

19 February 2008



Dr Nicola Dunbar
National Patient Charter of Rights
Australian Commission on Safety and Quality
in Healthcare
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Dear Dr Dunbar

Thank you for inviting us to provide input to the development of the National Patient Charter of Rights.

In general, members of the Medical Indemnity Industry Association of Australia (MIIAA) do not have concerns about the wider concept and general content of the National Patient Charter of Rights or the National Patient Charter Principles. We believe that the Principles reiterate existing broad principles already in place in the health care system. As such, insurers do not believe that the implementation of the Charter and Principles would have any new medico-legal impact on individual doctors.

The MIIAA does, however, wish to comment on the need to adequately outline the responsibilities of patients in the Charter and Principles. The Consultation Paper particularly asks whether the emphasis on patient responsibilities and rights should be strengthened. There is only one reference in Part 5 of the Principles to patient responsibilities. The MIIAA believes that Part 5 of the Principles could be strengthened to more explicitly address the patient responsibility to communicate with their health care provider. The expansion of the final sentence in Part 5 to state

Patients are expected to follow plans that have been agreed with the health care provider *[and to advise the health care provider if they decide not to follow the plan]* and to report any changes in their condition

would increase the emphasis on patient responsibilities.

The MIIAA also believes that there could be an increased emphasis on the importance of the partnership between the health care provider and the patient in the Principles, and that this emphasis would enhance the value of the Principles.

The importance of personal safety for health care providers in both the public and private sector has been emphasised in recent times. If part 2 of the Principles was strengthened to include the recognition that patients and health care providers have a responsibility to treat each other with respect, this would serve as reinforcement of the importance of the relationship between the patient and health care provider.

The MIIAA would be happy to provide further advice on the Charter and Principles following the conclusion of your initial consultation phase.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ellen Edmonds-Wilson', is written over a light grey rectangular background.

Ellen Edmonds-Wilson
Chief Executive Officer