

COSMETIC HEALTH SERVICE COMPLAINTS IN NEW SOUTH WALES
2 August 2018 Hearing

QUESTIONS ON NOTICE

[The Hon. WALT SECORD] —

QUESTION 1

You said that there are 98 facilities that are visited once a year.

Ms O'SHANNESY: No, I said that there are 98 cosmetic class facilities that have a licence as a cosmetic facility, along the lines of what I said.

The Hon. WALT SECORD: And they are inspected once a year.

Ms O'SHANNESY: They are visited at least once a year.

The Hon. WALT SECORD: Are those announced visits or unannounced visits? Do you tell them-

Ms O'SHANNESY: No, it varies. Very often we will not announce.

The Hon. WALT SECORD: How many of that 98 would get unannounced visits?

Ms O'SHANNESY: I do not have that information with me.

The Hon. WALT SECORD: Can you take that on notice.

Ms O'SHANNESY: I will take that on notice.

The Hon. WALT SECORD: Of the announced visits, how much warning are they given before they are visited by NSW Health?

Ms O'SHANNESY: My feeling, which I would not like to act on without conferring with my regulatory colleagues is that they are generally unannounced, but we will have that information provided to the Committee.

The CHAIR: If you could table that.

Ms O'SHANNESY: We will give you that information.

The CHAIR: Thank you very much.

The Hon. WALT SECORD: I would like the hard data. Also give us, for the announced visits, the duration or the warning they are given.

ANSWER

Two types of visits are conducted; announced visits and random, unannounced visits. All inspections of unlicensed premises are unannounced.

Annual Inspections are undertaken to assess a facility's overall compliance with the licensing standards applying to the facility. They are advised in advance to ensure the licensee and

appropriate staff are available for questioning by inspectors. Advance notice will vary, with most visits scheduled three weeks ahead.

An inspection involves a deep dive into compliance. The focus is determined having regard to the risk rating assigned to the facility based on a number of factors, including the nature and complexity of procedures the facility is licensed to undertake and the results of previous inspections.

Inspections include assessment of compliance with general licensing standards, quality assurance standards and assessment of compliance with relevant licensing class (ie Surgical, Cosmetic Surgery, Rehabilitation, Mental Health, Intensive Care, Maternity).

For a private hospital, the minimum period of an annual inspection will be about 4 hours, and can be longer depending on the class and size of the facility, and issues identified by the Ministry for review. Annual Inspections include:

- Ministry Inspectors review:
 - Medical Advisory Committee minutes, membership and terms of reference
 - minutes of Quality, Clinical Review Committee
 - randomly selected patient records
 - policies/procedures
 - other supporting documents such as the quality plan, incident reports, risk program, maintenance schedule
 - training records and staff rosters
- Follow up on complaints received by the Ministry to ensure that outcomes of investigations have been implemented
- Assessment of facilities response on incidents reported to the Ministry, including action taken and implementation of recommendations
- Environmental inspection reviews in each class (includes things like stock, emergency call bells, emergency trolleys, bed schedule)

The licensee (or delegate) and relevant staff such as the Director of Nursing, Practice Manager or General Manager are required to be present, with other support staff such as the Quality Manager, and Nurse Unit Managers for specific classes, Infection Control Co-ordinator, maintenance and general ward staff to be available for questioning. These staff will also be interviewed when required, on process/procedures to assess compliance with licensing conditions.

[The Hon. WALT SECORD] —

QUESTION 2

Yesterday we heard evidence from the President of the Australian Society of Plastic Surgeons. He said that 220 women have joined a class action against TCI, The Cosmetic Institute. How many complaints did NSW Health receive about The Cosmetic Institute before the issue of twilight sedation versus full sedation came to the public arena with the *7:30 Report*?

Ms O'SHANNESY: We would have to take that on notice.

The Hon. WALT SECORD: Can you take that on notice and provide a breakdown and give me the date of the first complaint and number of those?

ANSWER

The Ministry received 4 complaints prior to the 7.30 Report aired on 20 August 2015:

- On 1 January 2014, an anonymous complaint about a doctor practising at The Cosmetic Institute. This was referred to the Health Care Complaints Commission.
- On 23 March 2015, a complaint to the Health Care Complaint Commission by a medical practitioner, which was cc'd to the Ministry of Health.
- On 26 June 2015, a complaint from the Hon Walt Secord, which raised concerns about patients he witnessed under anaesthetic during a visit to The Cosmetic Institute.
- On 14 July 2015, an anonymous complaint to the Health Care Complaint Commission, which was cc'd to the Ministry of Health.

UPDATE REGARDING RELEASE OF DISCUSSION PAPER

[Dr CHANT] —

REFERENCE 1

I can also update the Committee that we do believe that a discussion paper will be released very shortly and it does cover the issues such as the protection of the title “surgeon” and “cosmetic surgeon” and reporting of professional negligence settlement and judgements and also a complaints history register. So other issues that go to how consumers can be better informed about the qualifications of the people undertaking the procedure as well as their complaints history, that it outside our control to provide that to the Committee. But I understand that it is due to be released shortly and we would be happy to alert the Committee when that document is released.

REFERENCE 2

Dr CHANT: Our position is that we support it nationally. As we have moved to a national registration and regulation system around registered health practitioners it is appropriate that this happens nationally. Our Minister put it on the COAG agenda and it was discussed, I believe, in November 2017. The work I am discussing now is the produce of that which is basically a discussion paper that will need to go out which canvasses all the issues to inform the next steps in moving that forward. That is under AHPRA that is leading that piece of work. We are happy to alert it to the Committee but we do believe that that is to be released very, very shortly.

REFERENCE 3

Dr CHANT: I am looking forward to the discussion paper that is coming up from AHPRA around the protections of the titles and the dissection of some of those relates issues.

UPDATE

Dr Chant was referring to a consultation paper titled *Regulation of Australia’s health professions: keeping the National Law up to date and fit for purpose* by the Australian Health Ministers’ Advisory Council (AHMAC) (not the Australian Health Practitioner Regulation Agency). The consultation paper has now been released by AHMAC.

The consultation paper canvasses a number of issues about the national regulation and accreditation scheme for registered health practitioners, including:

- Reporting of professional negligence settlement and judgements;
- Title protection: surgeons and cosmetic surgeons;
- Information on the public register (including whether disciplinary information should be included on the public register).

In particular, on the issue of the protection of the title ‘cosmetic surgeon’, the consultation paper calls for submissions in response to the question “*Should the National Law be amended to restrict the use of the title ‘cosmetic surgeon’? If not, why? If so, why and which practitioners should be able to use this title?*”

A full copy of the consultation paper and further information regarding the consultation process can be found on the COAG Health Council website www.coaghealthcouncil.gov.au.