

EXPLANATORY STATEMENT

Health Insurance Act 1973

Health Insurance (Quality Assurance Activity – Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries) Declaration 2023

Purpose and operation

Part VC of the *Health Insurance Act 1973* (the Act) creates a scheme to encourage efficient quality assurance activities in connection with the provision of health services. Those activities help to ensure the quality of health services that are funded by the Government, including through Medicare benefits and public hospital services. The scheme encourages participation in such activities by protecting certain information from disclosure, and by providing some protection from civil liability to certain persons engaged in those activities in good faith.

The purpose of the *Health Insurance (Quality Assurance Activity – Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries) Declaration 2023* (the Declaration) is to declare the Australian and New Zealand Intensive Care Society (ANZICS) Centre for Outcome and Resource Evaluation (CORE) Intensive Care Registries (the Activity) to be a quality assurance activity to which Part VC of the Act applies.

The Activity is undertaken by the ANZICS. The quality assurance activity described in this declaration applies only to health services provided in Australia.

The objectives of the ANZICS CORE Intensive Care Registries are to:

- benchmark and monitor intensive care unit (ICU) activity, performance outcomes, and identification and analysis of outlier ICUs;
- provide timely, accurate information to clinicians, the public, policymakers, health care providers and jurisdictional governments;
- work with the intensive care community to prioritise registry activities that will promote improvements in care of the critically ill; and
- develop the activities of the ANZICS CORE Intensive Care Registries through local, national, and international collaboration.

The Activity consists of the following five registries:

- Adult Patient Database
- Australian and New Zealand Paediatric Intensive Care (ANZPIC) Registry
- Critical Care Resources (CCR) Registry
- ICU Central Line Associated Bloodstream Infection Registry
- Extra Corporeal Membrane Oxygenation Database

The five registries collect the following data:

- The Adult Patient Database collects data on ICU admissions related to patient outcomes and severity of illness.
- The ANZPIC Registry collects patient-level data from all dedicated paediatric ICUs and paediatric data from mixed adult/paediatric ICUs.

- The CCR Registry collects service provisions information relating to staffing, services, bed numbers and quality and safety process activity.
- The ICU Central Line Associated Bloodstream Infection (CLABSI) Registry collects unit-based data to monitor rates of CLABSI.
- the Extra Corporeal Membrane Oxygenation Database collects patient-level data to monitor outcomes and variation in practice of high cost life-saving procedures for patients suffering from life-threatening heart and lung failure.

The five registries also collect two additional datasets:

- Critical Health Resource Information System – introduced to collect COVID-19 specific data, initially for COVID-19 pneumonitis and expanded to collect information about patients with incidental infections. The data differentiates the variety of COVID-19 admissions and monitors the phases of the pandemic.
- Patient reported outcome and experience measures – commencing with a six month pilot in 2023, with a full rollout throughout all Australian ICUs in 2024.

ANZICS generates regular reports on risk-adjusted outcomes, activity, and process measures with comparative benchmarks from the Activity data. ANZICS’ benchmarking process includes a structured methodology to identify outlier ICUs and provide in-depth analysis and feedback to both the ICU and the jurisdictional governance body responsible for the ICU. Reports are provided to all participating ICUs on a quarterly basis through a secure online web portal.

ANZICS also provides education and technical support to participating ICUs to ensure quality data submission and produces regular reports of risk-adjusted patient outcomes to contributing ICUs.

Where the benchmarking process identifies an ICU which is outside the normal expected range, the results are first discussed with the director of that ICU. The Jurisdictional Advisory Group and hospital executive responsible for the ICU are informed that a review will be undertaken. A report is produced and fed back to these stakeholders. This process includes mechanisms to discuss the report through jurisdictional liaison committees which include local intensive care practitioners and government representatives.

Authority

Subsection 124X(1) of the Act provides that the Minister may, by legislative instrument, declare a quality assurance activity described in a declaration to be a quality assurance activity to which Part VC of the Act applies. The Declaration declares the Activity to be a quality assurance activity to which Part VC of the Act applies.

Commencement

This Declaration commences on the day after registration of the instrument on the Federal Register of Legislation.

Consultation

ANZICS, as the applicant for declaring the Activity, was consulted in relation to the content of the Declaration. No concerns were raised with the proposed content. Wider consultation was not considered necessary as the quality assurance activity only relates to the gathering of information for the Activity, as conducted by ANZICS. The declaration of the Activity will not result in any direct or substantial indirect effect on business.

General

This Declaration is a disallowable legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the Declaration are set out in **Attachment A**.

The Declaration is compatible with the rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility with human rights is set out in **Attachment B**.

Health Insurance (Quality Assurance Activity – Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries) Declaration 2023

Part 1—Preliminary

Section 1 – Name

This section provides that the name of the Declaration is the *Health Insurance (Quality Assurance Activity – Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries) Declaration 2023*.

Section 2 – Commencement

This section provides that the Declaration commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the Declaration is made under subsection 124X(1) of the *Health Insurance Act 1973*.

Section 4 – Repeal

This section provides that the Declaration will be repealed when it ceases to be in force in accordance with subsection 124X(4) of the *Health Insurance Act 1973*.

Subsection 124X(4) of the *Health Insurance Act 1973* provides that a declaration of a quality assurance activity ceases to be in force at the end of 5 years after it is signed, unless sooner revoked.

Section 5 – Schedule

This section provides that the quality assurance activity described in the Schedule is declared to be a quality assurance activity to which Part VC of the *Health Insurance Act 1973* applies.

Schedule 1 – Description of quality assurance activity

Item 1 – Name of activity

Item 1 provides that the name of the Activity is ‘Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries’.

Item 2 – Description of activity

Item 2 of Schedule 1 describes the quality assurance activity as a group of five registries collecting data for the purpose of auditing and benchmarking of Intensive Care Unit (ICU) performance across Australia through the Adult Patient Database, the Australian and New Zealand Paediatric Intensive Care (ANZPIC) Registry, the Critical Care Resources (CCR) Registry, the ICU Central Line Associated Bloodstream Infection Registry and the Extra Corporeal Membrane Oxygenation dataset. An additional two datasets collect COVID-19 specific data and patient reported outcome and experience measures.

ANZICS develops an annual activity report that provides summary information for each registry based on aggregated non-identifiable data. This report is disseminated to stakeholders in Commonwealth, and state and territory departments of health, hospitals, tertiary institutions, libraries, and international intensive care societies. Individual annual activity reports are provided for the CCR and ANZPIC registries. ANZICS also facilitates provision of de-identified data to third-party researchers about the availability and utilisation of critical care resources, patient outcomes, mortality, disease patterns and the effectiveness of intensive care services in Australia.

Data collected through the Activity is used for research into:

- resource issues and planning
- state-wide infrastructure planning
- influenza pandemic planning
- biosecurity and terrorism planning
- critical care workforce and local hospital staffing
- demographic aspects
- quality activities
- processes of care
- international trends and comparators.

The data and research allow for the development and upkeep of performance indicators which are part of the routine monitoring of ICU outcomes and practices.

Approval of requests for the secondary use of ANZICS CORE data includes mandated non-disclosure agreements and pre-publication review of any resulting manuscripts under the ANZICS CORE Data Access and Publication Policy.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Health Insurance (Quality Assurance Activity – Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries) Declaration 2023

This Declaration is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The *Health Insurance (Quality Assurance Activity – Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries) Declaration 2023* (the Declaration) declares the Australian and New Zealand Intensive Care Society Centre for Outcome and Resource Evaluation Intensive Care Registries (the Activity), conducted by the Australian and New Zealand Intensive Care Society, to be a quality assurance activity to which Part VC of the *Health Insurance Act 1973* (the Act) applies. Information known solely as the result of the Activity, or documents created solely for the purposes of the Activity, will be covered by qualified privilege.

Human rights implications

This Declaration engages with the right to health as set out in Article 12 of the *International Covenant on Economic, Social and Cultural Rights* by assisting with the progressive realisation by all appropriate means of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The Qualified Privilege Scheme established by Part VC of the Act is aimed at encouraging participation in quality assurance activities that help to ensure that the highest possible health care standards are maintained. The quality assurance activity described in this Declaration will provide participants in the Activity with a greater degree of confidence and security that their participation is solely for the benefit of improving community health care.

This Declaration also engages, but does not limit, the right to privacy as contained in Article 17 of the *International Covenant on Civil and Political Rights*. The Activity involves the collection, storage, security, use, disclosure or publication of de-identified personal information. Aggregated non-identifiable data will be disseminated to stakeholders in annual activity reports and will be provided to third party researchers for research into intensive care planning and activities.

Conclusion

This Declaration is compatible with human rights as it promotes the right to health and does not limit the right to privacy.

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