

Submission

No 18

INQUIRY INTO THE OPERATION OF THE HEALTH CARE COMPLAINTS ACT 1993

Organisation: Hunter New England Area Health Service
Name: Dr Nigel Lyons
Position: Chief Executive
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Date Received: 2/12/2008

Our Contact: Ms Dianne Sales

28 November 2008

The Committee Manager
Committee on the Health Care Complaints Commission
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Sir/Madam

Re: Inquiry into the Operations of the Health Care Complaints Act 1993

I refer to your letter of 6 November 2008 regarding the Inquiry into the Operations of the Health Care Complaints Act 1993 (HCC Act), inviting Hunter New England Health to provide a submission.

Hunter New England Health has a good working relationship with the Health Care Complaints Commission and appreciates the Commission's assistance and cooperation in resolving complaints lodged with the Commission.

There are two comments, around sharing of information between the Commission and Area Health Services, which may assist both agencies.

1. Under s16 of the HCC Act, the Health Care Complaints Commission is required to notify the person against whom a complaint is made. Currently the Commission is not obliged to advise an Area Health Service when a complaint about a clinician who has provided a service at, or on behalf of the area health service, is lodged.
2. Where a complaint from an individual has been lodged with the Health Care Complaints Commission, the Area Health Service is asked to provide a response only on the individual complaint. The Area Health Service may hold other information that is relevant, such as other complaints or concerns about the clinician involved. Currently, there is uncertainty as to whether information relating to any other complaints about that clinician should also be provided. It may be that this additional information would assist the Commission in its assessment decision, although providing such information may also raise concerns about release of the information in relation to privacy of the clinician and/or patients.

In response to the above issues, it is suggested that:

- The Health Care Complaints Commission informs Area Health Services of all complaints received by the Commission that relate to clinicians providing services at or on behalf of the Area Health Service.
- The Health Care Complaints Commission specifically request information on any other relevant complaints or concerns about a clinician when seeking a response from the

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Area Health Service in relation to an individual complaint. This course of action may have implications for privacy, and this may need to be further explored in determining the appropriate course of action.

I trust this information is useful. If you require any further information about this matter, please contact Ms Dianne Sales, Executive Support Service Manager, Clinical Governance on 02 6592 9777.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'Nigel Lyons', written over a thin horizontal line.

Dr Nigel Lyons
Chief Executive

Cc Dr Kim Hill, Director Clinical Governance
Ms Dianne Sales, Executive Support Services Manager, Clinical Governance