

Health Legislation (Waiting List Integrity) Amendment Bill 2015

Amended Explanatory Notes February 2016

Short title

The short title of the Bill is the Waiting List Integrity Bill 2015

Policy objectives and the reasons for them

The objectives of the Bill are to:

1. Establish the Health Ombudsman as the independent reviewer of the clinical waiting times for Queensland patients in the public health system
2. To ensure the Health Ombudsman manages the auditing of wait time matters in a transparent, accountable and public way. This is the legislative outcome of the previous Queensland Governments announcement of its intention to create a new independent body following the announcement of the wait time guarantee.
3. To provide certainty in clinical waiting times for Queensland Public Hospital patients and allay their concerns as a result of being on a waiting list longer than necessary.

Achievement of policy objectives

To achieve its objectives, the Bill will establish the Office of the Health Ombudsman as the independent body to review, and publish waiting time data. The Bill will achieve its objective of establishing and monitoring the integrity of the patient clinical waiting time guarantee by:

- requiring the Health and Hospital Service to provide waiting time data to the Health Ombudsman
- requiring the Health Ombudsman to analyse and publish the data in a timely manner

Alternative ways of achieving policy objectives

No other mechanisms were canvassed, as the Office of the Health Ombudsman is an existing statutory body. Utilising the Ombudsman reduces the cost, and time of establishing a new body has resulted in this approach.

Estimated cost for government implementation

Cost estimates have not been included in this Bill until the health Ombudsman has been consulted on resources that may be required to execute the activities of this Bill. Funding for this can be undertaken from within existing Queensland Health resources.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles.

Consultation

It is anticipated that consultation will occur during committee consideration process.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state

Notes on provisions

Part 1 Preliminary

Clause 1 states that, when enacted, the Bill will be cited as the Waiting List integrity Bill 2015.

Part 2 Amendment of Health Ombudsman Act 2013

Clause 2 Act amended

This part amends the Health Ombudsman Act 2013.

Clause 3 Amendment of s 25 (Functions)

Section 25—

insert—

(h) to audit and publish reports about wait time data.

Clause 3 is a new provision which details the main objective to have an independent audit of clinical waiting times.

Clause 4

Part 15 A Amendment of Health Ombudsman Act 2013

Insert new pt 15A Audit of Waiting Times

244A Definitions for pt 15A

In this part—Hospital and Health Service means a Hospital and Health Service established under the Hospital and Health Boards Act 2011, section 17. Quarter means the 3-month period ending on 31 March, 30 June, 30 September or 31 December.

Wait time data means each of the following—

(a) data on the number of patients of each Hospital and Health Service waiting longer than a clinically appropriate period for surgery, by type of surgery, reported separately;

(b) data on the number of patients of a Hospital and Health Service waiting longer than 2 years for general dental care, by type of dental care;

(c) data on the time an outpatient of a Hospital and Health Service waits for an initial consultation with a specialist health practitioner, by type of specialist health practitioner;

(d) other data, prescribed by regulation, about waiting times for a Hospital and Health Service.

244B Audit of wait time data

(1) The health ombudsman must audit wait time data given to the health ombudsman under the Hospital and Health Boards Act 2011, section 54A to examine the accuracy of the data.

(2) The audit must be conducted within 14 days after the end of the quarter to which the data relates.

244C Audit report

(1) Within 14 days after conducting an audit of wait time data for a quarter, the health ombudsman must prepare and publish a report on the audit.

(2) The report must be published on a publicly accessible website of the health ombudsman or in another way the health ombudsman considers appropriate.

(3) The health ombudsman must include the following information in the report—

(a) a copy of the wait time data for each Hospital and Health Service and each hospital operated by a Hospital and Health Service given to the health ombudsman for the quarter;

(b) the health ombudsman's findings in relation to the accuracy of the data.

(4) The health ombudsman may include other information in the report, including observations and recommendations, that the health ombudsman considers appropriate.

(5) However, the health ombudsman must not include in the report any adverse comment about a Hospital and Health Service identifiable from the report unless the Service has been given a copy of the comment and a reasonable period of at least 7 days to make a submission about it.

(6) If a Hospital and Health Service makes a submission under subsection (5), the Health Ombudsman—

(a) must have regard to the submission before finalising the report; and

(b) must not include the relevant comment in the report unless the health ombudsman also includes the Service's submission, or a fair summary of it, in the report.

(7) If the health ombudsman proposes to make a recommendation in the report about a particular Hospital and Health Service, the Health Ombudsman must consult with the Service about the recommendation before finalising the report.

Clause 5 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

Hospital and Health Service, for part 15A, see section 244A.

quarter, for part 15A, see section 244A.

specialist health practitioner, for part 15A, see section 244A.

wait time data see section 244A.

Clause 6 Act amended

This part amends the Hospital and Health Boards Act 2011.

Clause 7 Amendment of s 19 (Functions of Services)

Section 19(2)(o), after 'functions'—

insert—

given to the Service under this Act

Insertion of new s 54A

Part 4, division 1—

Clause 8 Insertion of new s 54A Part 4, division 1

insert—

54A Requirement to give wait time data to health ombudsman

(1) A Service must, within 14 days after the end of each quarter, give to the health ombudsman wait time data for the Service for the quarter.

(2) Also, if the Service operates a hospital, the Service must give the health ombudsman separate wait time data for each hospital operated by the Service.

(3) In this section—

quarter means the 3-month period ending on 31 March, 30 June, 30 September or 31 December.

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Clause 9

Para 323 Provision of wait time data does not apply to a Health and Hospital Service until the end of the quarter that starts immediately after the commencement

323 Provision of data about waiting times

(1) Section 54A does not apply to a Service until the end of the quarter that starts immediately after the commencement.

(2) In this section— quarter means the 3-month period ending on 31 March, 30 June, 30 September or 31 December.