



Queensland

Hospital and Health Boards Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 60

made under the

Hospital and Health Boards Act 2011

General outline

Short title

Hospital and Health Boards Amendment Regulation (No. 1) 2013.

Authorising law

Section 282 of the *Hospital and Health Boards Act 2011*.

Policy objectives and the reasons for them

To date, Queensland Health has provided confidential patient-identifying information to the Office of Economic and Statistical Research (OESR), to enable the OESR to undertake patient experience surveys. This exchange of patient information is enabled under an exception to the duty of confidentiality under section 150(b) of the *Health and Hospitals Boards Act 2011*.

More specifically, in section 35(1)(d) of the *Hospital and Health Boards Regulation 2012*, the OESR is prescribed as the entity with whom confidential patient information may be disclosed for the purpose of patient satisfaction surveys.

However, the title of OESR has changed to the Government Statistician and the *Hospital and Health Boards Regulation 2012* does not prescribe the Government Statistician (or Queensland Treasury and Trade, the oversight portfolio department) as the prescribed entity with whom Queensland Health may share confidential information under an exception to the duty of confidentiality.

The objective of the regulation is to ensure the ongoing delivery and improvement of health services throughout Queensland, by enabling the continued analysis of patient experience surveys. To facilitate this, under an appropriate exception to the duty of confidentiality, Queensland Health intends to continue to engage Queensland Treasury and Trade (through the Government Statistician) in the analysis of confidential patient data through a Memorandum of Understanding.

Achievement of policy objectives

To achieve the policy objectives, the reference to the Office of Economic and Statistical Research in section 35(1)(d) of the *Hospital and Health Boards Regulation 2012* is amended to address the change of title to the Government Statistician. The regulation will allow for the continued disclosure of confidential patient information with the relevant statistical agency within Queensland Treasury and Trade for the purposes of developing, conducting and reporting on patient experience surveys.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main objectives of the *Hospital and Health Boards Act 2011*.

Inconsistency with policy objectives of other legislation

The regulation is consistent with other legislation and principles relating to confidentiality and privacy of information.

Alternative ways of achieving policy objectives

The regulation is the only effective means of allowing for the continued provision of confidential patient-identifying information to Queensland Treasury and Trade for the purposes of patient satisfaction surveys.

Gaining patient consent (to have confidential information disclosed for the purpose of patient satisfaction surveys) was considered as an alternative solution to a regulatory approach. However, this option proved impractical to implement in environments where patient or emergent care are the primary focus of clinicians and other staff.

Benefits and costs of implementation

The regulation allows for the continuation of an established efficient process of developing, implementing and reporting on Hospital and Health Service patient experience surveys.

The regulation is not expected to impose significant financial or other costs on the department and units to which they apply.

Consistency with fundamental legislative principles

The amendment is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

Queensland Treasury and Trade and the Government Statistician were consulted about, and support, the regulation. There has been no public consultation undertaken about the regulation, as it updates an existing exception to the duty of confidentiality under the *Hospital and Health Boards Act 2011* to reflect a name change for the Office of Economic and Statistical Research.

The Office of Best Practice Regulation was consulted in relation to the regulation meeting the requirements of the Regulatory Impact Statement System.

Notes on provisions

Short Title

Clause 1 states that this regulation may be cited as the *Hospital and Health Boards Amendment Regulation (No. 1) 2013*.

Regulation amended

Clause 2 states that this regulation amends the *Hospital and Health Boards Regulation 2012*.

Amendment of s 35 (Disclosure of confidential information for purposes relating to health services)

Clause 3 amends section 35 of the *Hospital and Health Boards Regulation 2012* to omit the reference to the Office of Economic and Statistical Research. The editor's note in section 35(1)(d) is also omitted.

The reference to the Office of Economic and Statistical Research is replaced with "the relevant statistical research agency", which is defined in subclause (3) to mean the department in which the *Statistical Returns Act 1896* is administered. The drafting of this amendment reflects current drafting practice and will help to avoid having to make a further amendment if the name of the entity changes again in future.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Queensland Health.

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