

# **Avant Mutual Group Limited**

## **Submissions**

### **Proposed National Registration & Accreditation Scheme**

#### **Data Access and Research Policy**

#### **1. Avant**

Avant Mutual Group Limited (**Avant**) is Australia's leading Medical Defence Organisation and one of Australia's leading mutuals, offering a range of insurance products and expert legal advice and assistance to over 60,000 medical and allied health practitioners and students in Australia. Our insurance products include Medical Indemnity Insurance for individuals, practices and private hospitals and private health insurance, which is offered through our subsidiary The Doctors' Health Fund Pty Limited.

We also provide extensive risk advisory and education services to our members as well as access to medico legal assistance via our Medico-Legal Advisory Services. We have offices throughout Australia providing personalised support and rapid response to urgent medico-legal issues.

#### **2. Proposed Data Access and Research Policy**

The Australian National Registration & Accreditation Scheme has been regarded internationally as innovative and Australians are seen as leaders in the health regulatory field. Comprehensive national data collected under the National Scheme is "*extremely valuable*" and can "*shed light on important questions relevant to the health and care of Australians*"<sup>1</sup>. Avant supports a data access and research policy and endorses in general the different pathways for simple and complex requests, particularly the emphasis within the proposed policy of protecting individual health practitioner's rights.

#### **3. Balancing Act**

It is essential to establish a framework to respond to data access and research requests to comply with the requirements of the National Law and to have a process to assess the risks and benefits which flow from such requests. We accept that one of the fundamental issues in data access is the balancing act between protecting the rights of the individual and the intrinsic value of research.

Avant supports the Policy being explicit as to what AHPRA will not release such as protected information that identifies individual practitioners. Furthermore, we note that AHPRA will not release the individual practitioner's postal addresses or email details.

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<sup>1</sup> Draft Data access and research policy 22/3/2013 4-5

In AHPRA's annual report 2011/2012, Martin Fletcher, Chief Executive Officer of AHPRA, was quite clear in his message, that the goal was to increase the effectiveness and value of the National Scheme. Avant submits that data access and research will be able to provide evidence of increased effectiveness and value of the National Scheme not only in relation to strengthening uniformity and consistency within the National Scheme, but also in providing valuable data on the health and care of Australians.

#### **4. Recommendations**

The Data Access and Research Policy must fit within the National Law's guiding principles of transparency and fairness, but taking into account the importance of ensuring the privacy of individual practitioners. On that basis:

- Avant agrees with the recommendation that AHPRA should not release postal addresses, email addresses, phone numbers and any other potentially identifiable information. We support the DARC to strictly control this process.
- Avant recommends that AHPRA CEO should be required under the policy to provide reasons for his decision to approve or decline a request. As indicated in the Policy, the DARC will take into account a range of considerations, including, but not limited to what is set out in the Policy paper. The DARC will then make a recommendation to the AHPRA CEO for final approval, with a copy to all relevant National Boards. As with data access requests, the reasons should also be published in the annual report.
- Avant recommends that there should be a process of review of data access requests that have been declined. The review process should set out in specific detail what the Applicant's review rights are and what process will take place.
- An appeal process which flows from the AHPRA CEO's decision should also be set out in the Policy. In addition to the two pathways currently under the policy (the simple request pathway and the complex request pathway), there should be a review/appeal pathway.

#### **5. Conclusion**

In March 2011 the Agency Management Committee considered that one of the strategic priorities between 2011-2014 was to foster community and stakeholder engagement with Health Practitioner Regulation and to use data to monitor and improve policy advice and decision-making.

Avant supports having a workable data access and research policy is essential to implementing these two key strategic priorities.

However, fundamental to this policy is ensuring appropriate privacy protection and in Avant's view the proposed policy appropriately balances the need to provide data where it is in the public interest to do so, and protection of the privacy of individual practitioners.

Avant looks forward to working in partnership with AHPRA in relation to the use of the National Scheme's valuable data for research and statistical analysis.

**Avant contact details**

Should you have any further queries in relation to this submission, please contact:

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