



Health Care Liability Amendment (Exemption) Regulation 2003

under the

Health Care Liability Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Care Liability Act 2001*.

MORRIS IEMMA, M.P.,

Minister for Health

Explanatory note

Under section 19 of the *Health Care Liability Act 2001*, a person is not entitled to practise as a medical practitioner unless the person is covered by approved professional indemnity insurance. However, the regulations under that Act may exempt certain medical practitioners from this requirement.

The objects of this Regulation are:

- (a) to provide that medical practitioners whose practice is limited to the referral, without fee or reward, of persons to other medical practitioners for health care or to the prescribing, without fee or reward, of therapeutic substances in limited circumstances will be exempt from the requirement to be covered by approved professional indemnity insurance, and
- (b) to extend the current exemption for medical practitioners whose practice is limited to providing medical assistance voluntarily in emergency situations so that it also refers to the provision of first-aid on a voluntary basis.

This Regulation is made under the *Health Care Liability Act 2001*, including sections 19 (4) (b) and 34 (the general regulation-making power).

2003 No 795

Clause 1 Health Care Liability Amendment (Exemption) Regulation 2003

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Health Care Liability Act 2001

1 Name of Regulation

This Regulation is the *Health Care Liability Amendment (Exemption) Regulation 2003*.

2 Amendment of Health Care Liability Regulation 2001

The *Health Care Liability Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 5 Exemption from approved insurance requirement

Omit clause 5 (1) (c). Insert instead:

- (c) a medical practitioner whose medical practice is limited to the rendering, on a voluntary basis, of medical assistance in emergency situations or first-aid,

[2] Clause 5 (1) (h) and (i)

Insert after clause 5 (1) (g):

- (h) a medical practitioner who, without fee or reward, refers a person to another medical practitioner for the purposes of providing health care,
- (i) a medical practitioner who, without fee or reward, prescribes a therapeutic substance in either of the following circumstances:
 - (i) the prescription involves the renewal of a prescription provided by another medical practitioner (other than a medical practitioner referred to in paragraph (a), (c) or (e)) within the previous period of 6 months and does not relate to a drug of addiction within the meaning of the *Poisons and Therapeutic Goods Act 1966*,
 - (ii) the prescription is provided to a person who requires temporary relief or first-aid pending attendance on that person by another medical practitioner (other than a medical practitioner referred to in paragraph (a), (c) or (e)).

[3] Clause 5 (1A)

Omit "(g)". Insert instead "(i)".

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Schedule 1 Amendments

[4] Clause 5 (3) and (4)

Insert after clause 5 (2):

- (3) The exemption under subclause (1) (i) applies only in relation to a medical practitioner if the medical practitioner has, within the period of 12 months preceding the date on which the prescription is provided by the medical practitioner, undertaken professional education activities relating to the prescribing of therapeutic substances.
- (4) In this clause, *therapeutic substance* has the same meaning as in the *Poisons and Therapeutic Goods Regulation 2002*.

BY AUTHORITY
