

State Insurance Regulatory Authority
Level 14-15, 231 Elizabeth Street
Sydney NSW 2000
Via email: healthpolicysupervision@sira.nsw.gov.au

21 October 2022

Dear Sir / Madam

Re: Draft State Insurance and Care Governance Amendment Regulation 2022

Occupational Therapy Australia (OTA) is the professional association and peak body for occupational therapists in Australia. OTA welcomes the opportunity to provide feedback on the *Draft State Insurance and Care Governance Amendment Regulation 2022*.

OTA appreciated the opportunity for a representative to attend the SIRA consultation on the 28th September 2022. The information that was provided by SIRA regarding the focus and intent of the Regulation on non-compliance provided clarity and did acknowledge that it is not SIRA's role to make decisions of a clinical nature.

OTA however is concerned with the wording of the Regulation which effectively enables SIRA to be the decision maker in health-related activity. The Regulation permits SIRA to provide directions to health service providers in relation to claims in the workers compensation and motor accident schemes including *requiring a service provider to take specific action or to provide services to injured persons in a specified way*.

OTA strongly advocates that decisions about health service provision should always be the responsibility of health professionals. In Australia, occupational therapists are regulated by the Australian Health Practitioner Regulation Agency (AHPRA) and there are well-established mechanisms already in place to ensure that allied health professionals are not acting unreasonably or unethically. All AHPRA registered allied health professionals are required to comply with the *Code of Conduct*, which includes standards for decisions about access to care (1.3) and standards of professional behaviour (8). OTA seeks assurance that any regulations will ensure SIRA does not make decisions about whether a health professional is 'fit' to provide health services under the scheme unless AHPRA or, the relevant self-regulatory body decides and advises SIRA they are unfit to provide services.

Ultimately, health professionals should be the decision makers regarding the best treatment options to improve health outcomes for clients, not insurers.

A representative of OTA would be pleased to meet with you to discuss this feedback further. OTA also looks forward to the opportunity to provide feedback on the proposed Draft Guidelines to support this Regulation when they are released for consultation.

Yours Sincerely



Karen Brown
NSW Divisional Manager
Occupational Therapy Australia