Justice Health and
Forensic Mental Health Network

Justice Health NSW Policy

Access to Private Health Services

Issue Date: 05 December 2024

Together for
Healthier Tomorrows

Access to Private Health Services

Policy Number 1.253

Policy Function Continuum of Care

Issue Date 05 December 2024

Next Review Date 05 December 2027

Risk Rating High

Summary This policy provides Justice Health and Forensic Mental Health Network staff with guidelines for accessing private health service providers to meet patient health requirements/needs and for the engagement of private health services at the patient's request.

Responsible Officer Director, Office of the Chief Executive

Applies to
☐ Administration Centres
☐ Community Sites and programs
☒ Health Centres - Adult Correctional Centres or Police Cells
☒ Health Centres - Youth Justice Centres
☒ Long Bay Hospital
☒ Forensic Hospital

CM Reference POLJH/1253

Change summary Minor amendments to Responsible Officer and approval delegations.

Authorised by Chair, Policy Steering Committee

Revision History

#	Issue Date	Number and Name	Change Summary
5	December 2024	1.253 Access to Private Health Services	Minor amendments to Responsible Officer and approval delegations.
4	July 2023	1.253 Access to Private Health Services	Minor review.
3	March 2019	1.253 Access to Private Health Services	Clarity that the Network is not responsible for checking the credentialing of Medical Officers not contracted by the Network who enter the correctional environment in a private capacity. The Network Director of Nursing & Midwifery Services or Deputy Director of Nursing & Midwifery-Custodial Health will first approve the provision of Network Initiated or Endorsed Private

			Health Services in adult custodial settings. The provision of Network Initiated or Endorsed Private Health Services must be approved by the relevant Co-Director (clinical) and EDCO no longer required. Update to names and abbreviations in line with organisational changes. Rewording to provide better clarity.
2	April 2016	1.253 Access to Private Health Services	Inclusion of Credentialing of Senior Medical Staff Processes pertaining to Medical Appointments Unit and Integrated Care Services updated
1	June 2012	1.253 Access to Private Health Services	Procedural changes. Inclusion of access to and engagement of private health services section.

PRINT WARNING

Printed copies of this document, or parts thereof, must not be relied on as a current reference document.

Always refer to the electronic copy for the latest version.

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1. Preface

The role of Justice Health and Forensic Mental Health Network (Justice Health NSW) is to provide health care services for patients in the custody of Corrective Services New South Wales (CSNSW)/Juvenile Justice New South Wales (JJNSW) and to patients in the Forensic Hospital. The principle is to provide evidence based clinical services according to best clinical practice in order to return healthier patients to the community. These are equivalent to publicly funded health services available within the community. If Justice Health NSW is unable to provide a required health service, it will arrange and facilitate the provision of the service by other providers. These may include NSW public hospital and health systems or where deemed appropriate by Justice Health NSW in exceptional (or extraordinary) circumstances, private providers may be engaged by Justice Health NSW to provide this care.

Outside of this arrangement, patients/legal teams may at times request to engage/access their own health services, external to Justice Health NSW. Patients (and their legal representatives) may do this to gain a second opinion, continue treatment with their own community provider, make their own arrangements for the treatment of a specific condition, or have a non-urgent surgical procedure undertaken. It is important for patients, legal teams and providers to note that patients in custody are unable to use Medicare Cards because Justice Health NSW is funded by the State to provide/arrange all patient health care. Therefore, patients who elect to engage their own providers are responsible for all costs associated with this service, including CSNSW/JJNSW escort and transport costs.

2. Policy Content

2.1 Roles and Responsibilities

Health services are provided to Justice Health NSW patients by the health centre, local public hospitals, Prince of Wales Hospital (POWH), and occasionally through local private providers.

Non-urgent/elective specialist and diagnostic services can be accessed through several ways. The Medical Appointments Unit (MAU) will arrange appointments for specialist services for patients that are located at (or for Inter-Correctional Centre Transfer to):

- Long Bay Correctional Complex (LBCC) at Prince of Wales Hospital;
- Silverwater Correctional Complex (SWCC) at Westmead Hospital (and other (hospitals co- located to SWCC);
- Francis Greenway Correctional Complex (FGCC) at Nepean Hospital (and other hospitals that facilitate specific medical appointments. eg. Antenatal services at Westmead Hospital):
- Selected internal medical appointments at Long Bay Hospital - Area 2 (LBH 2), Long Bay Correctional Complex or Prince of Wales Hospital (POWH).

For medical emergencies; transfers to Local Health District (LHD) Emergency Departments are managed by the Justice Health NSW Health Centre.

Appointments for young people detained in JJNSW are booked with the local public health service by the Health Centre.

For additional information; Please refer to Justice Health NSW Policy 1.252 Access to Local Public Hospitals.

2.2 Implementation – Roles & Responsibilities

Referrals by Justice Health NSW staff to private services may only be made when the following requirements are met:

1. The request form for Local Private Provision of Health Services (JUS200.040) is completed and approved by the General Manager Primary Care and Executive Medical Director
2. The NSW Clinical Director Forensic Mental Health in consultation with the General Manager Forensic Mental Health must first approve all Forensic Hospital requests.
3. The estimated cost of the service and reason for private health care should be provided (sometimes the total cost of the service is not known until a procedure has been completed).

3. Procedure Content

3.1 Access to and Engagement of Private Health Services at the Patients' Request

Patients/legal teams may request to engage/access private health services external to/outside of Justice Health NSW arrangements. The approval for this type of access to health services by patients in custody lies entirely with CSNSW/JJNSW. These requests by patients are communicated to the local Governor or Centre Manager by the Nursing Unit Manager (NUM).

Justice Health NSW staff must not be involved in making recommendations or approvals for this type of access to health care. Justice Health NSW staff should advise CSNSW/JJNSW whether the service requested by the patient/patient advocate is available by Justice Health NSW and/or the Public Health system.

Justice Health NSW staff have the following role in the engagement of private services at the patient's/patient advocate's request:

- Justice Health NSW staff should advise patients that Justice Health NSW has no role in facilitating such services. A letter of medical referral (if deemed appropriate by the responsible Justice Health NSW medical officer) can be provided upon request by the patient/patient advocate. Such a referral may be issued after signed approval from the General Manager/Executive Medical Director, CSNSW Governor or JJNSW Centre Manager. These approvals are recorded on JUS200.040.
- Justice Health NSW staff are under no obligation to provide treatments, referrals or undertake investigations recommended by independent health providers.
- Justice Health NSW staff will provide any treatment that is clinically appropriate according to the presenting health problem and the information available to them.
- Once a copy of the signed approval is provided by CSNSW/JJ NSW, the Health Centre NUM should arrange for a consulting room to be made available for the visiting provider.
- Justice Health NSW staff are not obliged to provide equipment and/or consumables for these consultations. Anything required should be negotiated by the provider with CSNSW General Manager/JJNSW Centre Manager before the consultation.

- Any invasive procedures (including dental procedures) proposed to be performed by non-Network visiting providers cannot be undertaken within Justice Health NSW Health Centre, except in the most extraordinary circumstances, and with the signed approval of the relevant General Manager and Executive Medical Director.
- Required equipment or consumables should be discussed with CSNSW Governor or JJNSW Centre Manager prior to the visit.
- Justice Health NSW staff maintain a professional obligation to report any concerns of which they become aware regarding the performance or conduct of non-Network medical staff within the custodial environment. In the first instance any such concerns should be reported to the concerned staff member's immediate supervisor/manager who will escalate the concern to the appropriate Service or Clinical Director.
- If the external/private health provider requests access to the patient's Health Record, the usual privacy procedures apply (i.e. a signed patient consent form must be completed and filed in the patient's Health Record). This should be arranged in advance of the consultation, and must be documented in the patient's Health Record as per NSW Health *Privacy Manual for Health Information* (February 2025) and in accordance with Justice Health NSW Procedures 9.074 *Requesting and Disclosing Health Information* and 9.048 *Health Records*.
- The visiting provider should communicate the Care Plan to Health Centre staff. Staff are under no obligation to act on this plan (e.g. taking pathology specimens, ordering CT Scans, X- rays, and Ultrasounds etc.), and should discuss this at the earliest opportunity with their Service Director or Clinical Director. Justice Health NSW is not responsible for the costs of any procedures and/or investigations associated with the external/private consultation.
- There will be rare occasions when Justice Health NSW staff are requested to assist in aspects of an external/private consultation. In these situations, staff must firstly discuss with their Service or Clinical Director, and obtain a signed approval from the General Manager and Executive Medical Director
- External providers are unable to write prescriptions for patients in custody. Recommendations made by them for certain treatments, including use of a Complementary Medicines (CAMs) will be considered by the appropriate Clinical Director according to the scientific evidence, and the. Prescriptions for CAMs must be accompanied by an Individual Patient Use (IPU) form and submitted to the Justice Health NSW Drugs and Therapeutics Committee (D&TC) for consideration/approval. Please refer to Justice Health NSW Guideline 6.049 *Medication Guidelines*, Section 7.11 *Complementary Medications* for further information.

3.1.1 Requests by Patients at the Forensic Hospital to Access Private Health Services/External Providers

All requests by patients to access private health services must be considered on a case by case basis. All requests must be forwarded by the treating team for discussion with the NSW Clinical Director Forensic Mental Health and Medical Superintendent The Forensic Hospital.

In the Forensic Hospital, medical officers (usually psychiatrists) who are not employees of Justice Health NSW may attend the Forensic Hospital to assess patients for the purpose of providing medico-legal reports to third Parties. The NSW Clinical Director Forensic Mental Health and the Medical Superintendent, The Forensic Hospital must ensure that the medical or other health practitioner is currently registered with the relevant registration

authority and that the medical officer or health practitioner has no conditions on that registration that would prevent the person from conducting a medico-legal assessment (also see section 3.3 below).

3.2 Charges and Fees

Accounts received by a Justice Health NSW Health Centre from a private provider must firstly be checked to ensure that the Justice Health NSW is liable for the service payment (rather than the referring Local Health District (LHD). When assured the cost incurred is a Justice Health NSW expense, the NUM signs the account and the invoice is then sent to the Finance Department for processing.

Specialist and/or diagnostic services not available at the local public hospital are sometimes arranged by the local public hospital through the private sector. The local public hospital is therefore liable for the cost of the service. This is in accordance with the Ministry PD2018_024 *Health Services Act 1997 – Scale of Fees for Hospital and Other Services*. If an invoice is received by Justice Health NSW as a result of a public hospital referral to a private facility, the local hospital should be notified of liability for payment. A letter should be drafted and attached to Circular 94/19 (found in PD2018_024) and forwarded with the invoice to the public hospital. A copy should also be sent to the invoice vendor. In summary:

- If Justice Health NSW staff directly refer a patient, including patients of the Forensic Hospital, to a private facility (including Private Medical Imaging) then Justice Health NSW is liable for the cost of the service.
- If Justice Health NSW staff refer a patient to the local public hospital, and the local public hospital arranges a private service for the patient, the local public hospital is liable for the cost of the service.
- If a patient/patient advocate/legal team requests a private service, the patient is responsible for the cost of the service, as well as the cost of the transport and escorting officers. The patient/patient advocate must liaise with CSNSW or JJNSW in relation to these costs.
- Justice Health NSW staff are required by law to respond to Court Ordered requests for health care assessments and treatments and are managed as per normal business processes.
- If a legal team requests a medical appointment or diagnostic test they should be directed to CSNSW staff at the Health Centre where the patient is housed who can facilitate a costed escort.

3.3 Credentialing of Senior Medical Staff

3.3.1 Forensic Hospital

The Forensic Hospital is a Justice Health NSW owned and governed mental health hospital. Justice Health NSW are obliged to ensure that all medical staff providing care for patients within the hospital are appropriately credentialed consistent with PD2019_056 *Credentialing & Delineating Clinical Privileges for Senior Medical Practitioners & Senior Dentists*. This includes senior medical staff directly employed or otherwise engaged by Justice Health NSW.

Justice Health NSW also has a responsibility to confirm the registration of any medical staff attending patients in a ‘private’ capacity (generally meaning patient initiated clinical reviews by non-Network senior medical staff). These medical staff will also be required to have confirmation of identification, before entering the Forensic Hospital and see any

patients (as per cl 3.1.1 above). The Forensic Hospital is a high security environment and Justice Health NSW has an obligation to ensure that doctors are appropriately registered, without any registration conditions that might create a risk if they accessed patients within the Forensic Hospital. For medical staff who regularly attend patients for medico-legal reasons, a system of annual checks on their registration should be undertaken by the Clinical Director Forensic Mental Health (CDFMH). Justice Health NSW reserves the right to refuse entry into the hospital to any medical staff deemed unsuitable for reasons of security or any other risks to patients. For further information see Justice Health NSW Policy 5.002 *Access to Forensic Hospital*.

3.3.2 Corrective Services Environment (including Long Bay Hospital)

- Justice Health NSW is obliged to ensure all senior medical staff employed, or otherwise engaged by the Network to provide clinical or other services to patients within correctional facilities are appropriately credentialed.
- Justice Health NSW does not own or control access to the Corrective Services NSW environment and is not responsible for the credentialing of other medical practitioners who may enter the Corrective Services NSW environment. This includes medical officers who attend patients within the Corrective Services NSW environment in a private capacity to undertake clinical assessment or care at the patient's request or for medico- legal or other reasons.

4. Definitions

Must

Indicates a mandatory action to be complied with.

Patient Health Record

Indicates a patient has a paper-based and electronic health record.

Should

Indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

5. Related Documents

Legislations	*Commonwealth Privacy Act (1988) (Cwlth)* *Government Information (Public Access) Act 2009 No 52* *Health Services Act 1997 No 154* *Health Records and Information Privacy Act 2002 No 71* *Health Records and Information Privacy Regulation 2012* *State Records Act 1998 No 17*
Justice Health NSW Policies, Guidelines and Procedures	1.252 *Access to Local Public Hospitals* 2.124 *Patient Trust Accounts*

	5.002 *Access to Forensic Hospital* 6.049 *Medication Guidelines* 9.047 *Requesting and Disclosing Health Information* 9.048 *Health Records*
Justice Health NSW Forms	JUS200.040 *Local Private Provision of Health Services Request*
NSW Health Policy Directives and Guidelines	PD2018_024 *Health Services Act 1997 – Scale of Fees for Hospital and Other Services* PD2019_056 *Credentialing & Delineating Clinical Privileges for Senior Medical Practitioners & Senior Dentists* Privacy Manual for Health Information (February 2025)
Other documents and resources	