

2004

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

HEALTH REGULATIONS 2004

Subordinate Law SL2004-14

EXPLANATORY STATEMENT

Circulated by authority of

Simon Corbell MLA
Minister for Health

EXPLANATORY STATEMENT

Authority

These regulations are authorised by sections 38 and 37B of the *Health Act 1993*.

Outline/Background

Following the amendments to the *Nurses Act 1988*, which provided for the establishment of the nurse practitioner role as described in the report of the Steering Committee of the Nurse Practitioner Project 2002, new health regulations are required to enable nurse practitioners to perform their function. The new Health Regulations will provide the authorisation process for the approval of nurse practitioner positions including the approval of a scope of practice by the Chief Executive of ACT Health. These regulations are required to enable occupants of nurse practitioner positions to fulfil their expanded role subject to the final approval of their scope of practice including clinical guidelines and a recommended medication formulary.

Revenue/Cost Implications

There is no additional cost involved in these regulations as all infrastructure is in place under the existing regime.

Formal Clauses

Clause 1 – Name of Regulations – states the name of the regulations, which are the *Health Regulations 2004*.

Clause 2 – Commencement – states when the regulations commence. All regulations are to commence on a day fixed by the Minister by written notice. This will allow coordination of the commencement of the regulations with the commencement of the *Nurse Practitioners Legislation Amendment Act 2004*.

Clause 3 – Notes – provides an explanation that notes included in the regulations are explanatory and do not form part of the regulations.

Clause 4 – Definitions for pt 2 – provides a definition of nurse practitioner position and the scope of practice.

Clause 5 – Criteria for approval of nurse practitioner positions – provides that the Minister must determine criteria for the approval of nurse practitioner positions and that this determination is a disallowable instrument.

Clause 6 – Application for approval of nurse practitioner positions – provides that an application may be made to the chief executive for approval of a nurse practitioner position.

Clause 7 – Request for further information – provides that the chief executive may require the applicant to provide further information before proceeding with the application.

Clause 8 – Approval of nurse practitioner positions – provides that the chief executive may approve a nurse practitioner position if the criteria under regulation 5 is satisfied.

Clause 9 – Notice of decisions – requires the chief executive to provide a written notice of the decision in respect of approval of a nurse practitioner position to the applicant and that this notice needs to comply with the code of practice in force under the *Administrative Appeals Tribunal Act 1989*.

Clause 10 – Review by administrative appeals tribunal of certain decisions – provides a right of appeal to the Administrative Appeals Tribunal in respect of decisions made under regulation 8 for the applicant of the position and a right of appeal to the occupant of the nurse practitioner position.

Clause 11 – Scope of practice for nurse practitioner position – provides that if the chief executive approves a nurse practitioner position the chief executive must also approve a scope of practice for the position in accordance with the guidelines approved by the Minister under regulation 12.

Clause 12 – Guidelines for approving scope of practice – provides that the Minister may approve guidelines for approving a scope of practice under regulation 11.