

Area of Need Declaration

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Contact:	Professor Anthony Lawler, Principal Medical Advisor
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Approval

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Revision History

Version	Approved by name	Approved by title	Amendment notes
001 – Nov16	Professor Anthony Lawler	Principal Medical Advisor	Updates to Policy due to structural changes within the DHHS and changes to declaration periods

This Policy may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for the Department of Health and Human Services. **PLEASE DESTROY PRINTED COPIES.** The electronic version of this Policy is the approved and current version and is located on the Department of Health and Human Services' Strategic Document Management System. Any printed version is uncontrolled and therefore not current.

Purpose

- The *Health Practitioner Regulation National Law (Tasmania) Act 2010* (the Act) allows the Minister for Health or their delegates to declare a jurisdiction, or part of the jurisdiction, as areas of need for medical services.
- The purpose of this policy is to provide the :
 - process that health services wishing to apply for an Area of Need Declaration must follow (Attachment 1 - Updated);
 - principles that underpin the declaration of an Area of Need in Tasmania as listed in the Area of Need Assessment Protocol (Attachment 2 - Updated); and
 - criteria against which all Area of Need applications are assessed (Attachment 2).

Mandatory Requirements

- This is a DHHS wide policy and must not be re-interpreted so that subordinate policies exist. Should discreet operational differences exist, these should be expressed in the form of an operating procedure or protocol.
- **Failure to comply with this policy**, without providing a good reason for doing so, may lead to disciplinary action.
- All applications for an Area of Need Declaration must be assessed by the Minister or their delegates against published criteria, which are:
 - evidence of need; and
 - evidence of adequate labour market testing.
- These criteria are described in more detail at Attachment 2 – Area of Need Assessment Protocol. Area of Need applications must fully address all criteria by submitting the forms supplied at Attachment 3 - Updated. Incomplete applications will be returned and not assessed until all criteria have been addressed.
- An approved Area of Need applicant will need to submit a new Area of Need application when their current Area of Need approval expires. This may be done no sooner than 60 days prior to the expiration date. Applications must fully address all criteria by submitting the forms in Attachment 3 to the Principal Medical Advisor, or the Medical Director, General Practice and Primary Care.
- The Minister or his delegates hold the right to extend an Area of Need declaration at the Minister or his delegates' discretion.

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Roles and Responsibilities/Delegations

- The *Health Practitioner Regulation National Law (Tasmania) Act 2010* allows limited registration to be granted to enable a health professional to practice in an Area of Need. This section also prescribes that the determination of an Area of Need resides with the responsible Minister and that the Minister may delegate this power. In Tasmania the Minister has delegated this authority to the Principal Medical Advisor, Deputy Principal Medical Advisor and Medical Director, General Practice and Primary Care, Department of Health and Human Services.
- All criteria for an Area of Need application must be met as referred in Attachment 2.
- The applicant is responsible for all registration requirements with the Medical Board of Australia of an individual to be employed under the Area of Need Declaration.
- It is expected that a medical practitioner employed under an Area of Need Declaration will comply with the Medical Board of Australia's *Limited registration for area of need registration standard*.
- The authority to make a final decision of an Area of Need application will reside with the Principal Medical Advisor, Deputy Principal Medical Advisor and Medical Director, General Practice and Primary Care as the Delegates of the Minister.

Risk Implications

- The absence of a clear, robust and transparent process for assessing Area of Need applications creates uncertainty around how applications for declarations are assessed.
- It should not be automatically assumed that if an applicant is approved for District of Workforce Shortage (DWS) status that it guarantees Area of Need determination.

Training

- Not Applicable

Audit

- This policy will be included in the work program of the DHHS Internal Audit function. This work program is approved by the Audit and Risk Committee and will assess underlying systems and procedures for compliance with the requirements of this policy. The overall focus of this assessment will be one of continuous improvement to DHHS activities.

Attachments

- 1 Area of Need Application Process Flow Chart
- 2 Area of Need Assessment Protocol
- 3 Area of Need Declaration - Application Form

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