



# National Health (Collaborative arrangements for midwives) Determination 2010<sup>1</sup>

*National Health Act 1953*

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I, NICOLA ROXON, Minister for Health and Ageing, make this Determination under subsection 84 (1) of the *National Health Act 1953*.

Dated 14 July 2010

NICOLA ROXON  
Minister for Health and Ageing

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## Part 1 Preliminary

### 1 Name of Determination

This Determination is the *National Health (Collaborative arrangements for midwives) Determination 2010*.

### 2 Commencement

This Determination commences on the later of the following:

- (a) 1 July 2010;
- (b) the day after it is registered.

### 3 Definitions

In this Determination:

*Act* means the *National Health Act 1953*.

*collaborative arrangement* means a collaborative arrangement mentioned in section 5.

*medical practitioner* has the meaning given by subsection 3 (1) of the *Health Insurance Act 1973*.

*obstetrician* means a medical practitioner who is a specialist in the specialty of obstetrics and gynaecology (however described).

*obstetric specified medical practitioner* means a medical practitioner mentioned in paragraph 4 (a) or (b).

*specialist* has the meaning given by subsection 3 (1) of the *Health Insurance Act 1973*.

*specified medical practitioner* means a medical practitioner mentioned in section 4.

### 4 Specified medical practitioners

For the definition of *authorised midwife* in subsection 84 (1) of the Act, the following kinds of medical practitioner are specified:

- (a) an obstetrician;
- (b) a medical practitioner who provides obstetric services;
- (c) a medical practitioner employed or engaged by a hospital authority and authorised by the hospital authority to participate in a collaborative arrangement.

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## **Part 2 Collaborative arrangements**

### **5 Collaborative arrangements — general**

- (1) For the definition of *authorised midwife* in subsection 84 (1) of the Act, each of the following is a kind of collaborative arrangement for an eligible midwife:
  - (a) the midwife is employed or engaged by 1 or more obstetric specified medical practitioners, or by an entity that employs or engages 1 or more obstetric specified medical practitioners;
  - (b) a patient is referred, in writing, to the midwife for midwifery treatment by a specified medical practitioner;
  - (c) an agreement mentioned in section 6 for the midwife;
  - (d) an arrangement mentioned in section 7 for the midwife.
- (2) For subsection (1), the arrangement must provide for:
  - (a) consultation between the midwife and an obstetric specified medical practitioner; and
  - (b) referral of a patient to a specified medical practitioner; and
  - (c) transfer of a patient's care to an obstetric specified medical practitioner.
- (3) A collaborative arrangement, other than an arrangement mentioned in section 7, may apply to more than 1 patient.
- (4) However, an acknowledgement mentioned in paragraph 7 (1) (c) may apply for more than 1 patient.

### **6 Agreement between eligible midwife and 1 or more specified medical practitioners**

- (1) An agreement may be made between:
  - (a) an eligible midwife; and
  - (b) 1 or more specified medical practitioners.
- (2) The agreement must be in writing and signed by the eligible midwife and the other parties mentioned in paragraph (1) (b).

### **7 Arrangement — midwife's written records**

- (1) An eligible midwife must record the following for a patient in the midwife's written records:
  - (a) the name of at least 1 specified medical practitioner who is, or will be, collaborating with the midwife in the patient's care (a *named medical practitioner*);

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- (b) that the midwife has told the patient that the midwife will be providing midwifery services to the patient in collaboration with 1 or more specified medical practitioners in accordance with this section;
  - (c) acknowledgement by a named medical practitioner that the practitioner will be collaborating in the patient's care;
  - (d) plans for the circumstances in which the midwife will do any of the following:
    - (i) consult with an obstetric specified medical practitioner;
    - (ii) refer the patient to a specified medical practitioner;
    - (iii) transfer the patient's care to an obstetric specified medical practitioner.
- (2) The midwife must also record the following in the midwife's written records:
- (a) any consultation or other communication between the midwife and an obstetric specified medical practitioner about the patient's care;
  - (b) any referral of the patient by the midwife to a specified medical practitioner;
  - (c) any transfer by the midwife of the patient's care to an obstetric specified medical practitioner;
  - (d) when the midwife gives a copy of the hospital booking letter (however described) for the patient to a named medical practitioner — acknowledgement that the named medical practitioner has received the copy;
  - (e) when the midwife gives a copy of the patient's maternity care plan prepared by the midwife to a named medical practitioner — acknowledgement that the named medical practitioner has received the copy;
  - (f) if the midwife requests diagnostic imaging or pathology services for the patient — when the midwife gives the results of the services to a named medical practitioner;
  - (g) that the midwife has given a discharge summary (however described) at the end of the midwife's care for the patient to:
    - (i) a named medical practitioner; and
    - (ii) the patient's usual general practitioner.
- (3) In this section:
- usual general practitioner***, for a patient, includes a medical practitioner nominated by the patient.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.