



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records Authority

2013/00636252

Professional Services Review

Medicare and Pharmaceutical Benefits Review

2014

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INTRODUCTION

Professional Services Review (PSR) and the National Archives of Australia have developed this Records Authority to set out the requirements for keeping or destroying records for the core business area of Medicare and Pharmaceutical Benefits Review. It represents a significant commitment on behalf of the PSR to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of PSR. It takes into account the agency's legal and organisational records management requirements, and the interests of stakeholders, the agency and the National Archives of Australia.

The Authority sets out those records that need to be retained as national archives and specifies the minimum length of time that temporary records need to be kept. This Authority gives PSR permission under the *Archives Act 1983*, for the destruction of the temporary records described after the minimum retention period has expired. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements; and community expectations, and are approved by the National Archives of Australia on the basis of information provided by the agency.

As changes in circumstances may affect future records management requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

APPLICATION OF THIS AUTHORITY

1. This Authority supersedes Records Authority RDA 1240 (1996). The superseded records authority cannot be used by Professional Services Review after the date of issue of this Authority.
2. This Authority is to be used to determine how long records must be kept. Records are matched to the relevant core business and records class in the Authority:
 - Where the minimum retention period has expired and the records are not needed for agency business they should be destroyed as authorised in this Authority;
 - Records that have not reached the minimum retention period must be kept until they do; and
 - Records that are identified as Retain as National Archives (RNA) are to be transferred to the National Archives of Australia for preservation.
3. This Authority should be used in conjunction with general records authorities such as:
 - the Administrative Functions Disposal Authority (AFDA) and/or AFDA Express issued by the National Archives to cover business processes and records common to Australian Government agencies; and
 - General Records Authority (31) For source (including original) records that have been copied, converted or migrated.
4. The Normal Administrative Practice (NAP) provision of the *Archives Act 1983* gives agencies permission to destroy certain records without formal authorisation. This usually occurs where records are duplicated, facilitative or for short-term use only. NAP does not replace arrangements agreed to in this Authority but can be used as a tool to assist in identifying records for destruction together with an agency's Records Authority or Authorities, and with AFDA and AFDA Express. The National Archives recommends that agencies develop and implement a Normal Administrative Practice policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop an agency NAP policy is available from the National Archives' website at www.naa.gov.au.
5. Records that are reasonably likely to be needed as evidence in a current or future judicial proceeding or are subject to a request for access under the *Archives Act 1983*, the *Freedom of Information Act 1982* or any other relevant Act must not be destroyed until the action has been completed.
6. Records subject to a disposal freeze must not be destroyed until the freeze has been lifted. Further information about disposal freezes and whether they affect the application of this Authority is available from the National Archives website at www.naa.gov.au.
7. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this Authority can still be applied, providing the records document the same core business. The information must be accessible for the period of time prescribed in this Authority. PSR will need to maintain continuing access to the

information, including digital information, for the periods prescribed in this records authority or until the information is transferred into the custody of the National Archives.

8. In general, retention requirements indicate a minimum period for retention. PSR may extend minimum retention periods if it considers that there is an administrative need to do so, without further reference to the National Archives. Where PSR believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should contact the National Archives for review of the retention period.
9. Records coming within 'Retain as national archives' classes in this Authority have been determined to be part of the archival resources of the Commonwealth under Section 3C of the *Archives Act 1983*. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the National Archives when they cease to be current and, in any event, within 15 years of the records coming into existence, under Section 27 of the *Archives Act 1983*.
10. Records in the care of agencies should be appropriately stored, managed and preserved. Agencies need to meet this obligation to ensure that the records remain authentic and accessible over time. Under Section 31 of the *Archives Act 1983*, access arrangements are required for records that become available for public access including those records that remain in agency custody.
11. Appropriate arrangements should be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives.
12. Advice on how to use this Authority is available from the PSR records manager. If there are problems with the application of the Authority that cannot be resolved, please contact the National Archives.

CONTACT INFORMATION

For assistance with this authority or for advice on other records management matters, please contact the National Archives' Agency Service Centre.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Business Centre ACT 2610

Tel: (02) 6212 3610
Fax: (02) 6212 3989
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2013/00636252

Person to whom notice of authorisation is given:

Dr William Coote
Director & Chief Executive Officer
Professional Services Review
Level 1, 20 Brindabella Circuit
Brindabella Business Park
Canberra Airport ACT 2609

Purpose:

Authorises arrangements for the disposal of records in accordance with Section 24(2)(b) of the *Archives Act 1983*.

Determines records classed as 'Retain as national archives' in this Records Authority to be part of the archival resources of the Commonwealth under Section 3C of the *Archives Act 1983*.

Application:

All core business records relating to Medicare and Pharmaceutical Benefits Review.

This authority gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. This authority will apply only with the consent of the agency currently responsible for the business documented in the records described.

Authorised by

David Fricker
Director-General
National Archives of Australia

Date of issue:

18 February 2014

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The core business of safeguarding the public against the risks and costs of inappropriate practices by health practitioners, ensuring Commonwealth funded services delivered by practitioners are medically and clinically relevant and claims are made in accordance with the regulations for the relevant Medicare and pharmaceutical benefits programs.

Cases of suspected inappropriate practice are referred to the Director of the Professional Services Review (or equivalent) requesting review. If the Director determines that there are insufficient grounds on which a committee of peers could reasonably find that the person under review has engaged in inappropriate practice, then no further action is taken. Where the Director determines that there are sufficient grounds, the case is referred to a committee of peers to review and make a decision. If the committee makes a finding of inappropriate practice a report is prepared and provided to the determining authority and a suitable sanction (eg repayment of monies, disqualification period, counselling or reprimand) is imposed. Alternatively, the Director may decide to negotiate a confidential agreement where the person under review acknowledges inappropriate practice and agrees to specified actions, and the agreement is ratified by the determining authority.

The **core activities** include:

- managing review and investigation processes, including receiving the request for review, notification to the practitioner under review, obtaining technical advice and guidance from consultants, receipt of submissions and related evidence such as clinical records, conducting hearings, communications (such as draft determinations) with the practitioners, preparing case outcome reports, and referring matters to appropriate regulatory authorities or health registration boards (where applicable);
- liaising and consulting with major stakeholders, including health practitioners, their professional bodies, the agency requesting review and registration boards;
- negotiating, establishing, managing and reviewing agreements and contracts, including agreements with practitioners created as the outcome to a review process;
- preparation of appeal documentation where a practitioner appeals to a higher court;
- administration of the professional services review panel and the determining authority, including providing administrative support for the appointment of panel members and Deputy Directors and making hearing arrangements; and
- increasing the awareness of individual practitioners of what constitutes inappropriate practice in relation to the provision of Medicare and pharmaceutical benefits programs.

The performance of the core business is supported by **general activities** such as:

- developing, implementing and reviewing procedures, rules, frameworks, strategies and plans;
- receiving and providing advice and other forms of information, including policy advice relating to protecting Medicare and pharmaceutical benefits programs;
- managing and participating in internal and external committees and meetings;
- identifying, assessing and managing risks;
- delegating powers and authorising actions;
- developing reports and submissions;
- planning, conducting and facilitating audits;
- preparing and presenting speeches; and
- managing public enquiries.

Cross references to AFDA Express records authority

For advice, briefs and submissions to the portfolio Minister, cabinet submissions, and the organisation's participation in formal inquiries, use GOVERNMENT RELATIONS.

For development of new legislation and amendments to existing legislation, use GOVERNMENT RELATIONS and/or STRATEGIC MANAGEMENT.

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For media releases and interviews relating to health and pharmaceutical services review, use COMMUNITY RELATIONS and/or GOVERNMENT RELATIONS.

For management of legal services, including legal advice, use LEGAL SERVICES.

For the acquisition of goods and services, including issue, receipt and assessment of tenders and management of external service providers such as consultants, use PROCUREMENT.

For developing and executing contracts under seal or deeds, use CONTRACTS UNDER SEAL/DEEDS.

Cross references to other records authorities

For statutory and non-statutory advisory bodies supporting the core business, including the Professional Service Review Advisory Committee, use ADVISORY BODIES.

Class no	Description of records	Disposal action
61496	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • developing and reviewing high-level <u>plans</u>, <u>strategies</u> and <u>frameworks</u> to support professional services review. Includes final versions, proposals, discussion and issues papers, major drafts, stakeholder consultation and supporting research; • master versions of <u>rules</u> and <u>guidelines</u> to support professional services review processes, including assessment criteria and guidelines for appointing panel members; • <u>professional review cases</u> (ie case files), where the agency Director refers the case to a committee of peers for review or elects to negotiate an agreement with the person under review. Includes final determinations, findings, recommendations, reports and supporting documentation, submissions, initial request for review and outcome of Director's review. Also includes, where applicable, negotiated agreements, referrals to appropriate regulatory authorities, and preparation of documentation for judicial review proceedings; • development of national and high-level <u>reports</u>. Includes final versions, stakeholder consultation, major drafts and supporting research; • <u>summary records</u> supporting the core business, such as those consolidating information on reviews or registers of panel members; • <u>instruments of appointment</u> for Deputy Directors, professional services review panel members, and members of the determining authority; • high-level <u>advice</u> provided to, or received from, major stakeholders in relation to the core business, including advice from industry bodies. Includes opinions, submissions, position and discussion papers, and briefings; • national and high-level <u>reviews</u>, including strategic reviews and major internal reviews. Includes final review reports, recommendations, stakeholder consultations, submissions, and supporting research; • high-level internal and external <u>committees and other bodies</u> where the organisation provides the secretariat, is the Australian Government's main representative, or plays a prominent or central role. Includes establishment documentation, agenda, final versions of minutes, reports and tabled papers; • final versions of <u>speeches</u>, addresses and <u>briefings</u> presented by the portfolio Minister or senior agency staff; 	Retain as national archives

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Class no	Description of records	Disposal action
61496 (cont)	<ul style="list-style-type: none"> • final versions of significant high-level <u>agreements and contracts</u> between the agency and other governments, agencies or organisations, and supporting documents, that: are controversial or of public interest; relate to major funding or coordination arrangements; or otherwise have a substantial impact on the review of Medicare and pharmaceutical services. Includes joint venture agreements and Memorandums of Understanding; and • master versions of agency <u>publications</u> produced to support the core business (eg Reports to the Professions). <p><i>[For production and distribution of agency publications, use AFDA Express - PUBLICATION.]</i></p>	
61497	<p>Original evidence received from stakeholders to support professional review cases that is not required to be retained as part of the case file, and is either:</p> <ul style="list-style-type: none"> • no longer wanted by the owner; or • unable to be returned to the owner after reasonable efforts have been made for its return. 	Destroy 1 year after the case is finalised
61498	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine operational administrative tasks supporting the core business; and • Medicare and pharmaceutical services review activities, other than those covered in classes 61496 and 61497. 	Destroy 7 years after action completed