

CEC Clinical Expert Panel Framework

Version 1

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CLINICAL
EXCELLENCE
COMMISSION

Contents

Acknowledgments.....	3
Introduction	3
About the CEC.....	3
Background.....	3
Clinical Expert Panel Framework.....	3
Purpose of the Clinical Expert Panel	4
Definition of the Clinical Expert	4
Scope of role and accountabilities	4
Panel Member Selection Criteria	5
Other requirements:.....	5
Appointment timeframe	5
Reporting arrangements	6
Remuneration	6
Protection from liability.....	6
Training.....	7
Recruitment Process.....	7
Appointment as Clinical Expert.....	7
Processes to on-board Clinical Experts into the CEC	8
Ongoing Management of Clinical experts.....	8
Clinical Expert Panel Forum	8
Evaluation of the Clinical Expert Panel	8
Resources.....	8

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- Dr Patricia Bradd – Director Patient Safety, Clinical Excellence Commission

Introduction

About the CEC

Established in 2004, the Clinical Excellence Commission is one of five “pillars” within the NSW health system. The CEC leads, supports and promotes improved clinical care, safety and quality across the NSW health system. As safety specialists in the NSW health system, the CEC leads continuous improvement in safety system excellence and performance.

Background

Each year, there are times where the external review of individual clinicians, services or functions is required. In their role as leaders in safety, the CEC frequently receives requests to nominate independent clinicians for investigative reviews. Identifying and engaging suitable clinicians to undertake reviews can be complex, potentially delaying the commencement of an investigation. This may have an impact on those involved in the adverse event, particularly the patient and their family. Having access to suitable Clinical Experts will enhance access to timely and high-quality reviews so that health service quality of care can be improved.

Clinical Expert Panel Framework

This document outlines the framework for the establishment, implementation and ongoing management and governance of the CEC Clinical Expert Panel.

This framework aims to work towards the following objectives:

- To establish a CEC Expert Clinical Panel comprising of clinician and health professionals with expert clinical skills, and a strong proficiency in investigative processes.
- To enable a timely and quality response when requests are made to the CEC for independent clinicians and/ or health professional investigators.
- To provide a governance model/ framework which clearly demonstrates accountability and scope of role and responsibilities.
- To guide and support the implementation and oversight/ management of the clinical expert panel membership process.

- To provide a framework for evaluating current and proposed activities.
- To facilitate relevant education and training of panel members and to share learnings arising from the evaluation of this work.

Purpose of the Clinical Expert Panel

To provide a panel of clinician and health professionals with skills and expertise in investigative processes to support a timely and quality response when requests are made to the CEC for independent clinicians and/ or health professional investigators.

Definition of the Clinical Expert

A Clinical Expert (Reviewer/Investigator) is a senior clinician who provides their independent expertise as member of a review team, established by a Local Health District/ Specialty Health Network (LHD/SHN), Clinical Excellence Commission (CEC), NSW Ministry of Health (MoH) or other relevant body.

Scope of role and accountabilities

The Clinical Expert will provide independent expert skills and advice to a range of investigation or review types, which may include, but not limited to:

- Reviews regarding the quality of care provided by a clinical service;
- Investigations of an individual clinician's practice, and assisting with the Managing complaints and Concerns about Clinicians (PD2018_032) investigations;
- Participation in LHD/SHN Serious Adverse Event Review (SAER) investigations (Incident Management Policy PD2020_047);
- Member of a Lookback Expert Advisory Panel (Lookback Policy, PD2007_075);
- Investigating serious complaints (Complaint Management Policy PD2020_013 and Complaint Management Guidelines GL2020_023);
- Providing independent specific specialised opinion on current best practice to another investigation team, where the panel member is not a member of the investigation team and will then only provide the specific clinical advice sought;
- Completion of a report using a CEC approved standardised reporting template following each investigation. The time requirement will vary depending on the type of investigation. (See appendix 1)

Where there is a Policy Directive regarding the investigation, the conduct of the investigation will be in accordance to that Policy Directive. As a member of the review team the Clinical Expert will provide expert advice on the standard of care compared to best practice, review medical records and other documents, interview 'witnesses', review other evidence, assist the team in developing and recording findings and recommendations. An experienced Clinical Expert may be requested to lead the investigation team.

There may be occasions when, during an investigation, a Clinical Expert uncovers reportable behaviour, such as that required by the registration board or professional association, child protection, domestic violence, corruption or criminal conduct. The clinician has a professional

obligation to undertake the relevant reporting. They must report the behaviour to the Chief Executive of the commissioning body. The commissioning body or CEC will assist the clinician where required. If the review team uncovers what they believe to be serious systemic issues (a continuing risk of harm to the patient or serious or imminent risk of harm to other patients, carers, family or staff) they must immediately escalate the risk in writing to the Chief Executive.

All reviews must be conducted in an impartial and objective manner, bearing in mind the setting in which the service functions. The investigator must not have, and must not be perceived to have, any conflict of interests in relation to the matter or the people, the conduct or the policies and procedures the subject of investigation. Conflicts of interest must be declared to the commissioning body as soon as they arise.

Panel Member Selection Criteria

- Registered health professional with the relevant registration board through Australian Health Professionals Registration Agency (AHPRA) or eligible for membership of an appropriate Australian professional association;
- A recognised expert in their specialty;
- Experience in or demonstrated understanding of the NSW public health system;
- Retired clinicians should be able to demonstrate currency with best practice;
- Meet the relevant police, working with children checks and immunisation as per NSW Health policy directives;
- No conditions of significance on their registration or practice;
- Not be subject to ongoing serious complaints or performance review;

Other requirements:

- Agree to undertake NSW Clinician Expert Training as required;
- The ability to be absent from work (and possibly from home) during a review;
- Recognise that undertaking investigative interviews and reviewing medical records may be taxing and require a significant time commitment;
- Able to commit to completing a review process, which includes drafting and finalising the report;
- Capacity to comply with timeframes specified by the team leader or commissioning body;
- Be available to brief the commissioning body on the findings and recommendations in the review report.

Appointment timeframe

A Clinical Expert will be appointed for two (2) years with possible opportunity for reappointment. After each review, the Clinical Expert will meet with the CEC to share observations, insights and experiences and to determine whether additional training or support is required. The frequency of meetings may be negotiated with individual clinicians, commensurate with level of experience.

At the end of the 2-year appointment the Director, Patient Quality will meet with the Clinical expert where the opportunity for the possibility of reappointment may be discussed. Reapplication will be

facilitated with the clinician only adding any information that has changed since the previous expression of interest.

Reporting arrangements

The Clinical Expert role is in addition to the clinician's usual role and being a Clinical Expert does not constitute an employment situation with the CEC. There will be multiple reporting relationships involved in this role:

- **Local Health District/Specialty Health Network or other employer:** this is the primary reporting relationship, and it is expected that the Clinical Expert will obtain the approval of their Chief Executive or delegate to participate on the Panel.
- **Clinical Excellence Commission:** The Clinical Expert will be responsible to the Director, Patient Safety regarding their role as a Clinical Expert. The Director, Patient Safety and Medical Director, Patient Safety will provide executive support and direction to the Clinical Experts.
- **The body commissioning the review:** Clinical Expert will be responsible for providing expert advice, which is current, fair and free from bias. Any conflicts of interest (real or perceived) will be declared.

Remuneration

Participation in review teams will be voluntary: While participation in a review team and in the Panel is voluntary, it is expected that Clinical Experts will be compensated for their participation in reviews when indicated. The form of the compensation will depend on the 'employment' situation of the clinician at the time of their engagement and will be negotiated with the commissioning body. It is the responsibility of the body commissioning the review to determine the terms of engagement and ensure that expenses incurred are met.

Protection from liability

Section 133B of the Health Services Act 1997 provides that persons acting under the directions of the board of a statutory organisation may not be personally subject to any action, liability, claim or demand if action was undertaken in good faith. However, this does not protect a person from being called to give evidence unless the review was a privileged Serious Adverse Event Review.

Clinical Experts are required to keep any information obtained or records created during reviews confidential and not disclose the information to other parties, as specified in the NSW Health Code of Conduct. This is over and above privacy afforded to patients and clients of services under Commonwealth and State privacy legislation. Note that members of privileged RCA or serious adverse event teams have specific legal penalties for breaching confidentiality.

Training

Reviews need to be conducted independently and with procedural fairness so that the findings and recommendations are robust and fair to the subject(s) of the review, any affected patients and families and the health service. Training is required to ensure Clinical Experts can undertake high quality investigative reviews and consistency across Clinical Experts. Training will be provided by the CEC and will consist of involvement in several scheduled masterclasses across the various forms of Serious Adverse Event Review (SAER) methodologies.

Recruitment Process

Appointments will be for a period of two years with reappointment possible.

The application form can be found [here](#).

The application form, designed to be completed on-line, will consist of:

Item	Rationale
Demographic details	Location needs to be noted so that suitable Clinical Experts can be appointed to relevant reviews (e.g. rural or remote experience)
Current hospital appointments	It may be important to appoint Clinical Experts to reviews who have had experience in hospitals of similar size and complexity.
Specialty, sub-specialty or clinical interest	To assist with nomination/ assignment of appropriate Subject matter expert to review teams.
Details of NSW public health appointments	Confirmation of clinical experience with NSW Health, particularly if the Clinical Expert is not currently practicing clinically.
Currency of practice	Confirmation of current specialty evidence based best practice to support the validity of the review.
Other Qualifications	Non-health related qualifications (e.g. law, engineering) may be an asset in some reviews.
Restrictions on registration/practice, serious complaints or pending litigation.	To assist with appropriate inclusion with on a review. A registration/ practice restrictions, complaints or litigation may not preclude a clinician being a Clinical Expert. Each issue will need to be examined carefully for relevance to this role.
Previous experience with reviews or investigations or RCA/SAER teams	Previous experience may be relevant to a review.
Referee checks	To confirm suitability for the role of Expert Clinician.

Appointment as Clinical Expert

The Clinical Expert will be appointed to a term of two years. The appointed Clinical Expert will receive a formal letter of appointment from the Chief Executive, CEC, providing details of the appointment.

Processes to on-board Clinical Experts into the CEC

While most Clinical Experts will be members of NSW health and have had a formal 'on-boarding' in their respective workplaces, it is important that the Clinical Expert is familiar with the role and function of the CEC. Attendance to an orientation program (1-2 hours) would be required, which would include:

- Introduction to the Director of Patient Safety and Medical Director, Patient Safety;
- Introduction to the role and function of the CEC;
- Role of the Patient Safety Directorate and SAER Sub-committees;
- Role of Governance and Assurance as it may relate to reviews; and
- Role of the Health Care Complaints Commission and other relevant bodies.

Ongoing Management of Clinical experts

Clerical support will be provided by the Patient Safety Directorate including maintenance of the Clinical Expert database and oversight of the reviews undertaken by the Clinical Experts. The Patient Safety Directorate will also monitor the term of appointment and reappointment process of Clinical Experts.

If during the appointment process or when functioning in the role, a Clinical Expert is involved in a situation they are unable to resolve, they are encouraged to discuss any matters of concerns with the Director Patient Safety, Clinical Excellence Commission, who will assist with the matter.

Clinical Expert Panel Forum

A yearly Clinical Expert Panel Forum will be conducted to foster a community of practice and for the purposes of networking, sharing of information experiences and support. Provision of current updates and more advanced training.

Evaluation of the Clinical Expert Panel

The CEC will obtain feedback:

- From clinical expert panel member regarding onboarding and training.
- From clinical expert panel member post investigation.
- From the organisations, utilising the services of the clinical experts

Resources

- [Clinical expert panel member request form](#)
- [Clinical expert panel member Expression of Interest application form](#)
- [Frequently Asked Questions - LHD's, SHN's](#)
- [Frequently Asked Questions - Panel Member](#)