

NSW Ministry of Health, Legal & Regulatory Services – Comment Template

| | |
|------------------------------|---|
| DOCUMENT TITLE: | Consent Manual |
| DOCUMENT NO: | V1 |
| CLOSING DATE: | 15.12.14 |
| ENQUIRIES: | Blaise Lyons, Principal Legal Officer, telephone: 9391 9612, email: blyon@doh.health.nsw.gov.au Louise Sinclair, Senior Legal Officer, telephone 9424 5781, email: lsinc@doh.health.nsw.gov.au |
| COMMENTS PROVIDED BY: | Australian Physiotherapy Association |
| General Comments: | Terms “Medical Practition” and “Health Care Practitioner” are defined clearly in definitions and there are areas of the document when each of these entities need to be separated. There are other areas of the document however where the term Medical Practitioner is used where both would apply, which could lead to ambiguity (best example is section 2.5 where this happens frequently). Section 3.7 does state “Any other health care practitioner who performs procedures on patients, such as physiotherapists, speech pathologists, occupational therapists, also have the same obligations when obtaining consent for the procedures which they are authorised to perform” however this does not necessarily remove ambiguity of these sections |

Specific Comments

| Section/ Page Number | Comment | Suggested Inclusion / Text / Amendments/ Other |
|---|--|--|
| 1.3 Legal and Legislative Framework p.9 | No Weblinks are available for this section | Include weblinks to all Legislation, National Standards, Policies and Guidelines |
| 1.3 Legal and Legislative Framework p.9 | Include Crimes Act reference for ‘assault’ and ‘battery’ information | http://www.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s61.html http://www.judcom.nsw.gov.au/publications/benchbks/criminal/assault.html |

| | | |
|---|---|---|
| 2.6 Can information be withheld from the patient? P.21 | These issues affect health care professionals as well as medical practitioners. | Include 'Health care professionals' as well as 'medical practitioners' in this section |
| 4. REFUSAL OF TREATMENT p.32 | These issues affect health care professionals as well as medical practitioners. | Include 'Health care professionals' as well as 'medical practitioners' in this section |
| 4.2.1 What is an advance care directive? | 'There is no standard form of template for an ACD in NSW, although there are several documents in use.' 'An ACD does not need to be in a particular format...' | Suggest provide links to the 'several documents in use.' Suggest expand to provide details of types of formats that would be likely to be dealt with my health professionals |
| p.34 | Consultation comment: ACD | Support the inclusion of <i>Advance Care Planning and End of Life Decisions for People with a Mental Illness</i> document link |
| 4.5 p. 37 When can a medical practitioner refuse to treat a patient? | These issues affect health care professionals as well as medical practitioners. | Include 'Health care professionals' as well as 'medical practitioners' in this section |
| p.38 | Consultation comment: PATIENTS WHO DO NOT HAVE CAPACITY | A flowchart would be helpful |
| p.65 8 CONSENT TABLE – QUICKFINDER | No hyperlinks to sections | Include hyperlinks to relevant sections |