



11 NOVEMBER 2013

<b>JUDGMENTS</b> .....	<b>2</b>
New South Wales .....	2
Queensland .....	2
Western Australia .....	2
<b>Legislation</b> .....	<b>3</b>
Commonwealth .....	3
Western Australia .....	3
<b>Reports</b> .....	<b>3</b>
Australia. Department of Health & Ageing .....	3
Australia. Health Practitioner Regulation Agency and the boards .....	3
Australia. Therapeutic Goods Administration .....	4
Australian Institute of Health & Welfare .....	5
Australian Commission on Safety and Quality in Health Care .....	5
Australia. Private Health Insurance Administration Council .....	5
Australia. National Mental Health Commission .....	5
Australian Capital Territory. Health Directorate .....	5
New South Wales. Ministry of Health .....	5
Queensland. Department of Health .....	5
Tasmania. Department of Health & Human Services .....	6
Victoria. Department of Health .....	6
Western Australia. Department of Health .....	6
New Zealand. Ministry of Health .....	6
United Kingdom. Department of Health .....	7
United States of America. Department of Health & Human Services .....	7
Australian Medical Association .....	7
British Medical Association .....	7
Canadian Medical Association .....	8
American Medical Association .....	8

## JUDGMENTS

### Queensland

2 September 2013 - [Tabanas v Medical Board of Australia \[2013\] QCAT 522](#)

Health practitioners – medical practitioners – licences and registration – where the registrant held limited registration for an area of need – where the registrant applied for renewal of his registration – where the Board refused to renew the registrant's registration – where the registrant sought a stay of the Board's decision – whether the Tribunal should stay the Board's decision to refuse to renew the registrant's limited registration in an area of need.

20 September 2013 - [Tabanas v Medical Board of Australia \(No 2\) \[2013\] QCAT 523](#)

Health practitioner – medical practitioner – licences and registration – where the Board refused to renew the registrant's limited registration in an area of need – where the registrant sought a review of the Board's decision – where the registrant applied for a stay – where the Tribunal granted a stay until a specified date – where the registrant sought an extension of the stay beyond the specified date – where the registrant sought a stay beyond the period for which registration could be renewed – whether the Tribunal should extend the stay of the Board's decision.

5 November 2013 - [Tabanas v Medical Board of Australia \(No 3\) \[2013\] QCAT 524](#)

Dr Tabanas migrated to Australia in 2008 and was granted what was then "special purpose registration," enabling him to fill an area of need in group general practice. His registration was conditional upon him applying for general or specialist registration within four continuous years of initial registration. He failed to do this, having failed the required examinations on six occasions. The Medical Board of Australia therefore refused to renew his limited registration.

The Queensland Civil and Administrative Tribunal granted a stay of the Board's decision to permit Dr Tabanas to sit examinations he was already enrolled in, the successful completion of which could assist his application for review of that decision. Dr Tabanas failed those examinations and applied for a further stay to pursue alternative pathways to full registration. This was dismissed but the substantial proceedings were not.

Dr Tabanas argued in those proceedings that the most accurate way to assess his competency was to examine his history, submitting that he had practised for 20 years without complaint and other medical practitioners and allied health professionals spoke highly of his abilities.

Judge Horneman-Wren was not convinced, determining that a non-injurious and complaint free practice period did not equate to an adequate level of competence. Conversely, examinations set measurable standards of competence and minimum necessary requirements for the profession and "repeated failures to meet those standard requirements provide a sound basis for concluding that the person [cannot] demonstrate a sufficient level of competence." The decision to refuse registration was therefore correct.

### New South Wales

8 November 2013 - [Ary v Sydney South West Area Health District \[2013\] NSWIRComm 96](#)

Appeal - Application for leave to appeal and appeal from decision of Commissioner Tabbaa - Extension of time - Whether appellant should be granted an extension of time in which to appeal - Whether explanation for filing application was satisfactory - Prospects of success on appeal - Extension refused.

### Western Australia

1 November 2013 - [Barr v Farrell \[2013\] WASCA 211](#) (S)

Practice and procedure - Costs - Appeal against dismissal of application by appellant for extension of time - Appeal allowed - Whether order for costs against appellant at first instance should be disturbed - Whether appellant entitled to costs of appeal - Application by respondents under *Suitors' Fund Act 1964* (WA).

## LEGISLATION

### Commonwealth

1 November 2013 - [Statement of principles concerning epilepsy No. 76 of 2013](#) F2013L01895 • No. 76 of 2013 as made.

1 November 2013 - [Statement of principles concerning epilepsy No. 75 of 2013](#) F2013L01894 • No. 75 of 2013 as made.

1 November 2013 - [Statement of principles concerning malignant neoplasm of the pancreas No. 74 of 2013](#) F2013L01893 • No. 74 of 2013 as made.

1 November 2013 - [Statement of principles concerning malignant neoplasm of the pancreas No. 73 of 2013](#) F2013L01891 • No. 73 of 2013 as made.

1 November 2013 - [Statement of principles concerning chronic solvent encephalopathy No. 72 of 2013](#) F2013L01888 • No. 72 of 2013 as made.

1 November 2013 - [Statement of principles concerning chronic solvent encephalopathy No. 71 of 2013](#) F2013L01886 • No. 71 of 2013 as made.

1 November 2013 - [Statement of principles concerning steatohepatitis No. 80 of 2013](#) F2013L01900 • No. 80 of 2013 as made.

1 November 2013 - [Statement of principles concerning steatohepatitis No. 79 of 2013](#) F2013L01898 • No. 79 of 2013 as made.

1 November 2013 - [Statement of principles concerning epileptic seizure No. 78 of 2013](#) F2013L01899 • No. 78 of 2013 as made.

1 November 2013 - [Statement of principles concerning epileptic seizure No. 77 of 2013](#) F2013L01897 • No. 77 of 2013 as made.

### Western Australia

31 October 2013 - [Asbestos Diseases Compensation Bill 2013](#) - Legislative council second reading, Private Members Bill introduced by Doust, Hon Kate.

## REPORTS

### Australia. Department of Health & Ageing

Media releases

3 November 2013 - [Federal Government to review electronic health records](#). Federal Health Minister, the Hon Peter Dutton, has announced a review of Australia's struggling Personally Controlled Electronic Health Records program.

4 November 2013 - [Support available to farming families affected by crop losses](#). The Assistant Minister for Health, Senator Fiona Nash, is urging farmers whose crops have been damaged by recent unseasonal frosts to use advisory and support services, including those funded by the Australian Government.

Private Health Insurance (PHI) Circulars

6 November 2013 - [PHI 74/13 New private hospital information](#).

1 November 2013 - [PHI 73/13 Amendment to the private health insurance \(benefit requirements\) rules 2011](#).

1 November 2013 - [PHI 72/13 Amendment to the private health insurance \(prostheses\) rules 2013 \(No.1\)](#).

### Australia. Health Practitioner Regulation Agency (AHPRA) and the boards

8 November 2013 - The Psychology Board of Australia releases its latest communiqué. [Read More](#)

- 7 November 2013 - The Chiropractic Board releases its latest communiqué. [Read More](#)
- 7 November 2013 - The Dental Board of Australia releases its latest communiqué. [Read More](#)
- 7 November 2013 - Communiqué from the Board The Physiotherapy Board of Australia releases its latest communiqué. [Read More](#)
- 7 November 2013 - The Podiatry Board of Australia releases its latest communiqué. [Read More](#)
- 6 November 2013 - The Aboriginal and Torres Strait Islander (ATSI) Health Practice Board of Australia and AHPRA publish their 2013/14 health profession agreement. [Read More](#)
- 6 November 2013 - Call for expressions of interest for appointment to Chinese Medicine accreditation assessment teams. [Read More](#)
- 6 November 2013 - The Pharmacy Board and AHPRA publish their 2013/14 health profession agreement. [Read More](#)
- 6 November 2013 - The Nursing and Midwifery Board of Australia has published new nurse practitioner standards of practice. [Read More](#)
- 4 November 2013 - The Occupational Therapy Board of Australia releases its latest communiqué. [Read More](#)
- 4 November 2013 - The Pharmacy Board of Australia releases its latest communiqué. [Read More](#)
- 1 November 2013 - The Medical Radiation Practice Board of Australia has released its latest communiqué. [Read More](#)

#### **Australia. Therapeutic Goods Administration (TGA)**

- 8 November 2013 - [Advisory committees on medicines \(ACMS\) & chemicals scheduling \(ACCS\)](#): Updated meeting dates and decision timeframes.
- 8 November 2013 - [Reasons for scheduling delegates' final decisions, November 2013](#): Reasons for decisions by the Delegate of the Secretary to the Department of Health for amendments to the poisons standard.
- 8 November 2013 - [Public submissions on scheduling matters referred to ACCS #8, ACMS #9 and the joint ACCS-ACMS #6 \(July 2013\)](#): Further public submission made in response to the invitation for public submission on the proposed amendments to the poisons standard.
- 7 November 2013 - [HomeChoice Pro automated peritoneal dialysis systems](#): Baxter Healthcare, in consultation with the TGA, is recalling a small number of units of its HomeChoice Pro automated peritoneal dialysis system.
- 6 November 2013 - [Macutec - Stiltec Pty Ltd - Complaint No. 2011-11-017](#) : Decision under regulation 9 of the Therapeutic Goods Regulations 1990 in relation to an advertisement about Macutec.
- 5 November 2013 - [Biosimilar medicines - information for health professionals](#): A biosimilar (also known as a similar biological medicinal product) is a follow-on version of a biological medicine already registered in Australia.
- 5 November 2013 - [Biosimilar medicines - information for consumers](#): Biological medicines are medical products extracted or genetically engineered from living organisms.
- 1 November 2013 - [Orphan drugs](#): Added pasireotide (SIGNIFOR LAR) and fedratinib.
- 1 November 2013 - [Shortage of Neo-Mercazole \(carbimazole\)](#): There is a global shortage of neo-mercazole (carbimazole), which is often prescribed to people with an overactive thyroid (hyperthyroidism).
- 1 November 2013 - [Vigor Tea sachets](#): Vigor Tea poses a serious risk to your health and should not be taken.

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

6 November 2013 - [Development of an ongoing national data collection on the educational outcomes of children in child protection services: a working paper.](#)

7 November 2013 - [National core maternity indicators.](#)

8 November 2013 - [Housing assistance in Australia 2013 media release.](#)

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

4 November 2013 - [On the Radar – Issue 151 \(86KB\).](#)

### **Australia. Private Health Insurance Administration Council (PHIAC)**

6 November 2013 - [PHIAC Annual Report 2012-13.](#)

### **Australia. National Mental Health Commission**

Work Plan 2013 - 2014 [PDF 1807KB.](#)

### **Australian Capital Territory. (ACT) Health Directorate**

5 November 2013 - [Wamburrang room opens at Canberra hospital \(TCH\).](#) ACT Health has opened a welcoming space for Aboriginal and Torres Strait Islander patients and family at TCH.

5 November 2013 - [Living a healthy life.](#) If you have a chronic health condition lasting six months or longer, then join this course run by ACT Health.

### **New South Wales. (NSW) Ministry of Health**

Media Releases

1 November 2013 - [St George hospital older persons' subacute mental health unit officially opened.](#)

Policy Directives & Guidelines

5 November 2013 - [Early Childhood Oral Health \(ECOH\) Program: The role of public oral health services](#) PD2013\_037.

Information Bulletins

4 November 2013 - [Ambulance Service of NSW administrative and clerical \(State\) award new rates of pay](#) IB2013\_046.

4 November 2013 - [Cashing out accrued additional annual leave for employees under the staff specialists \(State\) award](#) IB2013\_047.

6 November 2013 - [New rates of pay and new allowances for teachers in NSW health early childhood service centres](#) IB2013\_048.

7 November 2013 - [Notification of obsolete policy directive - PD2005\\_083](#) IB2013\_049.

### **Queensland. (Qld) Department of Health**

3 November 2013 - [New HIV foundation Queensland to help end HIV New HIV Foundation Queensland to help END HIV.](#)

4 November 2013 - [Do-it-yourself \(DIY\) renovators the focus of national asbestos awareness month.](#) Queenslanders doing DIY renovations who may be putting their health at risk will be the focus this month of national asbestos awareness month.

8 November 2013 - [Community helicopters to get night vision.](#) Community based helicopter rescue operators from Mackay to the NSW border will share in \$3.57 million State Government funding to equip themselves with state of the art night vision goggles (NVG).



## Tasmania. Department of Health & Human Services

6 November 2013 - [Improving safety and care at Ashley](#). The Department of Health and Human Services has extended sincere condolences to the family and friends of Craig Sullivan whose death at Ashley Youth Detention Centre in 2010 was subject to coronial findings today.

## Victoria. Department of Health

7 November 2013 - [Plibersek's shackles on education for health care workers removed](#). Victorian Health Minister, David Davis welcomes the foresight and common sense of the Federal Coalition Government in scrapping Federal Labor's proposed changes to the education cap.

6 November 2013 - [Coalition grants support better mental health for young people](#). Ten community groups will receive grants to support suicide prevention and mental health activities for gay, lesbian, bisexual, transgender and intersex (GLBTI) young people, Minister for Mental Health Mary Wooldridge announced today.

## Western Australia. (WA) Department of Health

Media Releases

7 November 2013 - [Midland public hospital hits topping out milestone](#).

6 November 2013 - [Meningococcal disease infection reported](#).

1 November 2013 - [Two children in WA with locally-acquired measles](#).

1 November 2013 - [\\$1.7 million for targeted health research projects](#).

Operational Directives (OD)

6 November 2013 - [OD 0471/13](#) Hospital fees & charges: Nursing home type patient (20 September 2013 pension increase). This operational directive advises health services of increases in nursing home type patient (NHTP) fees, which were gazetted on 22 October 2013. However, in accordance with the commencement instructions in the gazette, the revised NHTP fees are legally effective from the day after gazettal, which is 23 October 2013.

6 November 2013 - [OD 0472/13](#) Excluded procedures. This OD is a guide to public hospitals and health services regarding excluded procedures. It advises public hospitals and health services on which procedures should not be performed without approval and indicates the clinical, cultural and religious exceptions. The OD also sets out the process for gaining approval to perform an excluded procedure, the appeal mechanism, and indicates the Department's position on patient assisted travel for these procedures.

7 November 2013 - [IC 0171/13](#) Annual leave travel concession: WA Health – Health Services Union – PACTS – Industrial Agreement 2011. Advice of updated rates for annual leave travel concessions in accordance with the WA Health – Health services union – PACTS – Industrial Agreement 2011.

7 November 2013 - [IC 0172/13](#) Annual leave travel concession: Registered nurses, midwives and enrolled mental health nurses – Australian nursing federation – WA health industrial agreement 2010. Advice of updated rates for annual leave travel concessions in accordance with registered nurses, midwives and enrolled mental health nurses – Australian nursing federation – WA health industrial agreement 2010.

## New Zealand. Ministry of Health

7 November 2013 - [Mapua residents cleared of possible contamination](#). A study has cleared Mapua residents of any dioxin contamination following local concerns they may have been exposed during a contaminated site clean-up more than seven years ago. [Read more](#)

7 November 2013 - [Director of Public Health announced](#). Dr Darren Hunt is the new Director of Public Health. [Read more](#)

6 November 2013 - [New Zealanders rate satisfaction with public services](#). New Zealanders' satisfaction ratings for health services continue to improve, according to the latest results from the Kiwis Count survey. [Read more](#)

### United Kingdom. Department of Health

1 November 2013 - [Norman Lamb: improving care through a joined up approach.](#)

5 November 2013 - [Government statement - Care quality commission \(CQC\) report into Colchester Hospital University National Health Scheme \(NHS\) Foundation Trust.](#)

6 November 2013 - [Government agrees breakthrough drug pricing deal with pharmaceutical firms.](#)

### United States of America. Department of Health & Human Services (HHS)

4 November 2013 - [2013 National native American heritage month.](#)

4 November 2013 - [Statement from HHS Secretary Sebelius on resolution of criminal and civil investigations of Johnson & Johnson.](#)

5 November 2013 - [National epilepsy awareness month.](#)

7 November 2013 - [Statement by HHS Secretary Kathleen Sebelius on national alzheimer's disease awareness month.](#)

### Australian Medical Association (AMA)

6 November 2013 - [AMA media alert - doorstep - scrap the cap.](#) AMA President, Dr Steve Hambleton, will be available today to comment on the scrapping of the proposed \$2000 cap on tax deductions for work-related self-education expenses. [Read more](#)

6 November 2013 - [AMA applauds decision to scrap the cap.](#) The AMA has hailed the Coalition Government's decision to scrap the former Government's proposed \$2000 cap on tax deductions for work-related self-education expenses as a victory for common sense. [Read more](#)

6 November 2013 - [Dr Hambleton, Doorstop, tax deductions for work-related self-education expenses](#) transcript: AMA President Dr Steve Hambleton, doorstep Parliament House. [Read more](#)

### British Medical Association (BMA)

8 November 2013 - [A shared will for progress.](#) Legacies left to the BMA — often by doctors — allow the association to fund research.

7 November 2013 - [General practitioner \(GP\) vision to tackle wider NHS problems.](#) An enhanced model of general practice, coordinating integrated, community-based care, could help the NHS tackle wider capacity problems, GPs leaders suggest.

7 November 2013 - [BMA urges government to scrap lobbying bill.](#) The BMA is urging the government to go back to the drawing board if it is really serious about reforming elections and campaigning legislation.

7 November 2013 - [Peers use BMA evidence in call for folic acid flour fortification.](#) Peers have highlighted evidence in a BMA briefing to support their calls for the mandatory fortification of white flour with folic acid.

6 November 2013 - [Broad approach needed in emergency care crisis, says BMA.](#) The BMA has backed calls for a system-wide approach to tackle the crisis in emergency medicine.

6 November 2013 - [BMA wants faster work on new tariff system.](#) More rapid progress is needed in developing a new national hospital-based tariff system, the BMA has advised.

5 November 2013 - [BMA central to general practice action plan.](#) The Scottish government has announced that it will work with the BMA to review access to GP practices and modernise the GP contract.

5 November 2013 - [Doctors involved in terrorist torture broke ethical code.](#) Doctors working for United States military and intelligence agencies broke international ethics codes and were involved in the torture of suspected terrorists, a report has found.

4 November 2013 - [Public survey reveals support for soft opt-out organ donation system.](#) Doctors leaders have welcomed discussion on the introduction of a soft opt-out system with safeguards for organ donation in Northern Ireland.

1 November 2013 - **GP federations to manage transfer of services**. Family doctors in Northern Ireland are developing GP federations to manage the work being transferred into the primary sector under the health service shake-up.

#### Canadian Medical Association (CMA)

7 November 2013 - **CMA president tackles health equity issue in address to Irish MDs**. The CMA's argument that physicians should pursue the elimination of **social problems** such as poverty and poor housing because this will lead to improved health has now been delivered to physicians on the other side of the Atlantic.

5 November 2013 - **CMA sets new membership mark**. Less than five years after the CMA surpassed the 70,000 mark in membership, it has reached a new milestone. And the announcement came on its 146th birthday.

29 October 2013 - **CMA members have free access to a \$395 clinical tool**. The CMA is reminding members that their membership provides much more than access to financial services, a subscription to CMAJ and a strong advocacy voice on the federal stage.

#### American Medical Association (AmMA)

1 November 2013 - AmMA wire - **New standards coming Jan. 1 can help physicians streamline payment**. New federal standards governing how health insurers conduct electronic transactions with physicians should help reduce administrative hassles, cut paperwork burdens and free up time to spend with patients. Free toolkits from the AmMA can help physicians take advantage of the changes.

4 November 2013 - **Physician apologies protected under new liability law in Pennsylvania**. A new medical liability reform in the Keystone state should bring a breath of fresh air to physicians and patients alike as doctors will be able to apologize for unfavourable medical outcomes without worry that those statements or gestures will be used against them in court.

5 November 2013 - **Innovators share insights into delivery, payment models that work**. A newly archived seven-part webinar series from the AmMA offers insider advice for physicians who are contemplating the move to new models of care delivery and payment that enable higher-quality, more affordable care.

5 November 2013 - **Stronger physician-community ties can help reduce health disparities**. As the prevalence of chronic diseases continues to rise, efforts are underway that can help physicians address the root causes of conditions that disproportionately affect economically disadvantaged people. In a recent interview, the AmMA president and a past president of the BMA describe how such efforts as the AmMA's improving health outcomes initiative can help reduce health disparities.

6 November 2013 - **World Medical Association (WMA) paves path toward improved global health**. WMA has proved to be a leader for change globally, writes AmMA President Ardis Dee Hoven, MD. At the WMA general assembly last month in Fortaleza, Brazil, national medical association physician leaders from around the globe took action to help improve health internationally, especially among vulnerable populations.

7 November 2013 - **Ten States top list of health insurer market domination - new report**. An annual list released by the AmMA Thursday identifies ten states with the lowest levels of competition among commercial health insurers, highlighting areas where the absence of competition may hurt patients, physicians and employers. Those states are among 15 in which a single company had a majority share of the market.



## ABOUT US

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