

Legal Issues for Surgical Audit

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Context



- > Quality and Safety
- > MBA / RACS CPD



Issues



- > Confidentiality of doctor
- > Privacy of patient
- > Fear of litigation
- > Credentialing



“Qualified Privilege” Protection



- > Commonwealth
- > College Programs
 - > ASERNIPS
 - > VASM
- > Statutory confidentiality – criminal offence
- > Immunity from subpoena – (serious issue – Minister’s consent)
- > Credentialing – “natural justice”



Natural Justice



- > Objective – criteria assessment
- > Relevant – material considered
- > Opportunity – to be heard
- > Notice – of adverse material
- > Bias – impartial
- > Appeal – review mechanism



Protection from defamation



- > Comments and reports through proper process
- > Exception for “malicious” comments



Privacy Legislation Patient Information



- > Consent
- > Privacy Statement



QUESTIONS



Disclaimer



The information contained in this presentation is intended as general commentary and should not be regarded as legal advice. Should you require specific advice on the topics or areas discussed please contact the presenter directly.



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