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## **AMA submission on a National Disability Insurance Scheme Quality and Safeguarding Framework.**

The AMA is supportive of the overarching proposal for a National Disability Insurance Scheme Quality and Safeguarding Framework to protect people with disability and arrangements to ensure supports are of high quality. We have comments on two specific elements of the proposed framework.

### **1. Application of the NDIS Code of Conduct**

The AMA does not support measures that operate in tandem with existing arrangements that regulate the practice of healthcare practitioners i.e. the national registration and accreditation scheme for health practitioners and the State based health complaints entities.

Concerns about the standards of care provided by registered medical practitioners and other registered health practitioners, including where the service has been covered by the NDIS, must be dealt with by the respective registration boards.

The AMA also notes work being done by the COAG Health Council to implement a National Code of Conduct and code regulation regime for (unregistered) health care workers. When it is in place, the Code of Conduct for health care workers will set standards of conduct and practice.

Recipients of the NDIS need certainty of regulatory arrangements. A framework that duplicates or operates alongside existing regulatory arrangements will create uncertainty for NDIS recipients and health practitioners.

### **2. Proposal for reducing and eliminating restrictive practices**

The AMA notes the options to regulate decisions to use, and reporting of those decisions by NDIS service providers to use restraint.

Medical practitioners are most usually involved in decisions to use restraint for people with disability in the residential aged care setting.

The AMA's position is that a decision to use restraint should always be based on individual assessment of the issues, finding the balance between:

- a patient's right to self determination;
- protection from harm; and
- the possibility of harm to others.

The AMA position statement on Restraint in the Care of People in Residential Aged Care Facilities is attached.

As discussed above, medical practitioners are accountable to the Medical Board for their decisions to use restraint.

**April 2015**

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