







Health Bulletin 5 September 2022



05 Sep 2022

The latest insights from our Health Law team:

- Updated guidelines released by PROV
- NDIS Commission updates
- Victorian general practitioner suspended for false prescribing and misleading the regulator
- HESTA, ISPT to co-develop \$140m 'on hospital campus' medical office in Melbourne

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Updated guidelines released by PROV

The Public Record Office Victoria (**PROV**) has updated their current Retention and Disposal Authorities (**RDAs**) to specify minimum retention periods and authorise the disposal of certain COVID-19 related records.

RDAs are PROV standards and instruments authorising the disposal of public records and:

- a. set the minimum retention time that different classes of records must be kept and how they are to be disposed of;
- b. authorise the destruction of records which are no longer required; and
- c. identify records that are to be permanently retained as state archives.

The updated guidelines will assist public servants manage records related to the COVID-19 pandemic such as contract tracing and other COVID-safe data, and will ensure that the disposal of public records is open, transparent and accountable.

In issuing its updated guidelines PROV said "RDAs [are] now updated to cover COVID-19 related records including the RDAs for Service Victoria, Public Health, Local Government, and Common Administrative Functions".

To read an article on the updated guidelines click here and to access the RDA link on the PROV website click here.

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The NDIS Quality and Safeguards Commission (NDIS Commission) audit cycle is in full swing.

If you are a registered provider that was registered on or after 1 December 2020, you may be overdue for your certification audit conducted by an NDIS Commission approved auditor.

Recent audits have revealed that the NDIS Commission is warning registered providers that they need to have robust emergency and disaster plans in place. This likely arises from the recent emergencies and disasters, such as the floods in New South Wales and Queensland, which left many participants without supports for extended periods. Registered providers are required to identify in their service agreements how they will manage emergencies and have a robust plan as to how the provider will provide supports during a disaster.

This change follows recent events and updates from the NDIS regarding disability employment providers and pricing reviews.

For more information on the NDIS and what changes might be relevant to you, please contact Russell Kennedy's Disability sector team here.

Victorian general practitioner suspended for false prescribing and misleading the regulator

A Victorian general practitioner has had his registration suspended for two months and been reprimanded for falsely prescribing oxycodone and misleading the Medical Council of New South Wales (Medical Council).

The general practitioner admitted to falsely prescribing a Schedule 8 medication on three occasions. Suspicions were raised when a pharmacist was concerned about one of the prescriptions and the person who came to collect it. The general practitioner used hospital prescription forms in the name of a friend intending to use the medication himself. He also mislead the Medical Council as to the amount and nature of his self-prescribing in another person's name.

The matter was referred to the Victorian Civil and Administrative Tribunal (VCAT) by the Medical Board of Australia. When coming to its decision, VCAT considered mitigating factors of admission, insight, remorse and proactive rehabilitation by the general practitioner, but placed limited weight on the stressors in his life at the time of the self-prescribing events.

VCAT noted that this case demonstrated the dangers for doctors "who may find themselves drawn to self-prescribing controlled substances... and the important role that pharmacists play in identifying unlawful prescribing".

For further details about this matter, click here.

HESTA, ISPT to co-develop \$140m 'on hospital campus' medical office in Melbourne

Industry superfund, HESTA, and industry superfund-backed property investor, ISPT, have formed a joint venture to develop an 'on hospital campus' medical office building in Fitzroy, Melbourne valued at \$140 million.

The joint venture has acquired a 50-year ground lease from St Vincent's Health Australia (SVHA) and SVHA will pre-commit to lease just under half of the building for 10 years as it relocates its existing administration, office and health services from other satellite campuses to the new Fitzroy campus.

SVHA's Interim Group CEO, Ruth Martin, said "the planned development means more Australians will benefit from the groundbreaking clinical care and research carried out by St Vincent's and our partners."

The SVHA-owned land at 31-25 Victoria Parade, Fitzroy is zoned for Public Use – Health and Community under the City of Yarra and had been earmarked by SVHA for development under its campus masternian

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HESTA and IPST are aiming to submit plans to council in the coming months and if approved, the project is estimated to reach practical completion by 2025.

To read more about the new development, click here.

How we can help

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

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9 May 2024

Much has been written on the introduction of Artificial Intelligence (AI) into many aspects of our lives, our work and our leisure. Given that so much in medicine is based on the "precautionary ...

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

15 Feb 2024

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

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