

South Australia

# Health Care (Provision of Data and Statistics) Variation Regulations 2021

under the *Health Care Act 2008*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Health Care (Provision of Data and Statistics) Variation Regulations 2021*.

### 2—Commencement

These regulations come into operation on 1 July 2022.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Health Care Regulations 2008*

### 4—Variation of regulation 3—Interpretation

Regulation 3—after the definition of *nurse* insert:

*sentinel event* has the same meaning as in the *Australian Commission on Safety and Quality in Health Care. Australian Sentinel Event List (version 2): Specifications. Sydney: ACSQHC; 2020.*

## 5—Insertion of regulation 21AA

After regulation 21 insert:

### **21AA—Provision of health services data and statistics to Minister**

- (1) The holder of a licence under Part 10 of the Act in respect of a private hospital must provide to the Minister the data specified under subregulation (2) in respect of each month of operation of the private hospital.
- (2) For the purposes of subregulation (1), the Minister may specify any of the following kinds of data:
  - (a) data relating to admitted patient care, which may include (without limitation) the health status of admitted patients, health services provided to those patients and health outcomes for those patients;
  - (b) data relating to non-admitted patient emergency department care for presentations to an emergency department or emergency health service, which may include (without limitation) the health status of persons presenting to the service, health services provided to those persons and health outcomes for those persons;
  - (c) data relating to the occurrence of sentinel events.
- (3) Data required to be provided under this regulation relating to a particular month must be provided—
  - (a) in a form and manner acceptable to the Minister; and
  - (b) within the period specified by the Minister following the end of that month (which may vary according to the data or other circumstances to which it applies).
- (4) Subject to this regulation, a person must not in any circumstances (including proceedings before any court, tribunal or board) divulge confidential information obtained directly or indirectly as a result of a disclosure made under this regulation.  
Maximum penalty: \$10 000.
- (5) Subregulation (4) does not prevent a person from disclosing confidential information in accordance with an authorisation given by the Chief Executive.
- (6) A person must not, when appearing as a witness in any proceedings before a court, tribunal or board, be asked, and, if asked, is not required to answer, any question directed at obtaining confidential information obtained by that person directly or indirectly as a result of a disclosure made under this regulation and any such information volunteered by such a person is not admissible in any proceedings.

## **6—Insertion of regulation 21G**

After regulation 21F insert:

### **21G—Provision of health services data and statistics to Minister**

- (1) The holder of a licence under Part 10A of the Act in respect of a private day procedure centre must provide to the Minister the data specified under subregulation (2) in respect of each month of operation of the private day procedure centre.
- (2) For the purposes of subregulation (1), the Minister may specify any of the following kinds of data:
  - (a) data relating to admitted patient care, which may include (without limitation) the health status of admitted patients, health services provided to those patients and health outcomes for those patients;
  - (b) data relating to non-admitted patient emergency department care for presentations to an emergency department or emergency health service, which may include (without limitation) the health status of persons presenting to the service, health services provided to those persons and health outcomes for those persons;
  - (c) data relating to the occurrence of sentinel events.
- (3) Data required to be provided under this regulation relating to a particular month must be provided—
  - (a) in a form and manner acceptable to the Minister; and
  - (b) within the period specified by the Minister following the end of that month (which may vary according to the data or other circumstances to which it applies).
- (4) Subject to this regulation, a person must not in any circumstances (including proceedings before any court, tribunal or board) divulge confidential information obtained directly or indirectly as a result of a disclosure made under this regulation.

Maximum penalty: \$10 000.

- (5) Subregulation (4) does not prevent a person from disclosing confidential information in accordance with an authorisation given by the Chief Executive.
- (6) A person must not, when appearing as a witness in any proceedings before a court, tribunal or board, be asked, and, if asked, is not required to answer, any question directed at obtaining confidential information obtained by that person directly or indirectly as a result of a disclosure made under this regulation and any such information volunteered by such a person is not admissible in any proceedings.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 11 November 2021

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