

# COLIN STREET DAY SURGERY BY LAWS



Date Issued: 02/02/2002	Approved by: CSDS Board of Directors
Date Revised: 01/11/2018	Version No: 11

# COLIN STREET DAY SURGERY BY LAWS

## PART A INTERPRETATION AND GENERAL PROVISIONS

### 1.0 DEFINITIONS AND INTERPRETATION

**ACCREDITED PRACTITIONER:** means a Credentialed Specialist Medical Practitioner (VMO), oral surgeon or dentist, having met particular standards, is appointed by Colin Street Day Surgery and granted clinical privileges. Appointment as an accredited practitioner under these By-Laws is a prerequisite to practicing at CSDS. The practitioner can only practice in a specialty as stated on the hospital license.

**ACT:** means the relevant Act in the State of Western Australia which intended to cover the legislation of Private Hospitals in Western Australia

**APPOINTMENT:** the employment or engagement of a medical practitioner, oral surgeon, dentist to provide services within the organization to conditions defined by general law and supplemented by CSDS By-Laws.

**ACCREDITATION APPLICATION FORM:** means the medical application form approved by the Day Surgery from time to time for use by a Specialist Medical Practitioner or Dentist to apply for Clinical Privileges at the hospital. (Annexure 1).

**BOARD OF DIRECTORS:** means the body functioning as the governing body of Colin Street Day Surgery.

**BY-LAWS:** means these By-Laws

**CHAIRMAN:** means the person appointed as the Chairman of the Board of Directors.

**CEO/DON:** means the person appointed as the Senior Executive in Colin Street Day Surgery. In his/her absence a deputy may be appointed from time to time.

**CLINICAL PRACTICE:** the professional activity undertaken by the Specialist Medical Practitioner, oral surgeon, dentist for purposes of investigating patient symptoms and preventing and or managing illness, together with associated professional activities related to patient care.

**CLINICAL PRIVILEGES:** refers to the formal process used to verify the qualifications, experience professional standing and other relevant professional attributes of specialist medical practitioners for the purpose of forming a view about their competence, performance and professional suitability to provide safe, high quality health care services within the organization.

**CREDENTIALLING:** refers to the formal process used to verify the qualifications, experience professional standing and other relevant professional attributes of specialist medical practitioners for the purpose of forming a view about their competence, performance and professional suitability to provide safe, high quality health care services within the organization.

# COLIN STREET DAY SURGERY BY LAWS

**CREDENTIALING COMMITTEE:** means Credentialing Committee established pursuant to these By-Laws

**CURRENT FITNESS:** is the current fitness required of an applicant or accredited practitioner to carry out the clinical privileges sought or currently held. A person is not to be considered as having current fitness if that person suffers from any physical or mental impairment, disability, condition or disorder, which detrimentally affects the person's physical or mental capacity to practice medicine, surgery or dentistry.

**DAY SURGERY:** Colin Street Day Surgery Pty Ltd.

**DENTIST:** has the same meaning as in the registration act for dentists in the State of Western Australia.

**HEALTH DEPARTMENT:** means the Department of Government for the State of Western Australia with the responsibility for health.

**MEDICAL ADVISORY COMMITTEE (MAC):** means the Medical Advisory Committee established pursuant to these By-Laws.

**NATIONAL SAFETY AND QUALITY HEALTH SERVICE STANDARDS:** means the National Standards that were endorsed by the Australian Minister of Health. These standards provide a clear statement about the level of care consumers can expect from health service organizations. They are an essential part in new accreditation arrangements under the Australian Health Service Safety and Quality Accreditation Scheme.

**OPEN DISCLOSURE:** is the process of **open** discussion with a patient, and or their family/support person about an incident(s) that resulted in harm to that patient while they were receiving healthcare.

**RE-CREDENTIALING** the formal process used to re-confirm the qualifications, experience and professional standing, including history of and current status with respect to professional registration, disciplinary actions, indemnity insurance, and criminal record, or specialist medical practitioners, for the purpose of forming a view about their ongoing competence, performance, and professional suitability to provide safe, high quality health care services within the organization.

**REGULATION:** means a regulation made under the Act.

**SECOND IN CHARGE (2IC)** so ever termed means the person appointed by the CEO/DON to that position and in the absence of the Theatre Manager, is appointed as deputy Theatre Manager for the time being.

**SPECIALIST PRACTITIONER:** means a Medical Practitioner or Oral Surgeon who has been registered as a specialist in their nominated category by AHPRA.

**STUDENT /OBSERVER:** means a medical student or other person who is undertaking but has not completed training as a Medical Practitioner, and is therefore not registered or eligible to be registered under the National Law as a Medical Practitioner (other than on a student register).

# COLIN STREET DAY SURGERY BY LAWS

**SUPERVISED PRACTITIONER (a):** means a Medical Practitioner who is not entitled to provide Health Care Services at CSDS except under the supervision of another Specialist Medical Practitioner, and includes a Surgical Assistant, RMO, intern, and registrar.

**SUPERVISING PRACTITIONER (b):** means an Accredited Specialist Medical Practitioner who is assisted by a Surgical Assistant or who is accompanied by a Student /Observer in accordance with By-laws 1.0 to 1.6 Part B.

**SURGICAL ASSISTANT©:** means a Medical Practitioner or other person who is authorized in accordance with By-law 1.3 Part B to assist a Specialist Medical Practitioner with the provision of surgical procedures.

**THRESHOLD CREDENTIALS:** the minimum credentials of each procedure or other intervention which applicants for credentialing and definition of scope of clinical practice are required to meet before any application will be processed.

**THEATER MANAGER:** so ever termed means the person appointed by the CEO/DON to that position and in the absence of that person, the person appointed as deputy for the time being.

**VERIFICATION OF CREDENTIALS:** formal validation of the authenticity of the credentials presented to the organization by a Specialist Medical Practitioner, Oral Surgeon or Dentist.

---

# COLIN STREET DAY SURGERY BY LAWS

## PART A

### 1.0 GENERAL INTERPRETATION

In these By-Laws, words importing the masculine gender shall also include the feminine gender, words importing the singular shall also include the plural and reference to legislation includes any replacement legislation governing the same or similar areas including regulations thereto as may be replaced or gazette from time to time.

### 2.0 TITLES

In these By-Laws where there is use of the title Chairperson the incumbent of that position for the time being may choose to use whichever designation that person so wishes.

### 3.0 QUORUM MEETINGS

Where a reference is made to a meeting, the following quorum requirements shall apply;

- a) Where there is an odd number of members of the committee or group, a majority of the numbers or
- b) Where there is an even number of the committee or group, one half of the number of the members plus one. A decision may be made by a committee or group established pursuant to these By-Laws without a meeting if a consent in writing setting forth such a decision is signed by all the committee or group members, as the case may be. A committee or group established pursuant to these By-Laws may hold any meeting by electronic means whereby participants can be heard and can hear but are not necessarily in the same place. The requirements of these By-Laws shall none the less apply to such a meeting.

Information provided to any committee or person, which is provided in confidence, shall be regarded as confidential and is not to be disclosed to any 3<sup>rd</sup> party or beyond the particular forum for which such information is made available.

### 4.0 VOTING

Where required by these By-Laws, voting shall be on a simple majority voting basis and only by those in attendance at the meeting. There shall be no proxy vote.

#### 4.1 CEO/DON

- a) The CEO/DON shall oversee the operation of the Day Surgery and is responsible to the Board of Directors through its Chairman;
- b) Is spokesperson and channel for all communications to and from the Day Surgery;
- c) Will advise the Board of Directors on purchases of major equipment;

# COLIN STREET DAY SURGERY BY LAWS

- d) Will be responsible for the management and patient care of the Day Surgery, its facilities, staff and resources to acceptable standards in accordance with the policies and directives of the Board of Directors;
- e) Will ensure due observance of the Act, all other statues, Health Department instructions and determinations, these By-Laws and all other legal requirements;
- f) Shall liaise with the Theatre Manager but to whom all staff shall be responsible through their officers in charge. Will personally or by a delegate to attend and participate in:
  - Board of Directors Meetings
  - The Executive Committee Meetings
  - The Medical Advisory Committee Meetings
  - The Credentialing Committee Meetings
  - Employee Meetings and any other committees that shall be determined necessary from time to time.
- g) Will draft the By-Laws for ratification by the Board of Directors;
- h) Will draft and ratify corporate and clinical policy, seeking Board approval as required.

## 4.2 THEATRE MANAGER

- a) The Theatre Manager shall be appointed by the CEO/DON and Chairman of the Board of Directors on such terms and conditions as are consistent with statutory requirements;
- b) The Theatre Manager shall be responsible to the CEO/DON and the Board of Directors for ensuring that suitable standards are maintained to provide satisfactory and safe environment for both patients and staff;
  - For advice on matters of nursing and relevant clinical policies
  - For ensuring that nursing staff are provided at a level that will ensure a safe and optimum level of patient care
  - For ensuring compliance with relevant statutory requirements
  - As required, for co-operating in the planning of additional facilities and services
  - By ensuring she is available at all times, wither personally or by delegation of authority to meet any emergency or contingency that may arise.

## 4.3 CLINICAL NURSE (2IC)

- c) The 2IC shall be appointed by the CEO/DON and Theatre Manager on such terms and conditions as are consistent with statutory requirements;
- d) The 2IC shall be responsible to the CEO/DON & Theatre Manager and shall assist the TM in ensuring standards are maintained to provide satisfactory and safe environment for both patients and staff;
- e) in the absence of the Theatre Manager, is appointed as deputy Theatre Manager for the time being

# COLIN STREET DAY SURGERY BY LAWS

## 4.3 EXECUTIVE STAFF

The CEO/DON may appoint any other executive staff members he or she deems appropriate for the hospital including determining the role of such an appointment.

## 5.0 DAY SURGERY COMMITTEES

The day surgery shall establish committees covering the functions of:

- Board
- Executive
- Medical Advisory
- Credentialing
- Any other committee that the DSU, in consultation with the Chairman shall determine as necessary from time to time

All such committees are to have a membership, Chairperson, Terms of Reference and meeting procedure that may be determined by the Board of Directors.

## 6.0 EXECUTIVE COMMITTEE

The Executive Committee shall be responsible for the financial, staff, clinical and strategic matters relevant to the Day Surgery comprising a minimum of:

- CEO/DON
- Theatre Manager
- Clinical Nurse Second in Charge (2IC)
- Infection Control Nurse Representative
- Accounts Manager
- Any other person by invitation from the CEO/DON (Patient Advocate)

---

## PART B ACCREDITED PRACTITIONERS

### 1.0 CATEGORIES OF ACCREDITATION

An applicant for accreditation may be granted accreditation in any one of the following categories and to include all AHPRA and State Registration Agencies registered professional titles:

- a) Specialist Medical Practitioner;
- b) Dental Practitioner;
- c) Surgical Assistant;
- d) Trainee Specialist / Registrar.

# COLIN STREET DAY SURGERY BY LAWS

## 1.1 Specialist

Accreditation as a Specialist Medical Practitioner is available to a Practitioner who is certified by the relevant Clinical College and recognized as a Specialist by the Medical Board of Australia. Specialist Accreditation entitles a practitioner to such clinical privileges.

## 1.2 Dental Practitioner

Accreditation as a Dental Practitioner;

- a) Is available to a Dental Practitioner with qualifications in oral surgery; and
- b) Entitles a Dental Practitioner to practice within CSDS in accordance with his or her expertise and experience in such procedures as CSDS may allow at the time of his or her being accredited.

## 1.3 Surgical Assistants and Students of Accredited Medical Practitioners

A Specialist Medical Practitioner may be assisted in the carrying out of surgical procedures by a surgical assistant, provided that the following requirements are complied with:

- a. The Surgical Assistant may only assist in the provision of Health Care Services which are within the authorized Scope of Practice of the Supervising Specialist Medical Practitioner.
- b. The Supervising Specialist Medical Practitioner must have personally assessed the competence and performance of the Assistant and be satisfied that the Surgical Assistant is competent and suitable to provide the assistance.
- c. The Supervising Specialist Medical Practitioner must have personally verified, by sighting relevant documentation, that:
  - I. The Surgical Assistant is registered with, and holds professional indemnity insurance in accordance with the requirements of the relevant Registration Board; or
  - II. If the Surgical Assistant is not required to be registered with any registration board, that the acts and omissions of the Assistant are covered by appropriate professional indemnity insurance.
- d. The Supervising Specialist Medical Practitioner must:
  - I. have obtained approval from the CEO/DON or Chairman of the MAC for the use of the Surgical Assistant; and
  - II. comply, and ensure that the Surgical Assistant complies with any conditions to which that approval is made subject.
- e. The Supervising Specialist Medical Practitioner remains responsible for all Health Care Services provided by the Surgical Assistant and must provide effective and adequate supervision at all times.
- f. The Supervising Specialist Medical Practitioner must hold current professional medical indemnity insurance that covers the supervision of the Surgical Assistant.



# COLIN STREET DAY SURGERY BY LAWS

- g. The Supervising Specialist Medical Practitioner must ensure that all contemporaneous records are maintained with participation or involvement of the Surgical Assistant.

## **A Supervised Practitioner**

- a. Must practice under the supervision of the treating accredited specialist medical practitioner;
- b. Does not have rights to admit patients to Colin Street Day Surgery;
- c. Accreditation as a Supervised Practitioner will occur without formal application to the Credentialing Committee but must provide the following documentation;
  - I. Curriculum Vitae
  - II. Medical Indemnity Certificate
  - III. Proof of registration
- d. **May not:**
  - I. Assume or be assigned the care of a patient in place of another Practitioner;
  - II. Prescribe medication for a patient; or
  - III. Write in a patient's medical notes unless authorized by the treating practitioner.

Such practitioners will be bound by these By-Laws and CSDS Policies and Procedures when on site.

## **1.4 Health Care Students / Observers**

A Supervising Specialist Medical Practitioner may be accompanied by a HC Student / Observer while providing Health Care Services provided that the following requirements are complied with:

- a. The Student / Observer must either be:
  - I. Enrolled to undertake training at an Approved Institution; or
  - II. Specifically approved by the CEO/DON or Chairman of the MAC
- b. The Student/Observer may only accompany the Supervising Specialist Medical Practitioner in providing services which are within the Authorised Scope of Practice of the Supervising Specialist Medical Practitioner.
- c. The Supervising Specialist Medical Practitioner must provide effective and adequate supervision of the Student/Observer at all times.
- d. The Supervising Specialist Medical Practitioner must ensure that all contemporaneous records are maintained with participation or involvement of the Student/Observer.
- e. The Supervising Specialist Medical Practitioner must comply with the any direction or requirement of the CSDS Governing Body or any CSDS policies and procedures in relation to the use of the Student /Observer.
- f. The Supervising Specialist Medical Practitioner must obtain written consent from the patient confirming he /she are aware of the presence and purpose of the Student /Observer during their surgical procedure.

# COLIN STREET DAY SURGERY BY LAWS

## **2.0 TERM OF APPOINTMENT FOR ACCREDITED PRACTITIONERS**

All appointments to a position of Accredited Specialist Practitioner (VMO) shall, unless otherwise be determined by the Board of Directors, be for a period of up to 5 years except that an initial appointment shall be until the end of the current common appointment period.

## **3.0 ACCREDITATION APPLICATION FORM**

CSDS administration staff shall provide each practitioner seeking appointment with an Accreditation Application Form that the practitioner must submit when seeking appointment as an Accredited Specialist Practitioner and make available a copy of these By-Laws and CSDS's Governing Body Charter.

## **4.0 CONFIDENTIALITY**

The proceedings involved in granting appointment and clinical privileges to an Accredited Specialist Practitioner are confidential and not to be disclosed outside the particular forum concerned. Such confidentiality provisions shall also apply to any confidential information and to any committee or sub-committee of the Day Surgery.

## **5.0 PROCESS OF APPLICATION**

A practitioner seeking appointment or re-appointment as an Accredited Specialist Practitioner shall receive a copy of Colin Street Day Surgery's By-Laws, Governing Body Charter and completed the Accreditation Application Form.

A completed application form shall be provided to the CEO/DON and is to include the following minimum essential documents;

- a) Current Curriculum Vitae;
- b) Names and addresses of 2 referees that have worked with the applicant in a clinical capacity in their chosen specialty and is authorized to verify nominated referees if required;
- c) Current Medical Board Registration thru AHPRA;
- d) Current Indemnity Insurance Certificate – level of insurance to match scope of clinical practice;
- e) Clinical privileges sought;
- f) Agreement to abide by these By-Laws, Governing Body Charter and CSDS's policies and procedures.

## **6.0 CONSIDERATION OF APPLICATION FOR ACCREDIATION FORM**

Following receipt of a completed Accreditation Application Form;

# COLIN STREET DAY SURGERY BY LAWS

- a) The CEO/DON shall refer a duly completed application form along with essential documentation to the Credentialing Committee;
- b) The Committee shall review the application and satisfy itself as to the training, experience, competence, judgment, professional capabilities and knowledge, current fitness, character and confidence held in the applicant and make recommendations as to the delineation of clinical privileges (scope of clinical practice);
- c) Following a determination of its recommendations the Credentialing Committee shall forward such a recommendation to the Board of Directors;
- d) The Board of Directors shall make a final determination as to the application.

## **7.0 NOTIFICATION OF DECISION**

Within fourteen days of arriving at its decision, the Board of Directors shall communicate its decision to the Chairman who shall notify the applicant in writing of such decision within seven days.

## **8.0 TEMPORARY ACCREDITATION**

The Chairman of the Credentialing Committee and or Chairman of the Board may approve temporary appointments for anaesthetists only. Clinical Privileges granted under these By-Laws shall remain in force until the determination by the Board of Directors following the next Credentialing Committee or for a period not exceeding six months. Temporary appointment as Accredited Anaesthetist shall be notified in writing.

## **9.0 CONDITIONS OF APPOINTMENT**

Appointment of an Accredited Practitioner shall be conditional on the specialist practitioner;

- a) Complying with the provisions of the Act and with the By-Laws, Governing Body Charter, rules, policies and procedures of the Day Surgery;
- b) Attending patients subject to the limits of any conditions imposed by the Board of Directors;
- c) Taking all reasonable steps to ensure that adequate Day Surgery medical records are maintained for all patients under their care in accordance with statutory requirements, ISO:9001 requirements and any other data reasonably required by the DSU to enable it to collect revenue;
- d) Observing all reasonable requests made by the DSU with regard to personal conduct in the DSU and with regard to the provision of services within the DSU (refer to Governing Body Charter);
- e) Adhering to the generally accepted ethics of professional practice both in relation to colleagues and to patients under his/her care;
- f) Maintaining registration and as such, an adequate level of professional indemnity membership
- g) Furnishing annually to the DSU, evidence of Registration and as such, professional indemnity membership;
- h) Advising the DSU should an adverse finding be made by the Dental/Medical Board (as appropriate) or professional registration or revoked or amended or professional indemnity membership be made

# COLIN STREET DAY SURGERY BY LAWS

conditional or not be renewed, or his/her appointment at any other hospital or DSU center alters in any way;

- i) Participating in any clinical quality assurance program approved by the Medical Advisory Committee;
- j) Adhering to the rules of medical practice established by the Day Surgery from time to time;
- k) Advising the Day Surgery if they are charged with having committed or are convicted of a sex or violence offence and providing authority to the Day Surgery to conduct a criminal history check with the appropriate authorities at any time;
- l) Not representing in any way Colin Street Day Surgery in any circumstances, including the use of hospital letterhead, unless with the express written permission of the CEO/DON or Chairman of the Board;
- m) Being available, or disputing an appropriately qualified Accredited Specialist Practitioner for emergency call to the Accredited Specialist Practitioner's patients;
- n) Participating in reasonable education activities of the staff as required particularly of nursing staff
- o) Seeking the approval of the MAC in regard to any new or amended use of technology or procedures to treat patients;
- p) Having the right to bring a student in his/her professional field from time to time with permission from the CEO/DON and patient. The Accredited Specialist Practitioner is completely responsible for any such student.

## 10.0 EMERGENCY CREDENTIALING

The Chairman of the Credentialing Committee and or Chairman of the Board have the authority to grant temporary accreditation in emergency situations. In the absence of either party, a credentialed specialist anaesthetist may grant temporary accreditation to an anaesthetist if confident in the anaesthetists credentials.

## 11.0 APPEAL RIGHTS

- a) There shall be no right of appeal against a decision not to make an initial appointment;
- b) Should an applicant holding a current appointment have that appointment rejected either in whole or in part or varied by the Board of Directors, the applicant shall have the rights of appeal set out within these By-Laws.

## 11.0 AMENDMENT OF PRIVILEGES

- a) Any Accredited Specialist Practitioner, at any time, may make application for amendment of her/her clinical privileges;
- b) CEO/DON shall cause any such application to be forwarded to the Credentialing Committee;
- c) The Credentialing Committee shall give such application appropriate consideration and make a recommendation to the Board of Directors as to the amendments sought;

# COLIN STREET DAY SURGERY BY LAWS

- d) Board of Directors shall then consider the relevant recommendations concerning the application and on reaching its decision, it shall within fourteen days, communicate its decision to the CEO/DON who shall in turn advise the Accredited Specialist Practitioner of such decision within seven days.

## 12.0 REVIEW OF CLINICAL PRIVILEGES

### 13.1 Board of Directors may:

- a) At any time, direct the Credentialing Committee through the CEO/DON to review the Clinical Privileges previously granted to an Accredited Specialist Practitioner including an assessment if necessary of current fitness and confidence held in such an appointee and following such review, the Credentialing Committee and the CEO/DON shall make a recommendation to the Board of Directors concerning the continuation, amendments, suspension or revocation of those clinical privileges; and or
- b) Require an independent review of the Clinical Privileges, practice or appointment of any Accredited Specialist Practitioner. The report of such a review may include an assessment if necessary of Current Fitness and confidence held in such an appointee and such a review may concern the continuation, amendment, suspension or revocation of Clinical Privileges. Such a review shall be reported to the Board of Directors who shall make a final determination in relation to the matter, subject to the provisions of By-Law Section B part 15.0.

## 13.0 SUSPENSION

The CEO/DON may, following consultation with the Chairperson of the Credentialing Committee, suspend an Accredited Practitioner should the CEO/DON believe it is in the interests of patient care or safety of if the CEO/DON believes the conduct of the Accredited Specialist Practitioner is such that it is unduly hindering the efficient operation of the Day Surgery at any time. The CEO/DON shall notify the Accredited Specialist Practitioner of his/her decision including reasons why the Clinical Privileges have been suspended or revoked. The affected specialist practitioner shall have the rights of appeal established by these By-Laws.

## 14.0 APPEAL PROCEDURES

- a) An Accredited Specialist Practitioner shall have fourteen (14) days from the date of the notification of a decision not to re-appoint the practitioner as an Accredited Specialist Practitioner or against a decision altering the Clinical Privileges of the Accredited Specialist Practitioner to lodge an appeal against the decision. Such an appeal must be in writing;
- b) The Board of Directors shall nominate a Committee ("the Appeal Committee") to hear the appeal. The Appeal Committee shall comprise;
  - I. A nominee of the Board of Directors

# COLIN STREET DAY SURGERY BY LAWS

- II. A nominee of the Credentialing Committee; and
- III. A nominee of the appropriate professional college of the appellant.
- c) The Chairperson of the Appeal Committee shall be the nominee of the Board of Directors.
- d) The appellant shall be provided with appropriate notice by the Appeal Committee and have the opportunity to make a submission to the Appeal Committee;
- e) The Appeal Committee shall determine whether the submission shall be writing or in person of both. The appellant nor any party shall have legal representation at any meeting of the Appeal Committee;
- f) The Chairperson of the Appeal Committee shall determine any question of procedure for the Appeal Committee;
- g) The Appeal Committee shall make a written recommendation to the Board of Directors who shall consider such a recommendation and make a decision thereon. The final decision of the Board of Directors shall be binding.

## 15.0 TERMINATION OF APPOINTMENT

- a) An appointment shall be immediately terminated should an Accredited Specialist Practitioner cease to be registered;
- b) An appointment shall be terminated should an Accredited Specialist Practitioner become permanently incapable of performing his/her duties, which shall for the purposes of these By-Laws be a continuous period of 6 months incapacity;
- c) An appointment shall be terminated should the Accredited Specialist Practitioner not be regarded by the Board of Directors as having the appropriate Current Fitness to retain the Clinical Privileges granted or the Board of Directors does not have confidence in the continued appointment of the Accredited Practitioner;
- d) The appointment of an Accredited Specialist Practitioner may at any time be suspended or terminated by the Board of Directors where;
  - I. The Accredited Specialist Practitioner fails to observe the terms and conditions of his/her appointment; or
  - II. The Accredited Specialist Practitioner is adjudged guilty of professional misconduct or unprofessional conduct (however described) by the Medical /Dental Board or
  - III. An independent review has been conducted of the Accredited Specialist Practitioner pursuant to (12b) and following review of any such report of that review the Board of Directors does not have confidence in the continued appointment of the Accredited Specialist Practitioner.
- e) The appointment of an Accredited Specialist Practitioner shall be terminated as otherwise provided in these By-Laws;
- f) An Accredited Specialist Practitioner may resign his/her appointment after the expiry of one month after the giving of notice to the hospital, unless agreed otherwise by the Board of Directors;

# COLIN STREET DAY SURGERY BY LAWS

- g) The Board of Directors may suspend or terminate an appointment of an Accredited Specialist Practitioner should that Practitioner be convicted of a sex or violence offence or any offence in relation to the Accredited Practitioner's practice as a Specialist Practitioner or Dentist.

## **16.0 CONFIDENTIALITY**

Every Specialist Practitioner including the applicant must treat as confidential the proceedings relating to the granting to Practitioners of accreditation or re-accreditation and the delineation of privileges.

---

## **PART C - CLINICAL ORGANISATIONS**

### **1.0 MEDICAL ADVISORY COMMITTEE**

A Medical Advisory Committee will be established as a standing committee of the Colin Street Day Surgery, through which Accredited Practitioners can communicate to management to facilitate the safe provision of patient medical and dental services.

- a) The Chairperson will be appointed from the Accredited Specialist Practitioners by the Board of Directors of the day surgery with the approval of the Accredited Specialist Practitioners;
- b) The Committee, including the Chairperson shall consist of three Accredited Practitioners;
- c) The CEO/DON and Theatre Manager or their Deputies will be members of the Medical Advisory Committee.

#### **1.1 Role of the Medical Advisory Committee**

The Medical Advisory Committee shall be advisory to the CEO/DON and;

- a) Be the formal organizational structure through which the views of the Accredited Specialist Practitioners of the Day Surgery shall be formulated and communicated;
- b) Provide a means whereby Accredited Specialist Practitioners can participate in the policy making and planning process of the Day Surgery;
- c) Advise the Management Committee of appropriate policies regarding the clinical organization of the Day Surgery;
- d) Assist in identifying health needs of the community and advise the Management Committee on appropriate services which may be required to meet these needs;
- e) Participate in the planning, development and implementation of quality programs of the Day Surgery;
- f) Endeavour to assure that the delivery of patient care in the Day Surgery is maintained at an optimal level of quality and efficiency given the resources locally available;
- g) Ensure that a formal mechanism for review of clinical outcomes and management is established and perform such a function in accordance with the requirements of these By-Laws.

# COLIN STREET DAY SURGERY BY LAWS

## **2.0 RESIGNATION FROM THE MEDICAL ADVISORY COMMITTEE**

Any member of the Medical Advisory Committee may resign from such membership by giving at least one month's notice of their resignation to resign such appointment to the CEO/DON.

## **3.0 POWER OF THE CO-OP**

The Medical Advisory Committee may co-opt the services of any other person should it be considered necessary, however that person or persons shall have no voting rights at any meeting of the Medical Advisory Committee or any sub-committee thereof.

## **4.0 CREDENTIALING COMMITTEE**

The Credentialing Committee is a standing Committee of the Colin Street Day Surgery established to ensure that the Accredited Specialist Practitioners are of good standing in their profession and have appropriate qualifications for their Clinical Privileges (scope of clinical practice) sought;

Membership of the Credentialing Committee shall be the same as the membership of the Medical Advisory Committee;

### **4.1 The role of the Credentialing Committee shall be;**

- a) To consider applications for appointment as Accredited Specialist Practitioners to the Day Surgery and give due consideration to the confidence held in each applicant for appointment or, reappointment as Accredited Specialist Practitioner and make recommendation there on to the Board of Directors;
- b) To recommend the delineation of Clinical Privileges commensurate with the training, experience, competence, judgment, professional capabilities and knowledge, current fitness, character and confidence held in the applicant for appointment as an Accredited Specialist Practitioner;
- c) Where so directed by the Management Committee, to investigate the demonstrated knowledge and skill, current fitness and confidence held in each applicant for appointment or re-appointment as an Accredited Practitioner;
- d) Where so directed by the Management Committee, to examine and investigate the current Clinical Privileges of an Accredited Specialist Practitioner and, following due consideration and taking into account the facilities and supporting services available, make a recommendation to the Board of Directors concerning the amendment or renovation of those privileges;
- e) To review any new or amended use of technology or procedures to treat patients, assessing the facilities of the Day Surgery and other matters which are considered relevant, and make a recommendation on the amendment of the clinical privileges of an Accredited Specialist Practitioner.



# COLIN STREET DAY SURGERY BY LAWS

## 5.0 MEETINGS OF THE MAC AND CREDENTIALING COMMITTEE

- a) Two ordinary meetings of both committees shall be held not less than two times a year at a time and a place to be determined by the Chairperson in consultation with the CEO/DON provided at least fourteen (14) days written notice together with a copy of the Agenda setting
- b) shall be given of every ordinary meeting;
- c) A special meeting either committee may be called by the Chairperson subject to the approval of the CEO/DON;
- d) At least 7 days' notice of special meeting by the CEO/DON to all members of the Medical Advisory Committee entitled to attend such a meeting;
- e) Notice of special meeting shall specify the business to be considered at such a meeting;
- f) Should there be an emergency situation at any time in which it is necessary to obtain the advice of the Medical Advisory Committee or the Credentialing Committee, the CEO/DON in consultation as necessary with the Chairman of the Medical Advisory Committee/Credentialing Committee shall be empowered to undertake such appropriate action for later consideration by the Medical Advisory Committee or Credentialing Committee;
- g) No office bearer of the Medical Advisory Committee nor any of its member of sub-committees shall represent in any way the Colin Street Day Surgery Pty Ltd in any circumstances unless with the written permission from the CEO/DON. Hospital letterhead shall only be used for official purposes and not for any other purposes.

## 6.0 PROCEEDINGS OF MEDICAL ADVISORY & CREDENTIALING COMMITTEES

- a) Entitlement to vote at meetings of the Medical Advisory Committee and Credentialing Committee is given under these By-Laws to the Accredited Specialist Practitioner members of the Committees;
- b) All questions, excepting as otherwise provided in these By-Laws, shall be decided by a show of hands, or where demanded by a member entitled to vote, a ballot and the Chairperson of the Medical Advisory Committee and Credentialing Committees shall have a casting vote;
- c) Minutes of all meetings of the Medical Advisory Committee and Credentialing Committees shall be recorded by the CEO/DON;
- d) Minutes shall be distributed to all those entitled to attend meetings of the Medical Advisory Committee/Credentialing Committee prior to the next meeting;
- e) No business shall be considered at a meeting of the Medical Advisory Committee/Credentialing Committee until the minutes of the previous meeting have been confirmed or otherwise disposed of. No discussion of the minutes shall be permitted except as to their accuracy;
- f) Minutes of a meeting shall be confirmed by resolution and signed by the Chairperson at the next meeting and minutes so confirmed and signed shall be taken as evidence of proceedings there at.

# COLIN STREET DAY SURGERY BY LAWS

## 7.0 RESEARCH

Clinical Research is encouraged to improve the safety and quality of health care. Clinical Research which is related to clinical practice may not be undertaken without the approval of the Chairman of the Board and CSDS Medical Advisory Committee.

All proposals or requests for Research shall be referred to the CEO. The CEO shall:

- a) Present the Research proposal to the Medical Advisory Committee who may intern request an independent Ethics Committee to provide its scientific and ethical evaluation and a decision as to whether the research should proceed; and
- b) Together with the Chairman of the MAC, Board, inform the proponent if approval is given for the research proposed to be undertaken at Colin Street Day Surgery;
- c) Present progress reports on the research to the MAC as required and when necessary, advise of any adverse outcomes as soon as practicable after such events occurred.

## 8.0 THE BOARD OF DIRECTORS

The Board of Directors, working with senior management is responsible for clinical and corporate governance of Colin Street Day Surgery. It approves the Day Surgery's goals and directions, plans and performances as well as ensures appropriate policies, procedures and systems are in place.

### 8.1 The CSDS Board of Directors is responsible for: -

- a) Governance over the safe, high quality operation of Colin Street Day Surgery;
  - b) Strategic Development;
  - c) Analysis and approvals of financial reports;
  - d) Decisions regarding dividends and determination of share value;
  - e) Approval of capital purchases and building development;
  - f) Review, analyse and ratify regular reports;
  - g) Colin Street Day Surgery's Risk Management Programme;
  - h) Attendance at shareholders AGM and adhoc meetings;
  - i) Canvas views of shareholders and report operations to shareholders;
  - j) Selection of board meetings;
  - k) Approval of Credentialed Practitioners;
  - l) Effective decision making over any other relevant matter.
-

# COLIN STREET DAY SURGERY BY LAWS

## PART D OPEN DISCLOSURE

### 1.0 OPEN DISCLOSURE

Medical Practitioners accredited to practice at Colin Street Day Surgery will practice open disclosure according to the following key principles as per hospital policy;

- a) Expression of regret
- b) Disclosure of a clinical incident to a patient
- c) Staff support and training
- d) Incompetent adults and minors support
- e) Patient support
- f) Clinical Governance
- g) Confidentiality
- h) Fairness

A patient should receive an expression of regret for any harm that they have suffered as a result of a clinical incident. An apology or expression of regret MUST NOT include any admission of liability or fault.

---

## PART E PROCESS OF REVIEW OF BY-LAWS

### 1.0 REVIEW OF BY-LAWS

#### 1.1 Amendments

These By-Laws may be amended and or modified by CSDS from time to time.

#### 1.2 Ratification

No amendment or variations to the procedure for accreditation shall come into effect until such dates as shall be specified by the CEO of Colin Street Day Surgery. This date shall not be less than one (1) month after the date upon which notice of the amendment or variation shall have been forwarded to all Accredited Practitioners.

#### 1.3 Review of By-Laws

The CEO shall cause these By-Laws to be reviewed every three (3) years by the Medical Advisory Committee and Board of Directors with a view to:

- a) Ensuring that they remain appropriate and current; and
- b) Their being given the opportunity to recommend any amendments, variations or additions which they consider ought to be made to these By-Laws.

# COLIN STREET DAY SURGERY BY LAWS

## 2.0 BINDING EFFECT

### 2.1 Agreement of Practitioners

Each Accredited Practitioner agrees that:

- a) He or she will be bound by these By-laws (as amended from time to time) upon seeking or renewing accreditation, or by continuing to practice at Colin Street Day Surgery following receipt of these By-Laws or notification of the publication of these By-laws; and
- b) He or she will comply with these By-laws during his or her practice at CSDS.

---

Reviewed and ratified by the Board of Directors 01.11.2018