



Queensland

# **Health Legislation (Waiting List Integrity) Amendment Bill 2015**





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# 2015

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## A Bill

for

**An Act to amend the *Health Ombudsman Act 2013* and the *Hospital and Health Boards Act 2011* to provide for the auditing and reporting of data relating to waiting times for patients of Hospital and Health Services**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3  
This Act may be cited as the *Health Legislation (Waiting List Integrity) Amendment Act 2015*. 4  
5

**Part 2 Amendment of Health Ombudsman Act 2013** 6  
7

**Clause 2 Act amended** 8  
This part amends the *Health Ombudsman Act 2013*. 9

**Clause 3 Amendment of s 25 (Functions)** 10  
Section 25— 11  
*insert—* 12  
(h) to audit and publish reports about wait time data. 13  
14

**Clause 4 Insertion of new pt 15A** 15  
After part 15— 16  
*insert—* 17

**Part 15A Audit of waiting times** 18

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## 244A Definitions for pt 15A

In this part—

***Hospital and Health Service*** means a Hospital and Health Service established under the *Hospital and Health Boards Act 2011*, section 17.

***quarter*** means the 3-month period ending on 31 March, 30 June, 30 September or 31 December.

***specialist health practitioner*** see the National Law, section 5.

***wait time data*** means each of the following—

(a) data on the number of patients of a Hospital and Health Service waiting longer than a clinically appropriate period for surgery, by type of surgery;

(b) data on the number of patients of a Hospital and Health Service waiting longer than 2 years for general dental care, by type of dental care;

(c) data on the time an outpatient of a Hospital and Health Service waits for an initial consultation with a specialist health practitioner, by type of specialist health practitioner;

(d) other data, prescribed by regulation, about waiting times for a Hospital and Health Service.

## 244B Audit of wait time data

(1) The health ombudsman must audit wait time data given to the health ombudsman under the *Hospital and Health Boards Act 2011*, section 54A to examine the accuracy of the data.

(2) The audit must be conducted within 30 days after the end of the quarter to which the data relates.

[s 4]

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## **244C Audit report**

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|--|----|
|  | 1  |
| (1) Within 14 days after conducting an audit of wait | 2  |
| time data for a quarter, the health ombudsman        | 3  |
| must prepare and publish a report on the audit.      | 4  |
| (2) The report must be published on a publicly       | 5  |
| accessible website of the health ombudsman or in     | 6  |
| another way the health ombudsman considers           | 7  |
| appropriate.   | 8  |
| (3) The health ombudsman must include the            | 9  |
| following information in the report—                 | 10 |
| (a) a copy of the wait time data for each            | 11 |
| Hospital and Health Service and each                 | 12 |
| hospital operated by a Hospital and Health           | 13 |
| Service given to the health ombudsman for            | 14 |
| the quarter;   | 15 |
| (b) the health ombudsman's findings in relation      | 16 |
| to the accuracy of the data.                         | 17 |
| (4) The health ombudsman may include other           | 18 |
| information in the report, including observations    | 19 |
| and recommendations, that the health                 | 20 |
| ombudsman considers appropriate.                     | 21 |
| (5) However, the health ombudsman must not           | 22 |
| include in the report any adverse comment about      | 23 |
| a Hospital and Health Service identifiable from      | 24 |
| the report unless the Service has been given a       | 25 |
| copy of the comment and a reasonable period of       | 26 |
| at least 7 days to make a submission about it.       | 27 |
| (6) If a Hospital and Health Service makes a         | 28 |
| submission under subsection (5), the health          | 29 |
| ombudsman—   | 30 |
| (a) must have regard to the submission before        | 31 |
| finalising the report; and                           | 32 |
| (b) must not include the relevant comment in         | 33 |
| the report unless the health ombudsman also          | 34 |



	includes the Service’s submission, or a fair summary of it, in the report.	1 2
(7)	If the health ombudsman proposes to make a recommendation in the report about a particular Hospital and Health Service, the health ombudsman must consult with the Service about the recommendation before finalising the report.	3 4 5 6 7
<b>Clause 5</b>	<b>Amendment of sch 1 (Dictionary)</b>	8
	Schedule 1—	9
	<i>insert—</i>	10
	<i>Hospital and Health Service</i> , for part 15A, see section 244A.	11 12
	<i>quarter</i> , for part 15A, see section 244A.	13
	<i>specialist health practitioner</i> , for part 15A, see section 244A.	14 15
	<i>wait time data</i> see section 244A.	16
<b>Part 3</b>	<b>Amendment of Hospital and Health Boards Act 2011</b>	17 18
<b>Clause 6</b>	<b>Act amended</b>	19
	This part amends the <i>Hospital and Health Boards Act 2011</i> .	20
<b>Clause 7</b>	<b>Amendment of s 19 (Functions of Services)</b>	21
	Section 19(2)(o), after ‘functions’—	22
	<i>insert—</i>	23
	given to the Service under this Act or	24

[s 8]

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<b>Clause 8</b>	<b>Insertion of new s 54A</b>	1
	Part 4, division 1—	2
	<i>insert—</i>	3
	<b>54A Requirement to give wait time data to health ombudsman</b>	4
		5
	(1) A Service must, within 14 days after the end of each quarter, give to the health ombudsman wait time data for the Service for the quarter.	6
		7
		8
	(2) Also, if the Service operates a hospital, the Service must give the health ombudsman separate wait time data for each hospital operated by the Service.	9
		10
		11
		12
	(3) In this section—	13
	<i>quarter</i> means the 3-month period ending on 31 March, 30 June, 30 September or 31 December.	14
		15
	<i>wait time data</i> see the <i>Health Ombudsman Act 2013</i> , section 244A.	16
		17
<b>Clause 9</b>	<b>Insertion of new pt 13, div 6</b>	18
	Part 13—	19
	<i>insert—</i>	20
	<b>Division 6</b>	21
	<b>Transitional provision for Health Legislation (Waiting List Integrity) Amendment Act 2015</b>	22
		23
		24
	<b>323 Provision of data about waiting times</b>	25
	(1) Section 54A does not apply to a Service until the end of the quarter that starts immediately after the commencement.	26
		27
		28
	(2) In this section—	29

***quarter*** means the 3-month period ending on 31 1  
March, 30 June, 30 September or 31 December. 2

Authorised by the Parliamentary Counsel