

South Australia

Medical Practice (General) Regulations 2005

under the *Medical Practice Act 2004*

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Legislative history

1—Short title

These regulations may be cited as the *Medical Practice (General) Regulations 2005*.

2—Commencement

These regulations will come into operation on the day on which section 5 of the *Medical Practice Act 2004* comes into operation.

3—Interpretation

In these regulations—

Act means the *Medical Practice Act 2004*.

4—Exempt provider

For the purposes of the definition of *exempt provider* in section 3(1) of the Act, each of the following is an exempt provider:

- (a) S. A. Ambulance Service;
- (b) Institute of Medical and Veterinary Science.

5—Representative bodies

For the purposes of the definition of *representative body* in section 3(1) of the Act, each of the following is a representative body:

- (a) Australian Medical Association (South Australia) Incorporated;
- (b) Health Consumers Alliance of South Australia Incorporated.

6—Annual report

- (1) For the purposes of section 23(2)(a)(iv) of the Act, the following information is to be included in the Board's annual report in relation to the relevant financial year:
 - (a) the number of persons registered in each category of registration;
 - (b) the number of persons in each category of registration registered with limited registration;
 - (c) the number of medical service providers who have given notice to the Board under section 39(1) of the Act;
 - (d) the number of complaints received by the Board against registered persons, medical services providers or persons who occupy positions of authority in corporate or trustee medical services providers from persons of Aboriginal or Torres Strait Islander descent;
 - (e) the number of persons included on the register of persons who have been prohibited by order of the Tribunal from carrying on business as a medical services provider or occupying a position of authority in a corporate or trustee medical services provider;
 - (f) the number of proceedings commenced before the Tribunal and the outcomes of those proceedings;
 - (g) a statement of whether codes of conduct or professional standards for registered persons, codes of conduct for medical services providers or guidelines on continuing medical education for medical practitioners have been prepared or endorsed by the Board and, if so, a summary of the codes, standards or guidelines;
 - (h) a description of any committees established by the Board and the purposes for which they were established;
 - (i) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 49(1) of the Act;
 - (j) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 49(2) of the Act;
 - (k) the number and nature of orders made by the Board under section 50 of the Act;
 - (l) the number of persons in each category of registration who have submitted information to the Board under section 71(1) of the Act;
 - (m) the number of persons in each category of registration in respect of whom notices have been received by the Board under section 77 of the Act;

- (n) the number of claims in respect of which information has been provided to the Board under section 80(1) of the Act;
 - (o) the number of claims in respect of which information has been provided to the Board under section 80(2) of the Act;
 - (p) the number of persons found guilty of an offence against the Act, the nature of the offences and the penalties imposed.
- (2) Information presented in relation to the relevant financial year should be presented in a manner enabling it to be compared with statistical data from previous years.

7—Authority conferred by registration as medical student

For the purposes of section 32 of the Act, registration on the medical student register authorises the person to provide medical treatment under the supervision of a medical practitioner.

8—Obligation to report medical unfitness or unprofessional conduct of medical practitioner or medical student

- (1) For the purposes of section 49(1) of the Act, the following information is required to be included in a report to the Board:
- (a) the diagnosis of the condition of the medical practitioner or student and its likely duration and prognosis;
 - (b) if the person making the report is of the opinion that the medical practitioner or student is or may be medically unfit to provide medical treatment only in a particular branch of medicine—a statement specifying the particular branch of medicine and the reasons for the opinion.
- (2) For the purposes of section 49(2) of the Act, the following information is required to be included in a report to the Board:
- (a) the date, time and place at which it is alleged the medical practitioner or student engaged in unprofessional conduct;
 - (b) the nature of the alleged unprofessional conduct.

9—Meaning of health product

For the purposes of the definition of *health product* in section 68 of the Act, therapeutic goods within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth are declared to be health products for the purposes of Part 7 of the Act.

10—Meaning of health service

For the purposes of the definition of *health service* in section 68 of the Act, naturopathy services are declared to be health services for the purposes of Part 7 of the Act.

11—Registered person etc must declare interest in prescribed business

- (1) For the purposes of section 71(1) of the Act, the information that must be given to the Board by a person who has an interest in a prescribed business is—
 - (a) the full name and residential and postal address of the person who has the interest; and
 - (b) if the person who has the interest is a prescribed relative of a registered person—the relationship of the person to the registered person; and
 - (c) the name, address and nature of the prescribed business in which the person has the interest; and
 - (d) the nature of the interest and of any benefit derived from the interest; and
 - (e) if the interest consists of a shareholding in a prescribed business—the number, nominal value and class of shares held and particulars of any voting rights exercisable by the holder at a meeting of shareholders.
- (2) For the purposes of section 71(2) of the Act, details of the change in the information referred to in subregulation (1) must be given to the Board by the person.

12—Information relating to claim against registered person to be provided

- (1) For the purposes of section 80(1)(a) and (2)(a) of the Act, the information relating to a claim referred to in that section to be provided to the Board within 30 days after the claim is made is—
 - (a) the nature of the treatment or procedure that is alleged to have been carried out negligently; and
 - (b) full details of the alleged negligence; and
 - (c) the address of the premises at which the negligence is alleged to have occurred; and
 - (d) the time at which and the date on which the negligence is alleged to have occurred; and
 - (e) full details of the injury suffered or allegedly suffered by the claimant as a result of the alleged negligence; and
 - (f) the date of the claim.
- (2) For the purposes of section 80(1)(b) and (2)(b) of the Act, the information relating to the claim referred to in that section to be provided to the Board within 30 days after any order is made by a court to pay damages or other compensation in respect of that claim or any agreement has been entered into for payment of a sum of money in settlement of that claim (whether with or without a denial of liability) is—
 - (a) information adequate to identify the claim; and
 - (b) details of any change in information previously provided to the Board relating to the claim; and
 - (c) details of the order or agreement (including the amount ordered or agreed to be paid).

13—Fees

- (1) The Board may fix—
 - (a) fees or charges for the purposes of the Act;
 - (b) fees or charges for services provided by the Board in the exercise of its functions under the Act.
- (2) However, no fee may be charged for registration on the medical student register.
- (3) The Board may recover a fee or charge fixed under this regulation by action in a court of competent jurisdiction as a debt due to the Board from the person liable for payment of the fee or charge.

14—Transitional matter

Schedule 1 clause 2(2) of the Act does not affect the operation of section 16 of the *Acts Interpretation Act 1915* and, consequently, the Board as constituted before the commencement of that clause, and the Tribunal as constituted before the commencement of that clause, may continue to hear and determine proceedings under the repealed Act.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations

Year	No	Reference	Commencement
2005	143	<i>Gazette 23.6.2005 p1912</i>	26.8.2005: r 2