



Australian Government
Professional Services Review

Professional Services Review

Policy on the Publication of Case Outcomes

May 2023

Policy on the Publication of Case Outcomes

1. Background

Section 79A of the *Health Insurance Act 1973* (the Act) provides that the object of Part VAA of the Act is to protect the integrity of the Medicare Benefits Schedule (**MBS**) and Pharmaceutical Benefits Scheme (**PBS**) programs and in so doing, protect patients and the community in general from the risks associated with inappropriate practice.

Section 106ZR of the Act precludes the disclosure of Professional Service Review (**PSR**) Committee deliberations or findings unless the disclosure is required or permitted under the Act. After a final determination has come into effect, section 106ZPR permits the Director to publish, in such a way as he or she thinks most appropriate, particulars of:

- the name and address of the person under review (**PUR**)
- the profession or specialty of the PUR
- the nature of the conduct of the PUR in respect of which the Committee found that the person had engaged in inappropriate practice
- the directions contained in the determination.

The Director is also permitted to publish identifying information in cases of non-compliance with agreements made under section 92 of the Act.

PSR will generally publish details of the outcome of cases on its website on a monthly basis in accordance with the following policy.

2. No further action outcomes

Publication should include:

- No information likely to identify the PUR
- gender neutral wording
- the profession or specialty of the PUR (unless it would tend to identify the PUR)
- the types of MBS or PBS items reviewed (unless it would tend to identify the PUR)
- general information about the Director's findings, if any.

3. Ratified section 92 agreements

Unless paragraph 106ZPR(1A)(a) of the Act applies, publication should include:

- No information likely to identify the PUR
- gender neutral wording
- if the PUR is a practitioner, the profession or specialty of the PUR (unless it would



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tend to identify the PUR)

- the relevant MBS or PBS item numbers (unless it would tend to identify the PUR)
- general information regarding the conceded inappropriate practice
- the agreed actions.

4. Non-compliance with section 92 agreements

Paragraph 106ZPR(1A)(a) of the Act applies to circumstances in which the Director receives notification from the Chief Executive Medicare that in that person's opinion a PUR has not taken action specified in a section 92 agreement necessary to give effect to the agreement.

If that applies, the Director will invite the PUR to make submissions regarding why their name should not be published.

Unless the Director is of the opinion following receipt of those submissions that it is not desirable to publish the PUR's name, the Director will – separately to anything published in connection with the matter under the preceding section – make a new publication about the matter.

Publication should include:

- The name and practice address of the PUR
- the profession or specialty of the PUR or, if the PUR is not a practitioner, the profession or speciality of the person or persons who rendered or initiated the services to which the determination relates
- the nature of the conduct of the PUR in respect of which the person acknowledged under the agreement that the person engaged in inappropriate practice
- the actions specified in the agreement.

5. Final determinations

Publication should include:

- The profession or specialty of the PUR or, if the PUR is not a practitioner, the profession or speciality of the person or persons who rendered or initiated the services to which the determination relates
- the relevant MBS or PBS item numbers
- detailed information regarding the conduct of the PUR in respect of which the Committee found that the PUR had engaged in inappropriate practice
- the directions contained in the determination of the Determining Authority



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- the name of the PUR together with the practice address(es) if
 - the conduct was egregious
 - the conduct concerned the risk of harm to a patient
 - it is otherwise in the public interest to have the PUR publicly identified
 - publication would not adversely affect other proceedings or investigations.

If the Director proposes to publish a PUR's name and address, the Director will first invite the PUR to make submissions regarding why their name should not be published.

If the name of the PUR is published, the address must also be published to minimise the risk of a reader misidentifying another person with the same or similar name.

6. Removal of information

PSR will remove from its website information published in accordance with this policy 5 years after publication, or as soon as practicable thereafter.

PSR will not take steps to seek the removal of any publication that is has been duplicated, cached or otherwise used outside PSR's own website.

7. Document Review

The *Policy on the Publication of Case Outcomes* was reviewed and endorsed by the Director on 25 May 2023

This Policy will be reviewed every 2 years from the date of endorsement. In addition, the policy will be reviewed after events that might affect the contents, such as legislative or major administrative changes.

Date of effect: 25 May 2023

Date of next review: May 2025





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