



# RESPONSE

## Health Insurance Amendment (Professional Services Review) Bill 2023

Issued July 2023

ACM is the **national peak professional body for midwives in Australia**. ACM represents professional interests and supports the midwifery profession to enable midwives to work to full scope of practice. ACM is also focused on ensuring better health outcomes for women, babies and their families. Midwives are primary care providers working directly with woman, in public and private health care setting across all geographical regions (metropolitan, regional, rural and remote). There are over 34,000 midwives in Australia of whom 1,028 are endorsed to prescribe scheduled medicines (NMBA, March 2023) with many endorsed midwives accessing the Medicare Benefits Scheme with Medicare provider numbers.

The ACM welcomes the opportunity to provide this submission to the Community Affairs Legislation Committee into the Health Insurance Amendment (Professional Services Review Scheme) Bill 2023.

### **ACM Position on the Bill**

The ACM supports the amendments outlined in the Health Insurance Amendment (Professional Services Review Scheme) Bill 2023. See below.

#### *1. Remove the requirement for the Australian Medical Association to agree to the appointment of the Director of the Professional Services Review (PSR)*

The Public Services Review (PSR) is an independent statutory authority and as such it must ensure that there is no doubt as to the nature of this independence. The current arrangement where the Act requires the Minister to have agreement from the AMA to appoint the director of the PSR is counter to the expectations of both health practitioners, such as endorsed midwives, and the public and allows veto power for one stakeholder group, which represents a singular health profession. It also undermines public and professional confidence in due process with regards to its role as regulator as AMA represents a stakeholder group, some practitioners of which may be subject to PSR Review.

#### **ACM supports the above amendment.**

#### *2. Amend consultation requirements for appointing other statutory office holders of the PSR to enable consultation with relevant peak bodies directly;*

The appointment of statutory office holders of the PSR to date has not been a transparent process for health practitioners, such as the midwifery profession, as there has to date been no consultation with peak bodies such as the Australian College of Midwives for appointments to the PSR and thus also appointment of midwife members of the PSR Committee and/or Determining Authority with regards to any ‘inappropriate practice’ of an endorsed midwife. ACM welcomes a direct consultation process with peak bodies for appointments as this will also create transparency that the current requirement for AMA advice lacks and remove any perceived conflict of interest.

#### **ACM supports the above amendment.**

*3. Establish the new statutory office of Associate Director of the PSR*

The ACM also welcomes the new statutory office of Associate Director of the PSR. Including a provision in the Act to allow an Associate Director to undertake the function and duties of the Director as required ensures good governance and again reduces any perceived conflict of interest from the Director in certain cases.

**ACM supports the above amendment.**

*4. Remove the requirement for the Chief Executive Medicare (CEM) to consult with stakeholder groups prior to issuing a notice to produce documents.*

The ACM supports the removal of the requirement for the Chief Executive Medicare (CEM) to consult with stakeholder groups prior to issuing a notice to produce documents. The ACM notes and recognises the need to streamline processes and timeliness and the requirement for procedural fairness throughout.

**ACM supports the above amendment**

**Other comments pertaining to the PSR**

*Midwifery representation on the PSR*

More healthcare professions now have access to Medicare provider numbers and the number of these healthcare professions is increasing. For example, the number of endorsed midwives has doubled to over 1,000 in the last four years. It is therefore of fundamental importance that alongside this legislation amendment, consideration is given by Government with regards to the balance of medical and non-medical representation on and input into the Professional Services Review Scheme. For example, endorsed midwives and Nurse Practitioners have access to Medicare provider numbers, and provide Medicare rebated services on their own authority. The review and audit process for endorsed midwives and Nurse Practitioners must have sufficient practitioners to provide representation in both the PSR Committee and determining authority.

Critically whilst the majority of audit and review continues to involve medical practitioners, as access to the MBS increases for non-medical practitioners, the need to ensure leadership and management from midwifery, Nurse Practitioner, and other health professionals increases. The changes currently outlined in the Health Insurance Amendment (Professional Services Review Scheme) Bill 2023 will support this however further to this the ACM recommends that a review of the current representation for non-medical health professions be undertaken to ensure it is consistent with the requirements of these

professions and the PSR body of work therefore required thereby that there is sufficient non-medical practitioner representation and leadership.

Furthermore, ACM recommends consideration of appointment of non-medical practitioners into Associate Director roles as appropriate. The expansion of Medicare access to a range of non-medical practitioners means additional expertise is required to review and audit practitioners. We recognise the importance of confidence from the entire health workforce and the public in the audit of Medicare and that role that the Associate Director will play in supporting this review.

For any comments or questions regarding this submission, please contact Helen White as per contact details below.

Helen White  
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**END**