



Share

Health Bulletin 13 August 2021

13 Aug 2021

The latest insights from our Health Law team:

- Children Accessing Alcohol Companies via Social Media
- Making virtual hospitals the norm
- More funding to be delivered in order to support Australians living with rare diseases
- Proposed changes to the regulation of medical devices that are substances introduced into the body via an orifice or applied to the skin
- Rural Generalist Medicine Specialisation: Update

If you'd like to stay up to date with Russell Kennedy's insights, please sign up here.

Children Accessing Alcohol Companies via Social Media

On 28 July 2021, a study published in the Public Health Research & Practice Journal found a number of Australia's top alcohol companies had breached the "age-restriction controls" features on their social media accounts.

When activated, age-restriction controls on both Facebook and Instagram prevent a user under the age of 18 from accessing, following, or viewing the content of the account. As per the Alcohol Beverages Advertising Code (ABAC) Scheme, alcohol marketers are required to use age-restriction controls to exclude audiences younger than 18 years.

However, of the 195 brands owned by the top beer, wine and spirit companies in Australia, 28% of their Instagram accounts and 5% of their Facebook accounts had not activated age-restriction controls. Companies included Carlton & United Breweries, Treasury Wine Estates, Asahi Beverages and Coca-Cola Amatil. Only two of the nine companies studied were compliant with age-restriction policies across all their brand accounts on Facebook and Instagram.

The study therefore recommends a more effective, government-led regulatory regime to ensure a functional monitoring system is introduced. To read more about the study, click here.

Related Services

Corporate & Commercial Advisory

Dispute Resolution

Information Technology

Intellectual Property

Property & Development

Property & Development Sales and Acquisitions experience

Prosecutions

Public & Administrative Law

Royal Commissions

Workplace Relations, Employment & Safety

View all services

Making virtual hospitals the norm

The recent success of Sydney's RPA Virtual Hospital (**RPA Virtual**) has sparked the possibility of making virtual hospitals the norm. RPA Virtual is a personalised service for patients, with RPA staff being available to

connect with patients 24/7. Since the program's launch in February 2020, RPA Virtual has treated around 13,000 patients. The virtual hospital has also won a Premier's Award for Excellence in Digital Innovation.

Although there was some scepticism in the beginning on what virtual care could offer, the virtual hospital has played a key role in the COVID-19 pandemic and it is predicted that the program will develop further in the next year. General Manager Miranda Shaw said that "Since then, confidence among medical specialists has grown enormously — and we now have them approaching us about opportunities to extend the model further. In fact, we're about to launch a clinical trial in collaboration with surgical services, to assess how we can virtually manage patients with acute diverticulitis in the community,"

The patient response has also been positive, out of 800 patients that were surveyed:

- 88% state that their healthcare needs were met;
- 85% found their care was 'very good' or 'good'; and
- 98% would use virtual services again if given the choice.

Whilst RPA Virtual acts as a virtual hospital to provide treatments and connect patients with staff, it also aims to promote the healthcare model of 'wellness over illness'. The model emphasises prevention of acute and chronic health conditions over cure. An example of this model is a newly launched program for vascular lower leg ulcers that have healed. There is a high risk of readmission for these conditions and so RPA Virtual has introduced a maintenance program that reminds patients to "wear and change compression stockings, follow up with their GP and their specialist". RPA Virtual has also prepared an approved vendor shortlist of technologies to create similar programs in the future.

To read the article click here or to visit the RPA Virtual website click here.

More funding to be delivered in order to support Australians living with rare diseases

The Hon Greg Hunt, Minister for Health and Aged Care recently announced that the Australian Government would be provided \$3.3 million to support approximately two million Australians living with a rare disease in order to provide them with much needed support and to raise awareness and create new educational programs.

Rare diseases affect fewer than five in ten thousand people and it is estimated that more eight percent of the Australian population are affected. Sadly, many of these diseases have no known cure.

A number of organisations have received funding including:

- \$1.9 Million to the University of New South Wales to deliver the Rare Disease Awareness, Education, Support and Training Project (RArEST) which has a focus on mental health, social and emotional wellbeing;
- \$1 Million to Rare Voices Australia for its Rare Awareness Rare Education Project (RARE Project) in which Rare Voices Australia will offer a digital platform to provide information on how to access disease expertise, support and services in the health and disability systems; and
- \$198,000 to Australian National University to enhance awareness by healthcare providers in order to improve the timely and accurate diagnosis of rate diseases.

and Minister Hunt's announcement may be located here.

Proposed changes to the regulation of medical devices that are substances introduced into the body via an orifice or applied to the skin

The Therapeutic Goods Administration (TGA) is undertaking a consultation seeking feedback on new proposed refinements to the regulation of medical devices composed of substances applied via the skin or an orifice.

In 2019, changes were made to the classification of such medical devices via the Therapeutic Goods Legislation Amendment (2019 Measures No. 1) Regulations 2019 which are set to come into force on 25 November 2021. The changes were made to align Australian medical device regulations, where possible and appropriate, with the European Union framework. However, the changes have resulted in certain products meeting the definition of both a "medical device" and a "medicine", which creates regulatory inconsistencies due to the different frameworks that might be applied to a given product. The regulatory pathways for medical devices as opposed to medicines varies significantly in terms of approval timeframes and cost.

The new proposed amendments aim to eliminate this ambiguity by removing products that are "systemically absorbed by the body" from the definition of medical devices, as these products already meet the definition of medicine. This will help to clarify the regulatory pathway for certain products in Australia, such as throat lozenges, saline nasal sprays and skin moisturisers.

The TGA is seeking stakeholder feedback on the foreseen regulatory implications of the proposed amendments and any other potential impacts.

The consultation closes on 13 August 2021 and stakeholder feedback can be submitted here. View the open consultation page here.

Rural Generalist Medicine Specialisation: Update

Since September 2019, the Royal Australian College of General Practitioners (**RACGP**) have partnered with the Australian College of Rural and Remote Medicine (**ACRRM**) to have the Medical Board of Australia (**MBA**) recognise Rural Generalist Medicine as a specialist field of general practice.

RACGP and ACRRM believe that recognising Rural Generalist Medicine will 'support the development and enhance the attractiveness to trainees of a specific training pathway for this career', as well as 'develop a workforce that can provide extended services for the healthcare needs of rural and remote communities'.

Earlier this year, Stage 2 of the application for recognition was commenced, where further action to undertake national consultation and research regarding the impact of a specialist title for Rural Generalist Medicine. For more information, RACGP has published a more detailed update here.

How we can help

Learn more about Russell Kennedy's expertise in the Health sector here.

If you'd like to stay up to date with Russell Kennedy's Insights, please sign up here.



Health Alert - Medical Colleges deal with bullying, discrimination and sexual harassment

15 Feb 2024

Much has been made in recent years of the pervasive nature of bullying, discrimination and sexual harassment (BDSH) in the medical profession, and in particular in medical training.



Health Alert - Reform of mental health systems: what does the future look like and how to get there?

1 Feb 2024

View

A recent article in the International Journal for Quality in Healthcare (2024,36(1)), by Michael and David Greenfie (School of Population Health, UniNSW), highlights the challenges for improving the ...

View

Our Firm International Leadership Team Awards Community Diversity and inclusion Russell Kennedy Women's Network Available positions Law Graduates Seasonal Clerkship Program Paralegal Pathway Program