



**PARLIAMENT OF QUEENSLAND
HEALTH AND COMMUNITY SERVICES COMMITTEE**

HEALTH LEGISLATION AMENDMENT BILL 2014

OCCUPATIONAL THERAPY AUSTRALIA (OTA) QUEENSLAND
DIVISION SUBMISSION

OCTOBER 2014

INTRODUCTION

Occupational Therapy Australia (Queensland Division) welcomes the opportunity to make a submission to the Health and Community Services Committee regarding the Health Legislation Amendment Bill 2014.

Occupational Therapy Australia (OTA) is the professional association and peak representative body for occupational therapists in Australia. As of June 2014 there were approximately 3,200 registered occupational therapists working in Queensland.

Occupational Therapists are health professionals whose role is to enable their clients to participate in meaningful and productive activities by assisting people to overcome various problems in order to live more independent lives.

Occupational therapists work in many different environments, including schools, nursing homes, hospitals and workplaces. They take a holistic approach to healthcare and treatment, and their goal is to improve skills for living so that people can accomplish more, and improve wellbeing and quality of life. They work with the person, their family, and other healthcare professionals where necessary.

OTA supports the Health Legislation Amendment Bill 2014 and believes it will reduce the regulatory burden of health administration while also enhancing operational effectiveness and improved client-centred services.

This submission addresses the two acts most relevant to occupational therapists that are amended in the Health Legislation Amendment Bill 2014.

SUMMARY RECOMMENDATIONS

OTA recommends that

- The amendment to the *Hospital and Health Boards Act 2011* proceed as drafted. OTA believes the amendment is within safeguards to protect the public's privacy while also providing health practitioners with access to Queensland Health information systems and the information they need to do their job in the best interest of patients.
- The amendment to the *Mental Health Act 2000* proceed as drafted. The amendment provides for a definition that the Australian Health Practitioner Regulation Agency has already put in place, and that is already used within existing Allied Health discourse. Additionally, OTA also believes the revised definition of psychiatrist to recognize a new category of registrant with limited registration to undertake postgraduate training or supervised practice, will further encourage the development of Queensland's future mental health workforce.

THE BILL

The Bill amends eight Health portfolio Acts to support some new Government policy initiatives aimed to improve the effective operation of the Acts.

- the *Ambulance Service Act 1991* and the *Hospital and Health Boards Act 2011* to make amendments to the legislative framework for Root Cause Analysis in light of the Government's Review of Root Cause Analysis Legislation
- the *Health Ombudsman Act 2013* to correct a reference to the Act under which the Privacy Commissioner is appointed

- the *Hospital and Health Boards Act 2011* to include a new exception to the duty of confidentiality to allow sharing of patient information with non-government service providers who provide public health services for Queensland Health
- the *Mental Health Act 2000* to amend the definition of psychiatrist following changes made to the categories of registration by the Australian Health Practitioner Regulation Agency
- the *Public Health Act 2005* to transfer civil liability for asbestos-related matters from local governments to the State
- the *Radiation Safety Act 1999* to allow the renewal of recently expired renewable Act instruments, clarify the Act's operation in relation to banned radiation sources and practices, and clarify the responsibilities for records of the former Radiological Advisory Council of Queensland
- the *Tobacco and Other Smoking Products Act 1998* to extend smoking bans on and around health facilities, school grounds and in prisons; and to apply existing tobacco laws to personal vaporizing devices, e.g. electronic cigarettes, including prohibiting sale and supply to children, restricting advertising and display, and prohibiting use in smoke-free places, and
- the *Transplantation and Anatomy Act 1979* to facilitate national blood supply arrangements, facilitate legitimate trade in tissue-based therapeutic products, allow the Minister to delegate functions under the Act, and clarify that the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003 prevails to the extent of any inconsistency between the two Acts.

The two that are most relevant to Occupational Therapy Australia are:

- the *Hospital and Health Boards Act 2011* to include a new exception to the duty of confidentiality to allow sharing of patient information with non-government service providers who provide public health services for Queensland Health
- the *Mental Health Act 2000* to amend the definition of psychiatrist following changes made to the categories of registration by the Australian Health Practitioner Regulation Agency

RECOMMENDATIONS

Hospital and Health Boards Act 2011

OTA believes the amendment to the *Hospital and Health Boards Act 2011* is a timely and significant amendment which should proceed as drafted.

As outlined above, OTA believes this amendment is within safeguards to protect the public's privacy while also providing health practitioners with access to Queensland Health information systems and the information they need to do their job in the best interest of patients.

All Health professionals requested to provide primary health care to patients in the QLD Health system require appropriate and up to date medical and psychosocial history to enable appropriate, safe, effective and timely health services.

As providers of client-centred primary health care to patients at all life stages, OTA believes the community will be significantly advantaged by third party providers (such as occupational therapists) having increased access to health information systems. Access to health information systems will enable occupational therapists to significantly improve client assessment, intervention, evaluation and reporting.

OTA believes the changes will also have a positive impact on the general health system in 3 key areas;

- Reduce client risk,
- Increase Client Health Outcomes (continuity of Care) and
- Improve efficiency of services (reduce duplication and costs).

OTA believes the safeguards are in place to ensure this will sharing of information will not be abused and wants to too strengthened implementation of the following safeguards:

- Must be an agreement between the external service provider and the chief executive of the hospital and health service
- The access to the information system must be authorized by the chief executive and only if the chief executive is satisfied that the access is necessary to enable the external service provider to provide health care under the agreement, and
- the chief executives authorization must be in writing and describe the information system or systems that the provider is authorized to access and the conditions for use.

Mental Health Act 2000

OTA believes the amendment to the *Mental Health Act 2000* proceed as drafted.

Occupational therapists provide extensive mental health services to the community through both state and federal funded programs including Better Access to Mental Health Care and Access to Allied Psychological Services.

OTA supports the revised definition of psychiatrist to recognize a new category of registrant with limited registration to undertake postgraduate training or supervised practiced and believes this change is consistent with the national regulation body AHPRA – who introduced a new category of limited registration for postgraduate training or supervised practice.

In future OTA would like to see this legislated recognition for other Allied Health professionals who work in the mental health sector and undertake postgraduate training or supervised practice.

OTA has communicated to the government a number of concerns regarding recent policy changes in the mental health sector, particularly in regards to the announcement for plans to introduce lock-up security measures to Queensland's mental health in-patients. OTA hopes this proposed change to the *Mental Health Act 2000* change to the legislation enables further public discussion and stakeholder consultation around broader mental health policy.

CONCLUSION

OTA thanks the committee for the opportunity to submit to the Health and Community Services Committee inquiry into the Health Legislation Amendment Bill. OTA supports the Health Legislation Amendment Bill 2014 and believes it will reduce the regulatory burden of health administration while also enhancing operational effectiveness and improved client-centred services.

We would be more than happy to discuss any questions you may have and attend in public hearing to provide further evidence.



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