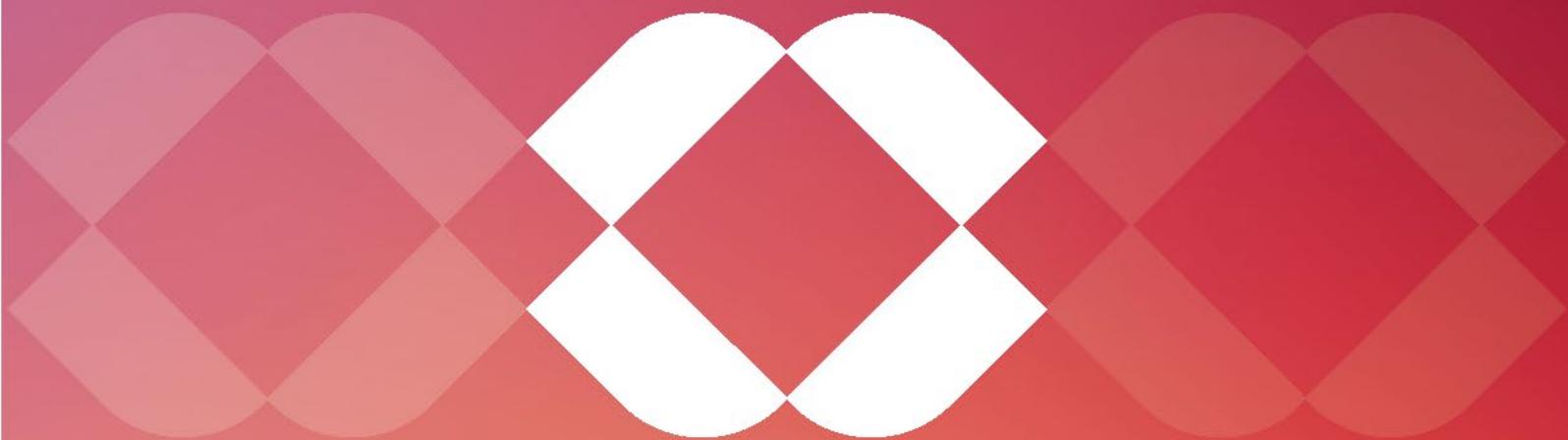




Australian Government
Professional Services Review

Information for **participants** at PSR Committee hearings



Copyright

© Commonwealth of Australia 2023

Creative commons licence

With the exception of the Coat of Arms, all material presented in this document is provided under a Creative Commons Attribution 3.0 Australia (www.creativecommons.org/licences/by/3.0/au) licence. The document must be attributed as: Information for Participants at PSR Hearings

Material used 'as supplied'

Provided you have not modified or transformed the material in any way, Professional Services Review prefers the following attribution:
Source: Professional Services Review

Use of the Coat of Arms

The terms under which the Coat of Arms can be used are set out on the **Department of the Prime Minister and Cabinet** [website](#)

Copies of this Guide can be obtained from:

Professional Services Review PO Box 74 Fyshwick ACT 2609 or a digital version can be accessed on the PSR website: www.psr.gov.au

Disclaimer

This reference guide is not a substitute for legal advice. The guide is intended to assist those persons to understand the Professional Services Review process. The guidance provided within this document is presented for general information only.

Contents for

1	Introduction	4
2	Referral to a Committee	4
3	Challenging the appointment of a Committee member	5
4	The Committee's inquiry	5
5	Notices to produce	6
6	Scope of the Committee's investigation	7
7	Legal representatives, advisers and support persons	7
8	Notice of hearing and summonses	8
9	Preparing for the hearing	9
10	Attending and participating in a hearing	10
11	Witnesses	11
12	Hearing process	11
13.	Secrecy obligations	14
14.	Dealing with hearing material	14
15.	Draft Report	15
16.	Final Report	15
	Glossary	16
	Appendix A – usual Committee process	18

1. Introduction

The Professional Services Review (PSR) is established under Part VAA of the *Health Insurance Act 1973* (the Act). PSR's object is to protect the integrity of Medicare benefits, dental benefits and pharmaceutical benefits programs.

If a person is referred to PSR, they are referred to as a 'person under review' (PUR). A PUR may be:

- a practitioner who renders or initiates services
- a person who employs or otherwise engages a practitioner who renders or initiates services or
- a body corporate who employs or otherwise engages a practitioner who renders or initiates services.

A PUR will generally have their matter considered by the Director of PSR (the Director's stage of the review process). In finalising their review, the Director may refer the PUR to a PSR Committee for investigation. PSR Committees may conduct private hearings to assist their investigation.

This document is to assist persons participating in PSR Committee hearings to understand the process and how to prepare. It includes a diagram at **Appendix A** to show the usual Committee process.

This document is designed to assist efficient and effective hearings and does not prevent a PSR Committee from making decisions about how a hearing is conducted or run.

There is a glossary at the end of this document, which explains many of the terms used. Further information can be found at the PSR website www.psr.gov.au.

This document is published as part of PSR's operational information under the Information Publication Scheme established under Part II of the *Freedom of Information Act 1982*.

2. Referral to a Committee

Matters referred to PSR are generally reviewed by the Director. After review, the Director may refer a PUR to a PSR Committee if the Director has *not* formed the view that there are insufficient grounds upon which a Committee could reasonably find that the PUR engaged in inappropriate practice.¹

The Director's referral to a Committee is usually titled 'PSRC Referral No ...' followed by the relevant matter number. The referral includes an instrument of appointment, which appoints the Committee members, and a report by the Director made under section 93 of the Act.

The referral outlines the Director's concerns about the PUR's conduct in connection with certain services. This may include services rendered or initiated as particular Medicare Benefits Schedule (MBS) items or Child Dental Benefits Schedule (CDBS) items. It may also include concerns

¹ Section 93.

relating to the PUR's prescribing of certain Pharmaceutical Benefits Scheme (PBS) medications. The list of services referred to the Committee are the 'referred services'.

The Committee's role is to consider and determine whether the PUR engaged in inappropriate practice in providing the referred services during the review period.

3. Challenging the appointment of a Committee member

A referral to a Committee identifies at least three Committee members who are appointed by the Director:

- A Chair, who is a Deputy Director of PSR and must be a member of the PUR's profession
- Two other Committee members, who are members of the PUR's profession or specialty (in most cases).

Sometimes up to 2 additional Committee members may be appointed. Any person who the Director consulted as part of their review process is not permitted to be appointed to the Committee.²

The PUR may challenge the appointment of a Committee member on the grounds that the member is biased or is likely to be biased, or is likely to be thought on reasonable grounds to be biased.³

A challenge must be made to the Director in writing and explain why the Committee member may be biased. The PUR has 7 days from when they receive a copy of the referral to the Committee to challenge the appointment of a Committee member.

If the Director thinks the challenge is justified the Director must revoke the appointment and appoint another Committee member. A similar challenge may also be made in respect of the replacement Committee member.

A PUR is protected from civil or criminal action for any statement made or information given in good faith to the Director in connection with a challenge to an appointment.⁴

4. The Committee's inquiry

Shortly after the referral has been made, the Committee holds a private meeting at which it considers the referral and decides whether to start an inquiry into the PUR's provision of the referred services. If it decides to start an inquiry, the Committee will schedule proposed hearing dates and advise the PUR of those dates. Generally, the dates will not be vacated unless the Committee decides a hearing is not required or circumstances exist that would make it

² This applies to any person engaged by the Director as a consultant under section 90.

³ Section 96.

⁴ Subsection 96(7).

unreasonable to require the PUR to attend on those dates. The Committee will consider any request to vacate the dates on a case-by-case basis.

For the purposes of its inquiry, the Committee may seek Medicare billing data or samples of MBS, CDBS or PBS services from the Chief Executive Medicare, and issue 'notices to produce' to obtain patient records and other relevant material (see further information regarding notices at [heading 5](#) below).⁵

After considering the material obtained during its inquiry, the Committee will consider whether the PUR may have engaged in inappropriate practice in providing the referred services. If the Committee thinks the PUR may have engaged in inappropriate practice, it must hold a hearing.⁶ If the Committee does not think that the PUR may have engaged in inappropriate practice, it will issue a report without findings of inappropriate practice, and no further action is taken.

5. Notices to produce

The Committee may issue notices to produce to the PUR or to other persons or entities that may have possession, custody or control of any relevant documents, which may include the patient records relating to referred services.⁷ The notices will include information about how the documents are to be produced and the date when they are due.

When issuing a notice to produce, the Committee is likely to require the full medical record for patients to whom the referred services were provided. This enables the Committee to gain a clear understanding of services provided during the review period. For example, information from the patient record outside of the review period:

- shows the Committee information about the patient which was available at the time of service during the review period
- puts the service in the context of the patient's medical history and courses of treatment.

The Committee may also issue notices to produce for documents other than patient records. What materials will be relevant will depend on the facts of a particular case.

A notice to produce will provide at least 14 days for the requested materials to be provided. The Committee may issue notices to produce at any time.

A person cannot refuse to produce documents required by a notice to produce on the ground that the production of the documents might tend to incriminate them. However, the documents cannot be admitted into evidence against that person in any criminal proceedings (other than proceedings for producing false or misleading documents) or any civil proceedings (other than those before the Committee or the Determining Authority).⁸

⁵ Section 105A.

⁶ Section 101.

⁷ Section 105A.

⁸ Section 106ZPQ.

Non-compliance with a notice to produce can have serious consequences. For practitioners, failure to comply with a notice to produce can include disqualification from Medicare and billing under the CDBS.⁹ For persons who are not practitioners, non-compliance with a notice to produce is an offence and the penalty is 30 penalty units.¹⁰

6. Scope of the Committee's investigation

An investigation by the Committee commences at the hearing. The investigation is limited to the PUR's conduct in connection with the rendering or initiation of the referred services.

The Committee may limit the scope of the investigation by deciding not to investigate some of the referred services. The Committee will notify the PUR if it does this.

Committee members will read the Director's referral and examine the patient records and other material before the hearing. The Committee members may gain some initial impressions from that material, which may raise questions in their mind concerning the referred services. The hearing provides the Committee with an opportunity to ask the PUR those questions. It also gives the PUR the opportunity to explain their provision of the referred services and the context in which they were provided.

7. Legal representatives, advisers and support persons

PURs are encouraged to be represented at hearings by a legal practitioner. Most professional indemnity insurers provide legal assistance to PURs under their insurance policies. These lawyers are experienced in the PSR process and can assist and advise the PUR throughout the PSR process, including at Committee hearings. A PUR may also approach any legal adviser of their choosing for assistance or representation.

A lawyer accompanying the PUR may give advice to the PUR, address the Committee on questions of law during the hearing and give a final address to the Committee at the end of the hearing. However, the PUR is responsible for answering the Committee's questions and giving evidence. A lawyer engaged by a PUR will also be the point of direct correspondence with PSR for all arrangements relating to the hearing.

While the Act provides that a PUR is entitled to have a lawyer *or* an adviser accompany them to the hearing, Committees usually permit an adviser to be present as well as a lawyer. Committees usually also permit a support person to be present if this is required.

⁹ Section 106ZPM.

¹⁰ Section 106ZPN.

Any person accompanying a PUR at a hearing, other than a lawyer, will be required to sign a confidentiality notice. This notice requires the person to acknowledge the secrecy laws that apply to Committee proceedings.

The continuing presence of any person in the hearing is at the discretion of the Chair of the Committee.

8. Notice of hearing and summonses

A notice of hearing will be provided to the PUR at least 14 days before the day of the proposed hearing.¹¹ The notice will generally require the PUR to attend the hearing and include the dates, time, and place of the hearing. Hearings are usually held in the State or Territory capital city most convenient to the PUR.

If the PUR is a body corporate, the notice may require the body corporate to cause an executive officer of the body corporate to appear at the hearing and give evidence on behalf of the body corporate.

The Committee also has a power to summon other persons to attend a hearing to give evidence and produce documents.¹² Failure by a witness to appear at a hearing following a summons is an offence and the penalty is 20 penalty units.¹³

PURs are required to give evidence and answer questions at a Committee hearing. However, the PUR is not required to answer a question if the answer to the question might tend to incriminate them and the Committee believes that the answer might tend to do so.¹⁴

Failure by a PUR to appear at a hearing or give evidence

There can be serious consequences if a PUR fails to appear at a hearing when required to do so by a notice of hearing, or appears but refuses to give evidence or answer questions:

- For PURs who are practitioners, the PUR may be disqualified from receiving Medicare or dental benefits.¹⁵ If that occurs, the PUR will be fully disqualified until the end of the hearing when they have answered every question the Committee requires them to answer.¹⁶
- For PURs who are not practitioners, the penalty is 30 penalty units for an individual and 150 penalty units for a body corporate.¹⁷

If a PUR fails to attend a hearing as required by a notice of hearing, the Committee may proceed with the hearing in the PUR's absence.

¹¹ Section 102.

¹² Section 106B.

¹³ Section 106D.

¹⁴ Subsection 104(6).

¹⁵ Section 104.

¹⁶ Subsection 104(4).

¹⁷ Section 105AA.

If a PUR notifies the Committee that they are unwell and cannot attend a hearing day, the Committee may require the PUR to undergo an independent medical examination. If the results of the examination indicate that the person has a medical condition preventing them from appearing or giving or answering questions, the PUR cannot be disqualified from Medicare or the CDBS and the Committee cannot proceed with the hearing in the PUR's absence.

If a PUR is a body corporate with only one executive officer, it is not an offence for the officer to fail to attend a hearing if:

- before the hearing takes place, the executive officer notifies the Committee that the officer has a medical condition preventing them from appearing or giving evidence or answering questions, and
- the officer has complied with any reasonable requirements of the Committee that the officer undergo medical examination, and
- the results of the examination indicate that the officer has a medical condition preventing them from appearing or giving evidence or answering questions.

9. Preparing for the hearing

Hearings are usually scheduled in two-day blocks at least a week apart. Hearings can sometimes be stressful and tiring, and having periods of time between hearing days is often beneficial for all involved.

The Committee will provide the PUR with a copy of the patient records in PDF which it will refer to during the hearing. This will usually occur some weeks before the hearing. Staff at PSR will have bookmarked and tagged the records relating to the services to be examined by the Committee at the hearing. 'Tagging' the records refers to identifying the date of service and bookmarking assists with navigating to entries relating to the date of service. Further instructions on navigating the records are provided when the PDF documents are given to the PUR.

It is important the PUR carefully examines the documents to become familiar with them before the hearing. The PUR should understand how to navigate the documents using the Adobe Acrobat Reader program,¹⁸ and be prepared to answer questions from the Committee members at the hearing, particularly in relation to the tagged entries in those records.

The PUR should also consider whether there is any additional material or submissions they would like to tender as evidence for the Committee to consider. Each Committee will set requirements as to when such material is required to be provided, but generally any such material will be required to be provided to the Committee at least a fortnight before the first hearing date. The PUR should also consider whether they intend to call any witnesses and advise the PSR lawyer at least a

¹⁸ Adobe Acrobat Reader can be downloaded for free from www.adobe.com/au/acrobat/pdf-reader.html. The Committee members will be using that software program. While other pdf reader programs are available, it is more efficient if all participants at the hearing use the same software to view the documents from their laptops. Adobe Acrobat Reader enables the effective use of the bookmarking and tagging that has been done by PSR staff to assist the PUR and the Committee.

fortnight before the first hearing date or a period directed by the Committee (see more information under [heading 11](#) below).

10. Attending and participating in a hearing

This section outlines what usually occurs during a PSR Committee hearing. However, the conduct of each hearing is within the discretion of the Committee.

Hearings are generally held in conference rooms. There will be one room for the hearing and an additional private room for the PUR and their legal adviser to use before, after, and during breaks in the hearing.

Hearings usually begin at 9:30am and it is expected that the PUR will be ready to commence at that time.

A PSR staff member assisting the Committee will usually invite the PUR and their lawyer into the hearing room shortly before the scheduled start time so they can set up their laptops and be ready to commence at the starting time.

Committees usually adjourn for a morning tea break at 11am and resume the hearing at 11:30am, then adjourn for lunch at 1pm and resume the hearing at 2pm. The hearing usually ends each day at about 4:30pm. The Committee may take other breaks during the day as required.

When the Committee adjourns for a break in the hearing, the PUR and anyone accompanying them are required to leave the hearing room for the period of the break. As noted above, they will have access to a private room for this time.

The length of the hearing depends on a range of factors including the number of MBS, CDBS or PBS items being investigated. Where only one item is being investigated, the hearing will generally last for two days. Hearings typically last for more than two days where more items are being investigated.

The usual arrangement in the hearing room is that the Committee members will sit at a long table opposite to a separate table where the PUR and their lawyer sit. If others are accompanying the PUR, they may also sit at that table or in seats close by. To one side will be a sound recording technician who is responsible for making a transcript of the proceedings, and on another side will be two PSR lawyers.

PSR lawyers assist the Committee to ensure that the hearing is conducted lawfully and fairly. PSR lawyers will also liaise with the PUR's lawyer (or with the PUR if unrepresented) in relation to any administrative or procedural matters on behalf of the Committee.

11. Witnesses

Subject to any reasonable limitations or restrictions that the Committee may impose, the PUR is entitled to call witnesses to give evidence (other than character evidence).¹⁹

If a PUR intends to call a witness, it is important this is discussed with the PSR lawyer as soon as possible and in most cases no later than a fortnight before the hearing. This will ensure the subject matter and purpose of the witness's proposed evidence is understood by the Committee. It will also enable an appropriate time to be allocated for the witness to give evidence during the scheduled hearing days.

The Committee will usually require that it be given a written statement of the evidence that the witness will give at least a week before the hearing.

The PUR is responsible for any fees for witnesses they call to give evidence.²⁰

A Committee has the power to call a witness to give evidence using the summons power set out in heading 0 above.

12. Hearing process

While each hearing is different and ultimately how a hearing progresses is a matter for each Committee to determine, most hearings follow a similar course.

The Chair of the Committee will open the hearing with an explanation of how the Committee intends to proceed at the hearing. The documents to be considered by the Committee will be formally taken into evidence and given exhibit numbers. Relevant documents that the PUR wishes to put into evidence may also be taken into evidence at that time. There will also be opportunities throughout the hearing to put other documents into evidence if they are considered relevant.

The PUR will then be asked to take an oath or affirmation before giving evidence to the Committee. Generally, the Committee's legal adviser will confirm with the PUR whether they intend to give evidence under oath or affirmation prior to the hearing. More information can be found in PSR's Guide to oaths and affirmations published on our website.

PURs who are practitioners

The Committee Chair will usually commence questioning the PUR by asking some background questions about their professional training, experience and clinical practice. In order to better understand the context in which services were provided during the review period, the Committee may ask about the practices in which the PUR worked at that time, for example:

- how they operated

¹⁹ Section 103.

²⁰ Subsection 103(5).

Information for participants at PSR Committee hearings

- the physical layout of the consulting and treatment rooms
- the types of patients that attended
- the practice software that was used
- the billing systems and procedures
- the nature, number, roles and scope of practice of other staff at the practice locations.

The Committee may ask questions of the PUR such as whether they have any particular specialisation or interests, their usual hours of work during the review period, whether particular types of services were rendered on particular days or at particular locations, what assistance they received from practice staff or other practitioners in providing services, and their understanding during the review period of the particular item numbers that they claimed.

The Committee will then usually question the PUR in relation to particular services which are the subject of the investigation. For each item number being investigated, there will be a list of services to be examined.

Usually, questioning in relation to particular services proceeds in the following manner:

- A Committee member will confirm with the PUR that the tagged entry that has been bookmarked in the patient record is the entry they made for the selected service.
- The member may ask whether the PUR has an independent recollection of that particular service. It is not expected that a PUR will necessarily have an independent recollection of any service, but sometimes a PUR does recall a specific service. More commonly, the PUR will have a recollection of the patient and might give more detail about the content of the service or clinical history of the patient than is recorded in the entry for that service.
- The PUR might be asked to explain what is written and what the clinical content of the service included (either based on the content of the record or what their usual practice is), such as the history taken, examinations performed, observations made, findings, diagnosis, management plan, clinical indications for services performed or initiated on that occasion, and other relevant matters related to the provision of the service.

After hearing the PUR's responses to those questions, a Committee member may ask other questions. The member may have initial concerns regarding the PUR's conduct in connection with the rendering or initiation of the service. If so, the member will state those concerns and invite the PUR to respond to them. The concerns that are expressed do not mean that the member has formed a view about those matters or even that such concerns on their own might amount to inappropriate practice. The purpose of expressing any concerns is to give the PUR the opportunity to respond to the concerns. The PUR's response may assist the Committee to consider whether the PUR's conduct would be unacceptable to the general body of the PUR's profession or specialty.

Once the Committee member has finished their questioning in relation to that service, the member will invite the other Committee members to ask any other questions or express any other concerns that those members might have regarding that particular service, and then invite the PUR to respond.

This mode of questioning will usually continue for each service in each list for each item in the referred services under investigation.

PURs who are not practitioners

The hearing process may be different when the PUR is not a practitioner. The process may also differ depending on whether the PUR is an individual or a body corporate. It may also be conducted differently depending on how many practitioners provided the referred services. The Committee will tell the PUR the process it intends to adopt prior to the hearing.

At the end of the hearing

After the Committee members have completed their questioning in relation to every service, the Committee will invite the PUR and the PUR's lawyer to make a final address to the Committee on questions of law, the conduct of the hearing, and the merits of the matters to which the hearing relates.²¹

On occasion, PURs and their lawyers ask Committees whether they may make a written final address or submission instead of giving it orally. Committees are usually receptive to such requests as long as the final address is provided by an agreed date.

After the hearing has been completed and the PUR and their lawyer have been given the opportunity to make their final addresses, the Committee members will deliberate and decide whether they should make preliminary findings of inappropriate practice.

If preliminary findings are made in relation to particular services, it is at this point that the Committee usually decides whether it intends to use the sampling methodology (where the class size permits) by which findings may be extrapolated to a class of services.²² This means that if the Committee examined a random sample of at least 25 from a class of services, it can extend its findings of inappropriate practice to a statistically significant proportion of all services provided in the class during the review period.

If the sampling methodology is applied, the maximum amount of MBS or CDBS benefits a PUR could be required to repay under a direction by the Determining Authority (see [heading 16](#)) may be calculated by reference to the total amount billed for all services in the class examined during the review period.

The Committee will then proceed to prepare its Draft Report (see [heading 14](#) for further information on Draft Reports).

²¹ Section 103.

²² Section 106K.

13. Secrecy obligations

A Committee hearing usually involves a detailed investigation of patient records and questioning of the PUR. Given the detailed and very sensitive nature of the personal information disclosed during a hearing, the Act requires that Committee hearings be held in private.²³

Additionally, it is a criminal offence to disclose to another person:

- any of the deliberations or findings of a Committee
- any information or evidence given to a Committee in the course of its deliberations,

unless the disclosure is required or permitted under the Act or Dental Benefits Act, or is necessary in connection with the performance of the functions or duties under the Act or Dental Benefits Act.²⁴

This does not prevent a person from making a disclosure to a lawyer for the purpose of obtaining legal advice or representation relating to a matter involving the deliberations or findings of a Committee.²⁵ It also does not prevent a lawyer from complying with a legal duty of disclosure arising from their professional relationship with a client.²⁶

The secrecy provisions apply to PSR staff and Committee members as well as anyone else who attends a hearing or has access to any deliberations, findings, information, or evidence given at a Committee hearing. The obligation to keep this information secret continues forever. Most notably the Committee's Draft Report and Final Report are covered by these provisions and may not be disseminated other than in accordance with the Act.

14. Dealing with hearing material

If a document is produced to a Committee for the purposes of its inquiry or investigation, the Committee is entitled to take possession of it and retain it for as long as is necessary for the purposes of its investigation.²⁷ The Committee may take a copy of it, make an extract of it, and convert it to a PDF document with bookmarks and tags.

In addition, the power to retain a document includes the power to submit it for forensic testing of any kind, or deal with it in any other lawful way, which serves the purposes of its investigation and does not cause the destruction of the document.

Because of the highly sensitive nature of material used at Committee hearings, anyone who has such material must take special care to ensure it is safely and securely stored, and is not available to anyone who is not entitled to access it. Failure to take steps to take care of hearing material

²³ Subsection 98(2).

²⁴ Subsection 106ZR(1).

²⁵ Subsection 106ZR(4) defines 'lawyer' in this context to be a barrister or solicitor. That is, they must be receiving the information in their professional capacity as a registered practicing lawyer.

²⁶ Subsection 106ZR(3).

²⁷ Subsection 105A(6).

such that a third-party gains access to it may amount to disclosure and constitute a criminal offence.²⁸

15. Draft Report

The Committee will prepare a Draft Report setting out any preliminary findings of inappropriate practice. If no preliminary findings of inappropriate practice are made, the Draft Report becomes the Final Report.²⁹

If a Draft Report does contain findings of inappropriate practice the PUR will be given at least one month to make written submissions suggesting changes to the Draft Report.³⁰

16. Final Report

After taking into account any submissions from the PUR, the Committee will prepare its Final Report.³¹

The Final Report cannot contain any findings of inappropriate practice that were not included in the Draft Report.³²

The Committee will give a copy of the Final Report to the PUR and to the Director of PSR.³³

At least one month after a copy of the Final Report has been given to the PUR, the Committee must give the Final Report to the Determining Authority.³⁴ The purpose of this one month period is to give the PUR the opportunity to make an application to the Federal Court to seek judicial review of the Final Report and to enable the seeking of an injunction to prevent the Committee from providing it to the Determining Authority. An application to the Court under the *Administrative Decisions (Judicial Review) Act 1977* must be made within 28 days of receipt of the Final Report.³⁵

Unless an injunction is obtained, or the Final Report is set aside by the Federal Court, it will be given to the Determining Authority, which will then commence its processes leading to a Final Determination.³⁶

²⁸ Section 106ZR.

²⁹ Section 106KE.

³⁰ Subsection 106KD(3).

³¹ Section 106L.

³² Subsection 106L(1B).

³³ Paragraph 106L(3)(a).

³⁴ Paragraph 106L(3)(b).

³⁵ Paragraph 11(1)(c) and subsection 11(3) of the *Administrative Decisions (Judicial Review) Act 1977*.

³⁶ Sections 106TA and 106U.

Glossary

CDBS	Child Dental Benefits Schedule
Committee	A body established by the Director PSR under section 93 of the Act.
Confidentiality notice	A form to be signed by persons attending a Committee hearing (other than the PUR and their legal representative) acknowledging the secrecy laws that apply to Committee proceedings.
Dental Benefits Act	<i>Dental Benefits Act 2008</i> (Cth)
Director	The head of PSR, appointed by the Minister for Health and Aged Care under section 83 of the Act.
Draft Report	The first report issued by the Committee under section 106KD of the Act. This report may contain preliminary findings of inappropriate practice. If there are no preliminary findings of inappropriate practice, the Draft Report is taken to be the Final Report and no further action is taken.
Final Determination	The final decision of the Determining Authority made under section 106TA of the Act. The Final Determination will include details of any sanctions imposed as a result of any findings of inappropriate practice by a Committee.
Final Report	The final report issued by the Committee under section 106L of the Act. This report may contain findings of inappropriate practice.
Findings	A finding of inappropriate practice may lead to sanctions imposed by the Determining Authority.
Hearing	Sessions before the Committee where the PUR is required to answer questions and give evidence.
Inappropriate practice	<p>As defined in section 82 of the Act. In general terms, a practitioner engages in inappropriate practice if the practitioner's conduct in connection with rendering or initiating services is such that a Committee could reasonably conclude that the conduct would be unacceptable to the general body of the practitioner's profession or specialty.</p> <p>A practitioner also engages in inappropriate practice if they render services which constitute a prescribed pattern of services (80 or more relevant services on 20 or more days in a 12-month period).</p> <p>A person engages in inappropriate practice if they: (a) knowingly, recklessly or negligently cause or permit a practitioner employed or otherwise engaged by the person to engage in inappropriate practice (b) are an officer of a body corporate and knowingly, recklessly or</p>

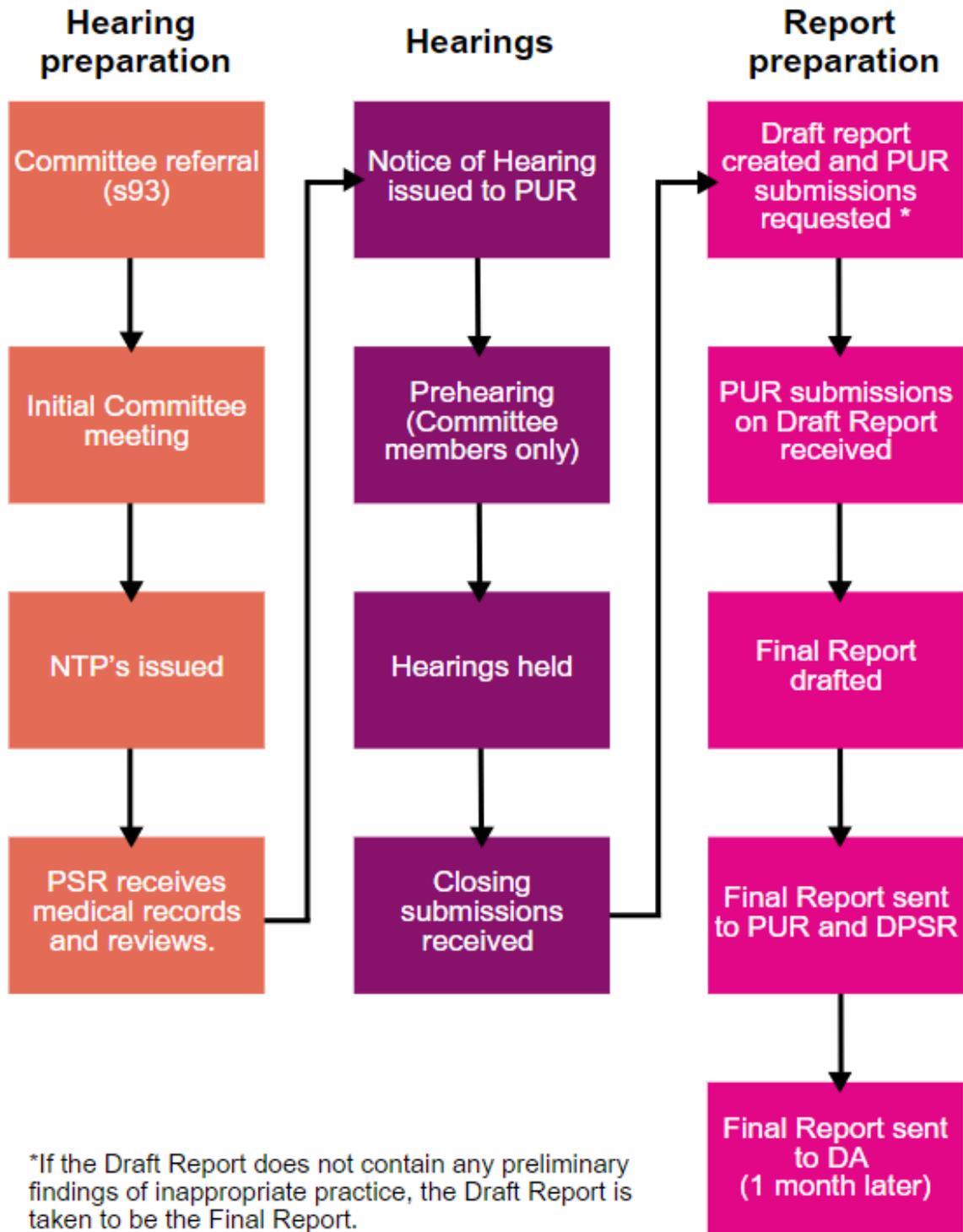
OFFICIAL

Information for participants at PSR Committee hearings

negligently cause or permit a practitioner employed or otherwise engaged by the body corporate to engage in inappropriate practice.

Inquiry	At the beginning of the Committee process, the Committee holds a private meeting at which it considers the referral and decides whether to embark on an inquiry into the PUR's provision of the referred services. The Committee may obtain billing data from the Department of Health and Aged Care and patient records to inform its inquiry.
Investigation	After undertaking an inquiry, if it appears to the Committee that the PUR may have engaged in inappropriate practice in providing the referred services, the Committee must hold a hearing to undertake its investigation. The investigation is to determine whether the PUR engaged in inappropriate practice.
MBS	Medicare Benefits Schedule
Notice of hearing	A document issued under section 102 of the Act setting out the time, date and location of the hearing which the PUR is required to attend.
Notice to produce	A document requiring the production of documents or the giving information made under section 105A of the Act.
PBS	Pharmaceutical Benefits Scheme
Preliminary findings	Initial findings outlined in the Draft Report.
PSR	Professional Services Review
PUR	Person under review
Referred services	The services referred by the Director PSR to the Committee in the referral document.
Review period	The 12-month period under review, as outlined in Medicare's request to the PSR for review.
Sampling methodology	Methodology outlined in Health Insurance (Professional Services Review – Sampling Methodology) Determination 2017. The sampling methodology allows findings of inappropriate practice to be extrapolated to a class of services.
Summons	A document issued by the Committee under s 106B of the Act which requires a person to appear at a hearing to give evidence and produce documents.
The Act	<i>Health Insurance Act 1973</i>

Appendix A – usual Committee process





www.psr.gov.au