabling standards to be made for the provision of health services at those facilities.

Section 12 of the Act provides that the Chief Health Officer may make standards for the protection of the health and wellbeing of patients receiving health services at private health facilities. A standard has no effect unless the Minister notifies the making of the standard. The *Private Health Facilities (Standards) Notice 2000* (the Notice), is subordinate legislation and is subject to the *Statutory Instruments Act 1992*. Operators of licensed facilities must comply with standards made by the Chief Health Officer and notified by the Minister.

The Amendment Notice notifies the making of a new version of the MSS, version 5 to:

- remove inconsistencies with the *Clinical Services Capability Framework* (CSCF) (version 3.2);
- update references to legislation; and
- modernise the reference to reflect the current CSCF title.

Achievement of policy objectives

The policy objective will be achieved by the Minister notifying the making of the amended Standards by way of this Amendment Notice.

Consistency with policy objectives of authorising law

No inconsistencies with the policy objectives of other legislation have been identified.

Inconsistency with policy objectives of other legislation

The Amendment Notice is not inconsistent with the policy objectives of other related legislation that aims to protect and promote public health, such as the *Public Health Act 2005*.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

There are a range of benefits associated with the implementation of the Amendment Notice.

The new MSS (version 5) will be consistent with the CSCF (version 3.2). This will remove ambiguity in interpretation and clarify that a service agreement for the referral and transfer of patients is not mandatory.

The MSS (version 5) will now state that in accordance with the CSCF, there should be documented processes underpinning the links between health services for the referral and transfer of patients. This will harmonise the requirements in the CSCF and the MSS.

For private health facilities, the amendments will provide greater clarity and ease of interpretation. During the Review of the CSCF in 2014, stakeholders indicated that most facilities have a documented transfer process in place and already comply with the requirements in the CSCF.

In addition the updates to the legislative references and the current CSCF title in the MSS (version 5) help to keep the document accurate and up to date.

There will be no additional costs to Government linked to the amendments.

Consistency with fundamental legislative principles

The notice is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

The amendment notice for the Management and Staffing Standard supports version 3.2 of the CSCF.

The Private Hospitals Association of Queensland (PHAQ), Ramsay Health, Health Scope, UnitingCare Health (The Wesley Hospital, St Andrew's War Memorial Hospital etc.) and the Cura Day Hospitals Group were consulted by the Private Health Facilities' Team.

Stakeholders that were consulted support the proposed changes.

The Office of Best Practice Regulation was consulted in relation to the proposed amendment notice and advised that a Regulatory Impact Statement is not required.

Notes on provisions

Short Title

Clause 1 sets out the short title of the Amendment Notice.

Notice Amended

Clause 2 specifies that the notice amends the *Private Health Facilities (Standards) Amendment Notice 2000*.

Amendment of schedule (Standards)

Clause 3 amends the Schedule of Standards made by the Chief Health Officer to remove the reference to version 4 of the MSS and to prescribe version 5 of the MSS.

