

Medical Advisory Committee Chairperson

ROLE AND RESPONSIBILITIES

Advisory Notice 7/20

July 2020

The Medical Advisory Committee (MAC) is an important governance body required under the *Health Service Establishments Act 2006* (the Act) and *Health Service Establishments Regulations 2011* (the Regulations) to ensure clinical standards in safety and quality are met by licensed establishments. The chairperson plays an important role including making sure meetings are conducted according to the terms of reference, and by managing conflicts of interest in the committee.

1. What is the purpose of the MAC and what does it do?

- 1.1. The MAC plays an important role in the governance of a licensed facility. The MAC is responsible for advising the licensee on:¹
 - (a) the accreditation of practitioners necessary to provide services at the facility and the delineation of their clinical responsibilities,
 - (b) matters concerning clinical practice at the facility,
 - (c) matters concerning the care and safety of patients at the facility, and
 - (d) any other matter relating to the safety and quality of services at the facility.
- 1.2. The MAC also plays an important role in ensuring the licensee complies with the MAC's advice and is responsible for, as soon as is reasonably practicable, reporting to the Secretary any repeated failure by the licensee of the facility to act on the advice given under Regulation 4(3) of Part 2 of Schedule 1 of the Regulations, if the failure is likely to adversely impact on the health or safety of patients or staff.²
- 1.3. The Regulations also set out specific functions for the MAC which are included in the Terms of Reference for each licensed facility's MAC.³

2. Who should be the chairperson?

- 2.1. The chairperson should be someone with seniority either within or external to the facility.
- 2.2. The chairperson must be someone who understands the role and responsibilities of the MAC and is familiar with the licensee's obligations under the Act and Regulations.
- 2.3. The chairperson should be a registered medical practitioner and have appropriate qualifications and experience related to the services being provided by the facility.
- 2.4. The chairperson should not have a pecuniary interest in the facility, as this has the potential to create a conflict of interest.

¹ Regulation 4(3) of Part 2 of Schedule 1 of the Health Service Establishments Regulations 2011

² Regulation 4(4) of Part 2 of Schedule 1 of the Health Service Establishments Regulations 2011

³ Regulation 5 of Part 2 of Schedule 1 of the Health Service Establishments Regulations 2011

- 2.5. As the MAC is responsible for advising the licensee and is also accountable to the licensee and the Secretary of the Department of Health, it would be inappropriate for the licensee to be the chairperson.

3. What does the chairperson do?

- 3.1. The chairperson manages conflicts of interest in the committee and ensures the MAC meetings are conducted in accordance with the Terms of Reference.
- 3.2. The chairperson must be present at each MAC meeting to achieve a quorum, which the Regulations require to be a majority of members, one of whom must be the chairperson or his or her nominee.⁴
- 3.3. As the 'spokesperson' for the MAC, the chairperson should ensure the functions of the MAC are fulfilled, including advising the licensee and Secretary of the Department of Health as required.
- 3.4. The chairperson must decide whether or not a member should participate in any deliberation or decision of the committee if a member declares to the chairperson that there is a potential conflict. The Regulations state that if grounds exist or there is a reasonable possibility that the member may not consider an issue with respect to the credentialing or scope of practise of a practitioner in a fair and unbiased way, they must not participate in a deliberation or decision related to that practitioner.⁵
- 3.5. Note that despite any obligations of the MAC, the licensee remains responsible for the safety of patients at the facility and the clinical governance of the facility.⁶

4. What if the licensee is also a member of the MAC?

- 4.1. Ideally, the members of the MAC should not include the licensee, however this is not always possible. If a licensee is a member of the MAC, the chairperson must ensure that conflicts of interests are managed appropriately.
- 4.2. If owing to special circumstances, an approved MAC may be perceived to be biased in respect of any issue to be determined or otherwise unsuitable to determine any issue, the Secretary may appoint a membership in accordance with the clause 2(10) of Schedule 5 of the Regulations to consider and determine that issue.
- 4.3. The MAC is responsible for as soon as is reasonably practicable, reporting to the Secretary any repeated failure by the licensee of the facility to act on the advice given under Regulation 4(3) of Part 2 of Schedule 1 of the Regulations, if the failure is likely to adversely impact on the health or safety of patients or staff.⁷ If the licensee is a member of the committee, and also repeatedly fails to act on the MAC's advice, the chairperson is obliged to report the non-compliance to the Secretary.

Questions and further information

For all questions or further information about the roles and responsibilities of the MAC Chairperson, visit <https://www.dhhs.tas.gov.au/privatehealthregulation> or contact 6166 3856 | hselicensing@health.tas.gov.au

⁴ Regulation 2(7) of Schedule 5 of the Health Service Establishments Regulations 2011

⁵ Regulation 2(4) and (5) of Schedule 5 of the Health Service Establishments Regulations 2011

⁶ Regulation 4(4) of Part 2 of Schedule 1 of the Health Service Establishments Regulations 2011

⁷ Regulation 4(4) of Part 2 of Schedule 1 of the Health Service Establishments Regulations 2011