



Australian Government
Professional Services Review



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

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

2. Ratified section 92 agreements

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

3. Final determinations

Publication should include:

- The profession or specialty of the PUR.
- 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.
- The name of the PUR together with the practice address(es) if —
 - the conduct was of concern across a number of types of services; or
 - the conduct involved payment of a substantial amount of Commonwealth funds; or
 - the conduct was egregious; or
 - the conduct concerned the risk of harm to a patient; or
 - it is otherwise in the public interest to have the PUR publicly identified; and
 - 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.

4. Authorisation and Review

The *Policy on the Publication of Case Outcomes* was reviewed and endorsed by the PSR Executive Management Team at the Management Meeting held on 9 April 2021

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 endorsed and effective: 9 April 2021

Date of next review: April 2023