



The Secretary  
Department of Health and Human Services  
Secretary Michael Pervan

16 July 2018

## **Response to Regulatory Impact Statement**

Dear Secretary Pervan,

Moreton Group Medical Services welcomes the introduction of regulations to govern providers of Non Emergency patient Transport Services within Tasmania. The sector has for too long been able to operate with little training or oversight, the proposed changes will, once refined, offer a suitable framework to ensure patient safety and bring all providers in line with the conditions already placed on Moreton Group Medical Services Licence.

Moreton Group Medical Services entered the Non Emergency Patient Transport market in 2016 and was granted licence No.6 on 09/03/2016. The decision to enter the market was centred on the premise that there was room for improvement and competition in the market. Our staff and management at the time of entering the market were all Ambulance Tasmania, Volunteer Ambulance Officers, who, through their volunteering, were provided with unique insight into the health system in Tasmania.

In early 2016 Moreton Group Medical Services were successful in tendering through Primary Health Tasmania to provide after hours medical access to vulnerable Tasmanians. Our program, that has since had its contracted term extended, takes a General Practitioner out to some of the most vulnerable Tasmanians in the Hobart area and provides free access to the GP. The program's aim is to increase access to GPs to a sector of the community that would otherwise be presented with barriers to accessing healthcare and subsequently our service reduces unnecessary presentations at the Royal Hobart Hospital.

The process for obtaining a Non Emergency Patient Transport Licence was not transparent with missing information being presented as requirements regarding the vehicle fit out, protocols and livery. This had an economic impact on Moreton Group Medical Services through being forced to comply with requirements that were subsequently found to be not required.

The licence conditions imposed on Moreton Group Medical Services differed greatly to those imposed on other providers, specifically regarding training requirements. Whilst as an organisation we agree with the levels of training required under our licence, this has put Moreton Group Medical Services at a financial disadvantage as well as reducing our ability to expand. We have not had transparency regarding the specific conditions imposed on other providers and how they differ from our conditions despite being told that they would be amended to match our conditions. This has created a two-tiered system where we are competing against providers who have dramatically different requirements and subsequent input costs.



My background includes a bachelor of Government and Public Management, working as a Ministerial Advisor, drafting legislation and enforcing legislation. I have focused my response to the draft regulations from the view of practical application of the regulations in the Non Emergency Patient Transport environment.

Moreton Group Medical Services began with the aim to be the leading provider of Non Emergency patient Transport services throughout Tasmania and is committed to the provision of safe, affordable and flexible Non Emergency Patient Transport. It has been demonstrated through our policies, procedures, words and actions that we are the leading provider of Non Emergency Patient Transport Services within Tasmania.

I trust that my response to the regulations proves useful in ensuring that the final regulations are a workable solution to ensure the safety of patients and provide confidence to the community in the sector.

With respect, we tender the following Response to Regulatory Impact Statement.

**Robert Moreton**  
Managing Director  
Moreton Group Medical Services



## Response to Regulatory Impact Statement and Draft Regulations

Section/Part	Text	Comment
Part 1 – Preliminary	<p>acute, in relation to a person’s medical needs, means that –</p> <p>(a) the medical needs, or the symptoms of those medical needs, are a result of a severe injury, an episode of illness, or a medical condition; and</p> <p>(b) the medical needs, or symptoms, require active but short-term medical treatment or care; and</p> <p>(c) a registered health care professional with specialist expertise is required to treat, or care for, the medical needs or symptoms;</p>	<p>The definition of Acute requires (a), (b), and (c) to apply.</p> <p>Specifically (c) requires that a registered health care professional with specialist expertise is required to treat, or care for, the medical needs or symptoms.</p> <p>Tasmania Ambulance Service has over 500 Volunteer Ambulance Officers who will not be registered health care professionals. These Volunteer Ambulance Officers can respond without paid staff members to emergencies and provide specialist expertise that is required to care for, the medical needs or symptoms of patients.</p> <p>Further it is believed that the terminology is registered health care practitioner</p> <p>Registered health practitioner (s. 5)</p> <p>An individual who:</p> <ol style="list-style-type: none"> <li>1. is registered under the National Law to practise a health profession, other than as a student, or</li> <li>2. holds a non-practising registration in a health profession under the National Law.</li> </ol> <p><a href="http://www.ahpra.gov.au/Support/Glossary.aspx#P">http://www.ahpra.gov.au/Support/Glossary.aspx#P</a></p>
<p>Recommendation:</p> <p>Wording for this part be amended to in section (b) strike out the word ‘and’ and replace with the word ‘or’ and to strike out the word ‘professional’ and replace with the word ‘practitioner’</p> <p>to read</p> <p><b>acute</b>, in relation to a person’s medical needs, means that –</p> <p>(a) the medical needs, or the symptoms of those medical needs, are a result of a severe injury, an episode of illness, or a medical condition; and</p> <p>(b) the medical needs, or symptoms, require active but short-term medical treatment or care; <b>or</b></p>		



<p>(c) a registered health care <b>practitioner</b> with specialist expertise is required to treat, or care for, the medical needs or symptoms;</p>		
Part 1 – Preliminary	<p>clinical escort means a registered health practitioner who is able to provide supervision, clinical observation and clinical care under his or her registration under the Health Practitioner Regulation National Law (Tasmania);</p>	<p>We do not disagree with the qualifications for clinical escorts however this becomes limiting when we examine part 2(10) (b) medium acuity patients.</p>
<p>Recommendation: After '(Tasmania)' insert 'or an Ambulance Officer'</p> <p>Additional definition be added for Ambulance Officer</p> <p>To read</p> <p><b>clinical escort</b> means a registered health practitioner who is able to provide supervision, clinical observation and clinical care under his or her registration under the Health Practitioner Regulation National Law (Tasmania) <b>or an Ambulance Officer;</b></p> <p><b>ambulance officer</b> means a person –</p> <ul style="list-style-type: none"> <li>(a) who is not a clinical escort; and</li> <li>(b) holds – <ul style="list-style-type: none"> <li>(i) a Certificate IV in Health Care issued under the Australian Quality Framework, or</li> <li>(ii) is a level four Volunteer Ambulance Officer, or</li> <li>(iii) such other – <ul style="list-style-type: none"> <li>a. qualification, or</li> <li>b. training, or</li> <li>c. Experience;</li> </ul> </li> </ul> </li> </ul> <p><b>as determined by the Secretary to be equivalent to that certificate;</b></p>		
Part 1 – Preliminary	<p>patient-transport officer means a person –</p> <ul style="list-style-type: none"> <li>(a) who is not a clinical escort; and</li> <li>(b) holds – <ul style="list-style-type: none"> <li>(i) a certificate III in nonemergency client transport issued under the Australian Qualifications Framework; or</li> <li>(ii) such other qualification determined by the Secretary to be equivalent to that certificate;</li> </ul> </li> </ul>	<p>HLT30212 - Certificate III in Non-Emergency Client Transport was superseded on 08/12/2015 by HLT31115 - Certificate III in Non-Emergency Patient Transport.</p> <p>The current wording for (ii) stating a qualification is limiting. Presently Volunteer Ambulance Officers of level 3 or 4 are accepted, however they have no qualification issued to them. Therefore, it is necessary to expand the secretaries ability to make determinations by changing the wording to include training or experience</p>
<p>Recommendation</p> <p>Strike out 'client' and replace with 'patient'</p> <p>Strike out (ii) in its entirety and replace with</p> <ul style="list-style-type: none"> <li>(i) such other – <ul style="list-style-type: none"> <li>a. Qualification, or</li> </ul> </li> </ul>		



<p style="text-align: center;">b. training, or c. experience; determined by the Secretary to be equivalent to that certificate;</p> <p>to read</p> <p><b>patient-transport officer</b> means a person –</p> <p>(a) who is not a clinical escort; and</p> <p>(b) holds –</p> <p style="padding-left: 20px;">(ii) a certificate III in nonemergency patient transport issued under the Australian Qualifications Framework; or</p> <p style="padding-left: 20px;">(iii) such other –</p> <p style="padding-left: 40px;">a. Qualification, or</p> <p style="padding-left: 40px;">b. training, or</p> <p style="padding-left: 40px;">c. experience; determined by the Secretary to be equivalent to that certificate;</p>		
Part 2 10 (2)(b)	requires oxygen therapy while being provided with non-emergency patient transport services, if that therapy was established before those services commenced.	<p>Presently many patients require oxygen therapy while being provided with non emergency patient transport.</p> <p>This will mean that many patients that are being transported by private providers will become medium acuity.</p> <p>The Victorian regulations define medium acuity as</p> <p>7 Definition of medium acuity patient A medium acuity patient is a patient who requires—</p> <p style="padding-left: 20px;">(a) active management or intervention; or</p> <p style="padding-left: 20px;">(b) specialised equipment requiring monitoring; or</p> <p style="padding-left: 20px;">(c) observation and monitoring of an intravenous infusion that does not contain any vasoactive agent other than glyceryl trinitrate.</p>
<p>Recommendation</p> <p>Delete part (b) in its entirety and replace with</p> <p style="padding-left: 20px;">(b) requires active monitoring to ensure that the patients condition has not changed;</p>		
Part 2 11 (2)	<p>11. Accepting patient for non-emergency patient transport services</p> <p>(2) A crew member of an NEPT Service must not accept a patient, assessed under regulation 7(1)(c) by a person other than a clinical escort of the Service, as a patient of the Service until the crew</p>	<p>Presently this is not provided to the non emergency patient transport provider by Ambulance Tasmania.</p> <p>What consideration has gone into the logistics of making this possible.</p>



	member receives a written copy of the patient assessment record for that patient.	
<p>Recommendation Re consider the necessity of providing this documentation where the transport is being organised through THS and Ambulance Tasmania.</p>		
Part 2 13 (c)(ii)	(ii) is immune-suppressed; or	As per (i) should read is, or is suspected of being, immune suppressed
<p>Recommendation Delete Part 2 13 (c)(ii) and replace with is, or is suspected of being, immune suppressed; or</p> <p>Ro read (ii) <b>is, or is suspected of being, immune suppressed; or</b></p>		
Part 2 14 (1) (b) (i)	a verbal handover of the patient from the most qualified crew member in attendance that includes details of any clinical services provided to the patient during the provision of the nonemergency patient transport services; and	By restricting the handover to the most qualified person you are restricting the ability for professional development of the patient transport officer. Furthermore the most qualified crew member may not be the most experienced.
Part 2 14 (2) (a)	a verbal handover of the patient from the most qualified crew member in attendance that includes details of any clinical services provided to the patient during the provision of the nonemergency patient transport services; and	Whilst a recent graduate of the diploma of paramedical science may be employed as a patient transport officer a level 3 volunteer ambulance officer may have 10+years experience and be providing training to the officer with the higher level of qualification.  Furthermore the officer providing the treatment may not be the most qualified crew member.
<p>Recommendation Delete 'most qualified'</p> <p>To read (a) a verbal handover of the patient from the crew member in attendance that includes details of any clinical services provided to the patient during the provision of the nonemergency patient transport services; and</p>		
Part 2 15 (1) (c)	comply with, or ensure compliance with, any instructions provided to the crew member by the operator in response to the information; and	It is inappropriate to have a blanket regulation requiring compliance with direction without limiting the extent. As written the communications operator could direct a patient transport officer to do anything.
<p>Recommendation After 'any' and before 'instructions' insert the word 'lawful'. After 'instructions' and before 'provided' insert 'relating to the care of the patient'</p> <p>To read</p>		



<p>(c) comply with, or ensure compliance with, any <b>lawful</b> instructions <b>relating to the care of the patient</b>, provided to the crew member by the operator in response to the information; and</p>		
Part 215 (3)	A person must comply with any instructions provided by or on behalf of the Ambulance Service in respect of the patient.	It is inappropriate to have a blanket regulation requiring compliance with direction without limiting the extent. As written the communications operator could direct a patient transport officer to do anything.
<p>Recommendation After ‘any’ and before ‘instructions’ insert the word ‘lawful’</p> <p>To read (3) a person must comply with any <b>lawful</b> instructions, by or on behalf of provided the Ambulance Service in respect of the patient</p>		
Part 2 15 (4) (b)	<p>(4) If a patient is transferred from an NEPT Service to the Ambulance Service under this regulation –</p> <p>(b) a crew member must provide a copy of the patient’s patient care record and any other information in respect of the patient that the crew member considers relevant.</p>	In an emergency this is not always possible.
<p>Recommendation Insert ‘where practicable,’</p> <p>To read (b) <b>where practicable</b>, a crew member must provide a copy of the patient’s patient care record and any other information in respect of the patient that the crew member considers relevant.</p>		
Part 2 22 (2)(c)	The licensee of an NEPT Service must ensure that a crew member who is employed as a patient-transport officer for the service does not provide unsupervised non-emergency patient transport services on behalf of the Service unless the crew member – has completed the training required to be provided to a crew member under regulation 25(2) if the patient-transport officer was previously employed by another NEPT Service, or ambulance service, immediately before being employed or engaged by the licensee.	<p>What is the definition of immediately? Is it reasonable to have immediately as the requirement? Why if the crew member has been police checked, holds a working with children check and has a formal qualification is their a requirement for supervision?</p>
<p>Recommendation</p>		



<p>Delete 'immediately' and replace with 'within the preceding twelve months' To read (c) has completed the training required to be provided to a crew member under regulation 25(2) if the patient-transport officer was previously employed by another NEPT Service, or ambulance service, <b>within the preceding twelve months</b> before being employed or engaged by the licensee.</p>		
26 (2) (a)	<p>Each NEPT vehicle that is a motor vehicle must comply, at a minimum, with the following requirements in addition to the requirement specified in subregulation (1): (a) that all doors to the vehicle must be fitted with a window; (b) that each window to the vehicle is tinted to a degree that maintains patient privacy while still complying with the Vehicle Standards.</p>	<p>(a) Why? (b) This would mean that the front window would be required to be tinted, a window that has no access to the passenger compartment would need to be tinted etc</p>
<p>Recommendation</p> <p>Part (a) delete after 'vehicle' and before 'must' insert 'patient area' Part (b) delete after 'vehicle' and before 'is' insert 'patient area' To read (a) that all doors to the vehicle <b>patient area</b> must be fitted with a window; (b) that each window to the vehicle <b>patient area</b> is tinted to a degree that maintains patient privacy while still complying with the Vehicle Standards.</p>		
27 (1)(b)(ii)	(ii) a portable blood pressure monitoring machine; and	Correct terminology is sphygmomanometer and it is an instrument or device not a machine.
<p>Recommendation</p> <p>Delete section (ii) and replace with A sphygmomanometer capable of displaying the patients blood pressure; and To read (ii) a sphygmomanometer capable of displaying the patients blood pressure; and</p>		
30 (a)	<p>If there is a reportable incident in respect of an NEPT Service, the licensee of the Service must – (a) orally notify the Secretary of the reportable incident as soon as practicable after the incident occurred; and</p>	<p>This would be impractical to notify the secretary directly. It may also be impractical for the licensee to do so as the licensee may be an entity. Consider changing wording to allow the secretary to appoint a contact.</p>
<p>Recommendation</p> <p>Insert before 'If' the following 'The Secretary must nominate a delegate as a single point of contact regarding incident reporting and advise each licensee of the contact' Insert after 'licensee' and before 'of' insert 'or their delegate,' Part (a) delete 'secretary' and insert 'delegate'</p>		



To read

- (1) **The Secretary must nominate a delegate as a single point of contact regarding incident reporting and advise each licensee of the contact.**
- (2) If there is a reportable incident in respect of an NEPT Service, the licensee of the Service must –
  - a. orally notify the **delegate mentioned in 30(1)** of the reportable incident as soon as practicable after the incident occurred; and