



REPUBLIC OF NAURU

HEALTH PRACTITIONERS (OVERSEAS MEDICAL REFERRALS COMPLIANCE) REGULATIONS 2019

SL No. 4 of 2019

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Cabinet makes the following Regulations under section 16 of the *Health Practitioners Act 1999*:

1 Citation

These Regulations may be cited as the *Health Practitioners (Overseas Medical Referrals Compliance) Regulations 2019*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Interpretation

In these Regulations:

'assessment' includes a general or specific clinical medical examination resulting in a provisional, differential or definitive diagnoses;

'Committee' means the Overseas Medical Referrals Compliance Committee consisting of registered health practitioners and other members approved by the Minister;

'health practitioner' has the same meaning given to it under the Act;

'health service provider' includes a private health or medical practice or business established in the Republic for the purposes of providing health and medical services;

'hospital' means the Republic of Nauru hospital including the public health centres and clinics;

'patient' means a resident of the Republic requiring health and medical assessment or treatment;

'referral' is the process by which the hospital, health practitioner or health service provider acting reasonably and prudently is of the opinion that additional expertise or differently resourced facility may be required to assess or treat a clinical condition of a patient by providing:

- (a) a specialised opinion based on clinical and other diagnostic records or provision of a laboratory specimen;
- (b) a specialised health or medical service;
- (c) admission, management and treatment to seek an expert opinion regarding the patient; or
- (d) other diagnostic or therapeutic treatment;

'resident of Nauru' includes a citizen and any other person residing in Nauru in accordance with the laws of the Republic, but excludes temporary entrants under the Immigration Regulations 2014 for a period not exceeding 30 days;

'telemedicine' means the practice of health and medicine using any form of telecommunications, electronic audio and video communications or any other means of communication between a health practitioner outside the jurisdiction of the Republic and a patient, who is a resident of Nauru;

'treatment' means the management and care of a patient to treat an injury, disease or disorder.

4 Internal Medical Referrals

- (1) A private health practitioner may make a referral of a patient to the hospital for medical assessment or treatment.
- (2) A private health service provider may make a referral of a patient to the hospital.
- (3) A public health centre or clinic may make referral of a patient to the Republic of Nauru hospital.
- (4) A private health practitioner or health service provider shall not make any direct referral of a patient for assessment or treatment overseas without prior referral to the hospital and approval of the Committee.
- (5) A referral under this regulation shall only be made to and received by the hospital and under the hands of a health practitioner duly registered and has a current practising certificate under the Health Practitioners Act 1999.

5 Overseas Medical Referrals

- (1) The hospital may make recommendation to the Committee for an overseas referral of:
 - (a) a patient of the hospital; or
 - (b) a patient referred to the hospital under regulation 4, after consultation with the health practitioner or health service provider referred to under regulation (4)(1) or (2) respectively.
- (2) A health practitioner or health service provider may request the hospital to recommend the patient referred to the hospital under regulation (4)(1) or (2) respectively to the Committee for an overseas medical referral.

- (3) Where the hospital declines to make a recommendation under sub regulation (2), the hospital shall give reasons for its decision to the health practitioner or health service provider.
- (4) Where the hospital declines to make a recommendation to the Committee under sub regulation (3), the health practitioner or health service provider may apply directly to the Committee giving reasons for an overseas medical referral.

6 Conditions for overseas medical referral

- (1) In considering an application for overseas medical referral, the Committee shall be satisfied that:
 - (a) the private health practitioner or health service provider and the hospital have adequately professionally assessed and treated the patient; and
 - (b) the hospital, health practitioner or health service provider acting reasonably and prudently are of the opinion that additional expertise or differently resourced facility are required for the assessment or treatment of the medical condition of the patient in the Republic; or
 - (c) where the hospital has sought an opinion of an overseas medical specialist in the ordinary course of assessing or treating the condition of the patient and the opinion requires an overseas medical referral.
- (2) The Committee in making an overseas medical referral may prescribe the type and purpose of referral.
- (3) The Committee's determination and deliberation for the overseas medical referral of a patient shall be based on the medical and clinical records or opinion of a specialist health practitioner provided under sub regulation (1)(c).
- (4) The Committee shall not make an overseas medical referral:
 - (a) in the case of a patient, who voluntarily or when ordered by the Supreme Court, refuses to undergo an assessment or treatment by a health practitioner, health service provider or hospital;
 - (b) in the case of a patient, who presents a report or referral by an overseas medical practitioner or health practitioner not registered under the Act; or
 - (c) in the case of any referral, prepared by a health practitioner or health service provider on the recommendation of an overseas health practitioner by telemedicine examination or diagnosis.

- (5) Where a private health practitioner or health service provider requires the Committee to consider a medical opinion prepared by a registered medical practitioner from outside the jurisdiction of the Republic, the Committee may consider the report.

7 Particulars required for referral to hospital

- (1) A referral request by a health practitioner, health service provider or a public health centre or clinic to the hospital shall be in Form 1 of the Schedule and provide the following:
- (a) a completed standard referral form shall accompany any patient being referred;
 - (b) the standard referral form shall be filled and a copy kept in the referring health practitioner, health service provider or a public health centre or clinic;
 - (c) the standard referral form shall contain:
 - (i) name;
 - (ii) date of birth;
 - (iii) gender;
 - (iv) address;
 - (v) clinical history and examination findings;
 - (vi) results of relevant investigations;
 - (vii) diagnosis and treatment given;
 - (viii) the name, address, email and telephone number of the referring health practitioner or health service provider; and
 - (ix) the date and time of referral shall be indicated at all times.
- (2) The referring health practitioner or health service provider shall make the referral form under his or her name and signature.
- (3) The referral form shall indicate the urgency of the referral and the reason for the referral.