

Access to Private Health Services

Policy Number 1.253

Policy Function Continuum of Care

Issue Date 4 April 2016

Summary This policy provides Justice Health & Forensic Mental Health Network staff with guidelines for accessing private health service providers to meet patient health requirements/needs and for the engagement of private health services at the patient's request.

Responsible Officer Executive Director, Clinical Operations (Custodial Health)

Applicable Sites

- Administration Centres
- Community Sites (e.g. Court Liaison Service, Community Integration Team, etc.)
- Health Centres (Adult Correctional Centres or Police Cells)
- Health Centres (Juvenile Justice Centres)
- Long Bay Hospital
- Forensic Hospital

Previous Issue(s) Policy 1.253 (Jun 2012, Feb 2010)

Change Summary

- Inclusion of Credentialing of Senior Medical Staff
- Processes pertaining to Medical Appointments Unit and Integrated Care Services updated

TRIM Reference POLJH/1253

Authorised by Chief Executive, Justice Health & Forensic Mental Health Network

1. Preface

The role of Justice Health & Forensic Mental Health Network (JH&FMHN) is to provide health care services for patients in the custody of Corrective Services New South Wales (CSNSW)/ Juvenile Justice New South Wales (JJNSW) or a patient of the Forensic Hospital. The principle is to provide evidence based clinical services as required to preserve the patient's health and generally be equivalent to publically funded health services available within the community. If JH&FMHN is unable to provide a required health service then it will arrange and facilitate the provision of the service by other providers. These may include the State's public hospital and health system or where deemed appropriate by JH&FMHN; in selected circumstances, private providers may be engaged by JH&FMHN to provide this care.

Patients may also request to engage/access private health services external to JH&FMHN. Patients may wish to do this to gain a second opinion, continue treatment with their private provider previously commenced in the community, make their own arrangements for the treatment of a specific condition, or have a non-urgent surgical procedure undertaken. Patients are unable to use Medicare Cards whilst in custody, as JH&FMHN is funded by the State to provide required public services to these patients. All costs, incurred by patients who at their own request engage private health services, are borne by the patient including CSNSW/JJNSW escort and transport costs.

2. Policy Content

2.1 Mandatory Requirements

Health services are provided to patients locally via the health centre or hospital. Specialist and diagnostic services can be accessed in several ways. Under the JH&FMHN state-wide model for adult patients, the Integrated Care Service (ICS) at Long Bay Hospital will arrange appointments for specialist services to be provided. These appointments may be booked for male patients at the Outpatients Department, Long Bay Hospital Area 2 (LBH 2), Long Bay Complex or Prince of Wales Hospital (POWH) and female patients are generally referred to either Nepean Hospital or Westmead Hospital. Also refer to JH&FMHN policy [1.252 Access to Local Public Health Services](#). This however does not apply to external medical imaging which is managed by the ICS team and transfers to Local Health District (LHD) emergency departments, which are to be managed by local JH&FMHN health centres.

Appointments for young people detained in JJNSW are booked at the local public health service by the Health Centre.

3. Procedure Content

3.1 Provision of JH&FMHN Initiated or Endorsed Private Health Services

All referrals to private services may only be made when the following requirements are met:

- The request form for *Local Private Provision of Health Services* ([JUS200.040](#)) is completed and approved **before** the referral takes place by:
 1. Executive Director Clinical Operations (Custodial Health) (EDCO(CH)) for all adult patients.

2. Executive Director Clinical Operations (Forensic Health) (EDCO(FH)) for the Forensic Hospital.
 - In the Forensic Hospital all requests by the treating team must be forwarded for discussion with the Clinical Director Forensic and Long Bay Hospitals (CDF&LBH) at the weekly leave committee meeting prior to authorisation by the EDCO(FH).
3. Service Director Adolescent Health & Diversion Programs (SDAH&DP) for adolescent patients.
 - All requests must be forwarded to the SDAH&DP for approval. If the request carries a significant cost (over delegated authority) it will be escalated to the EDCO(FH) for approval
- The estimated cost of the service, where possible, together with a reason for requiring the use of the local services must be provided; otherwise approval will not be given (sometimes the total cost of the service is not known until a procedure has been completed).

3.2 Access to and Engagement of Private Health Services at the Patient's Request

Patients may request to engage/access private health services externally to JH&FMHN. For patients in the criminal justice system the decision to approve access to private health services lies entirely with CSNSW/JJNSW. This is facilitated through the local General Manager or Centre Manager by the Nursing Unit Manager (NUM).

JH&FMHN staff must have **no** involvement in the decision making process nor recommend whether the access to external/private health services should be approved/supported or not. However, staff can advise CSNSW/JJNSW whether the same service the patient/patient advocate is requesting is available by JH&FMHN or via the Public Health system.

JH&FMHN staff have the following role in the provision of private services at the patient's/patient advocate's request:

- JH&FMHN staff should explain to a patient/patient advocate that approval for such services is determined and facilitated by CSNSW/JJNSW.
- Advise patients that JH&FMHN has no role in the provision of such services except provision of a medical referral when requested by the patient/patient advocate and deemed appropriate by a delegated JH&FMHN medical officer. Such a referral may be issued after signed approval from the appropriate JH&FMHN Executive Director and CSNSW General Manager or JJNSW Centre Manager is obtained and recorded on [JUS200.040](#).
- Explain that JH&FMHN is under no obligation to provide treatments, referrals or undertake investigations recommended by independent health providers but will provide treatment that is clinically appropriate given the information available.

In the Health Centres, JH&FMHN may, if formally requested by the visiting clinician, provide a consultation room for the external/private health care provider only after a copy of the signed approval is provided to the NUM by CSNSW/JJNSW. This does not apply to external health care providers undertaking invasive clinical procedures (including dental procedures) – any procedures proposed to be performed by non-JH&FMHN clinicians cannot be undertaken within JH&FMHN consultation rooms except in extraordinary circumstances and with the approval of the relevant Clinical Director and Executive Director. JH&FMHN are not obliged to provide equipment and/or consumables for the use by non-JH&FMHN clinicians. Any required equipment or consumables should be discussed with CSNSW General Manager or JJNSW Centre Manager prior to the visit.

If the NUM has any concerns regarding the service to be provided, they must consult with their Service Director for advice.

In all cases if the external/private health provider requests access to the patient's Health Record, the usual privacy procedures (i.e. a signed patient consent form must be completed and filed in the patient's Health Record) must be undertaken in advance of the consultation and must be documented in the patient's Health Record as per [NSW Health Privacy Manual for Health Information \(March 2015\)](#) and appropriate JH&FMHN policies and procedures.

If the external/private health provider communicates the outcome of their consultation to JH&FMHN (e.g. taking pathology specimens, ordering CT Scans, X-rays, and Ultrasounds etc.) the health practitioner should write a consultation report that should be returned to the ICS team and scanned into JHeHS. JH&FMHN is not responsible for the costs of any procedures and/or investigations associated with the external/private consultation.

There will be rare occasions where JH&FMHN is requested to assist in aspects of an external/private consultation. In these situations, after consultation with the responsible Clinical Director signed approval must be obtained from the EDCO(CH) or EDCO(FH) prior to any JH&FMHN involvement.

JH&FMHN is the primary provider of health services to people in custody and manages the care of patients within the requirements of JH&FMHN and NSW Ministry of Health (MoH). Recommendations regarding patient care made by an external/private health provider will be considered by JH&FMHN. The prescription of any Complementary Medicine (CM) is prescriber-initiated and will only be considered if it has been recommended by a medical specialist who practices in the relevant clinical discipline or if there is appropriate and widely accepted scientific evidence to support its use for a particular condition. All recommendations/prescriptions for CM must be accompanied by an Individual Patient Use (IPU) form and submitted to the JH&FMHN Drugs and Therapeutics Committee (D&TC) for consideration/approval if appropriate. Please refer to [JH&FMHN Medications Guidelines](#) section 7.14 *Complementary Medications* for further information. The acknowledgement and any subsequent clinical management arising from those recommendations must be made by the respective responsible Medical Officer in consultation with the appropriate Clinical Director and documented in the patient's Health Record accordingly (also see section 3.3 below).

3.2.1 Requests by Patients at the Forensic Hospital to Access Private Health Services/External Providers

All requests by patients to access private health services must be considered on a case by case basis. All requests must be forwarded by the treating team for discussion with the CDF&LBH. Authorisation to access private health services is provided by the EDCO(FH).

In the Forensic Hospital, medical officers (usually psychiatrists) who are not employees of JH&FMHN may attend the Forensic Hospital to assess patients for the purpose of providing medico-legal reports to third parties. The CDF&LBH must ensure that the visiting medical officer (VMO) is currently registered with the relevant registration authority and that the medical officer has no conditions on that registration that would prevent the person from conducting a medico-legal assessment (also see [section 3.3](#) below).

3.3 Charges and Fees

Any account received at a JH&FMHN Health Centre for payment to a private provider must be checked to ensure that JH&FMHN is liable for the service payment rather than a referring Local Health District (LHD).

When assured the cost incurred is a JH&FMHN expense, the NUM signs the account and the invoice is then sent to the Finance Department for processing.

If specialist or diagnostic services are not available at/or through the public hospital and the public hospital then refers the patient, to a private facility, the public hospital is liable for the cost of the service. This is in accordance with the NSW MoH [PD2015_022](#) *Health Services Act 1997 – Scale of Fees for Hospital and Other Services*. If an invoice is then received by JH&FMHN as a result of a public hospital referral to a private facility a letter should be drafted with Circular 94/19 (found in [PD2015_022](#)) attached notifying that the public hospital is liable for the payment and forwarded with the invoice to the public hospital. A copy should also be sent to the invoice vendor.

- If JH&FMHN refers a patient, including patients of the Forensic Hospital, directly to a private facility (including Private Medical Imaging) then JH&FMHN is liable for the cost of the service.
- If a patient/patient advocate requests a private service, the patient is responsible for the cost of the service as well as the cost of the transport and escorting officers. The patient/patient advocate must liaise with CSNSW or JJNSW in relation to these costs.
- If a legal team requests a medical appointment or diagnostic test they should be directed to CSNSW staff at the Health Centre where the patient is housed who can facilitate a costed escort.

3.4 Credentialing of Senior Medical Staff

3.4.1 Forensic Hospital

The Forensic Hospital is a JH&FMHN owned and governed mental health hospital. JH&FMHN are obliged to ensure that all senior medical staff providing care for patients within the hospital are appropriately credentialed consistent with [PD2005_497](#) *Visiting practitioners and staff specialists Delineation of clinical privileges: policy for implementation*. This includes senior medical staff directly employed or otherwise engaged by JH&FMHN, as well as senior medical staff attending patients in a 'private' capacity (generally meaning patient initiated clinical reviews by non-JH&FMHN senior medical staff).

Excluded from this requirement will be senior medical staff who attend the Forensic Hospital only for the purpose of providing non-JH&FMHN initiated medico-legal assessments primarily for legal and not clinical purposes. Notwithstanding, these medical staff will still be required to have their registration status confirmed, along with confirmation of identification, before they can enter the Forensic Hospital and see any patients (as per cl 3.1.1 above). This is because of the high security environment of the Forensic Hospital, as well as an obligation to ensure that these doctors are appropriately registered and without any registration conditions that might create a risk if they were allowed entry and access to patients within the Forensic Hospital. For medical staff who regularly attend patients for medico-legal reasons, a system of annual checks on their registration should be undertaken by the CDF&LBH.

JH&FMHN reserves the right to refuse entry into the hospital to any medical staff deemed unsuitable for reasons of security or any other risks to patients. For further information see JH&FMHN policy [5.002](#) *Access to the Forensic Hospital*.

3.4.2 Corrective Services Environment (including Long Bay Hospital)

JH&FMHN are obliged to ensure all senior medical staff employed, or otherwise engaged by JH&FMHN to provide clinical or other services to patients within correctional facilities are appropriately credentialed.

However, JH&FMHN do not own or control access to the Corrective Services NSW environment. Therefore, JH&FMHN are not able to accept responsibility for the credentialing of every medical practitioner who may enter the Corrective Services NSW environment. In particular, JH&FMHN are not able to credential medical officers who attend patients within the Corrective Services NSW environment in a private capacity to undertake clinical assessment or care at the patient’s request or for medico-legal or other reasons.

JH&FMHN maintain a professional obligation to report any concerns of which they become aware regarding the performance or conduct of non-JH&FMHN medical staff within the Corrective Services NSW environment. In the first instance any such concerns should be reported to the concerned staff member’s immediate supervisor/manager.

3.4.3 Access to Health Records

As per cl 3.1 above, medical staff who are not credentialed or appointed to JH&FMHN may only access the patient Health Record in accordance with [NSW Health Privacy Manual for Health Information \(March 2015\)](#). JH&FMHN policy [4.020 Health Records](#) and JH&FMHN policy [4.030 Requesting and Disclosing Health Information](#).

4. Definitions

Must

Indicates a mandatory action required that must be complied with.

Patient Health Record

Indicates a patient has a paper-based and electronic health record.

Should

Indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

5. Legislation and Related Documents

Legislation	Commonwealth Privacy Act (1988) (Cwlth) Government Information (Public Access) Act 2009 Health Services Act 1997 Health Records and Information Privacy Act 2002 Health Records and Information Privacy Regulation (2012) State Records Act 1998
JH&FMHN Policies and Procedures	1.252 Access to Local Public Health Services 2.150 Purchasing 4.030 Requesting and Disclosing Health Information 5.002 Access to the Forensic Hospital

[JH&FMHN Medication Guidelines](#)

JH&FMHN Forms

[JUS200.040](#) *Local Private Provision of Health Services*

NSW MoH Policy Directives,
and Guidelines

[PD2015 022](#) *Health Services Act 1997 – Scale of Fees for Hospital and Other Services*

[NSW Health Privacy Manual for Health Information \(March 2015\)](#)

[PD2005 497](#) *Visiting practitioners and staff specialists Delineation of clinical privileges: policy for implementation*