

State Based Management of National Registration & Disciplinary Systems – Decision Making and the Impact on Practitioners

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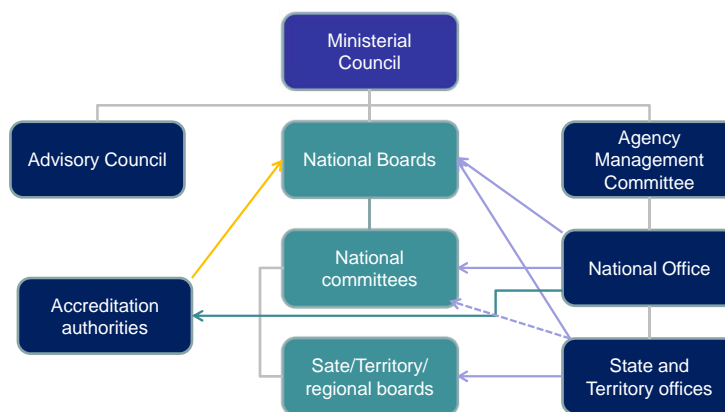
Reforms

- One national scheme
- National Boards - 10+4 health profession
- Acts of Parliament in each State and Territory
- Australian Health Practitioner Regulation
National Law

Guiding principles...

- National scheme to operate in transparent, accountable, efficient, effective and fair way
- Registration fees to be reasonable (having regard to the efficient and effective operation of the scheme)
- Restrictions on practice to be imposed only if necessary to ensure health services provided safely and of appropriate quality

The Architecture of the National Scheme



Board Functions ...

- Registration
 - register suitably qualified and competent person
 - requirements for registration or endorsement including supervised practice
 - register and impose conditions
- Standards, codes and guidelines
 - accreditation standards developed and submitted to it by an accreditation authority
 - registration standards for approval by the Ministerial Council
- Notification
 - oversee receipt, assessment and investigation,
 - monitoring conditions, undertaking and suspensions
- Establish panels to conduct hearings
 - health and performance and professional standards
 - health matters for registered students
- Refer matters to a Tribunal

State Boards ...

Intention of Parliament

- Local office of AHPRA
- Local decision makers concerning local registrants
- Local decision-makers delegates of National Board
- Appeals to local Tribunal

Challenge is consistency - like decisions on similar facts – no unnecessary variation

AHPRA functions ...

- Support National Boards
- Establish and administer regulatory procedures
- Manage all registration and notification matters
- Coordinate assessments and investigations
- Make decisions under delegations and make recommendations to Boards on complex matters
- Provide consistent interpretation of National Law

Public register ...

- Register of health practitioners
- Registration status, limitations, suspension, reprimands, conditions,
- Publication of
 - Tribunal decisions (through Austlii)
 - De-identified panel decisions
 - Cancellations

Registrants – Reportable events

- Must notify within 7 days if:
 - Charged with an offence punishable by 12 months imprisonment
 - Convicted or found guilty of offence punishable by imprisonment
 - PI insurance no longer in place
 - Right to practise withdrawn or restricted
 - Authority re scheduled medicine cancelled or restricted
 - Complaint is made to health complaints entity
 - Registration subject to conditions, cancelled or suspended in another country

Annual statement of registrants

- No impairment
- Met recency of practice & cpd
- Not practised without appropriate PI insurance and will not in the future
- Change in details of criminal history
- Right to practice not changed
- Billing privileges Medicare
- Any complaint to a registration authority, to AHPRA or health services commissioner

Notifications

Guiding Principle

- Restrictions on the practice of a health profession are to be imposed only if it is necessary to ensure health services are provided safely and are of an appropriate quality

Panels

- Performance, standards & conduct
- Impairment
- Outcomes
 - Caution
 - Reprimand – on public register
 - Conditions - on public register
- Guide to the Conduct of Panel Hearings
- De-identified summary of panel hearings on website

Tribunals ...

- Decision makers at first instance
 - Professional misconduct
 - Registration obtained by fraud
- Powers
 - Caution or reprimand
 - Impose conditions
 - Fine
 - Suspend
 - Cancel

Appeals to Tribunal ...

- Board decision
 - Refusal to register, renew, endorse
 - Imposition of conditions ie registration and disciplinary
 - Refusal to remove or change a condition
 - Suspension
- Powers
 - Confirm, amend, substitute award costs

Legal Knowledge Management at AHPRA

The list of Legal Practice Notes published to date is:

- LPN 1 Conditions and Notations under the National Law - 1 March 2012
- LPN 2 Power to Amend, Repeal or Overturn a Decision - 1 March 2012
- LPN 3 Cautions and Reprimands - 1 March 2012
- LPN 4 The National Boards Power to take Immediate Action - 1 March 2012
- LPN 5 Students with an Impairment - 2 April 2012
- LPN 6 Circumstances in which a Board can amend conditions imposed by a Tribunal - 2 April 2012
- LPN 7 What Is Meant By a Fit and Proper Person – 1 May 2012
- LPN 8 Consideration of Similar Fact Evidence – 1 May 2012
- LPN 9 Mediation and other forms of alternative dispute resolution in tribunals – 5 June 2012
- LPN 10 Extraterritorial Operation of the National Law – 6 July 2012
- LPN 11 Reasonable Belief - 10 August 2012
- LPN 12 Practitioners and Students with an Impairment - 10 August 2012
- LPN 13 Public Interest - 10 September 2012
- LPN 14 Conflict of Interest - 10 September 2012
- LPN 15 Investigator Reports – 10 October 2012

TRIBUNALS - Totals by Board and State

STAGE OF NOTIFICATIONS AT END OF MONTH (March 2012)

STAGE OF NOTIFICATIONS/COMPLAINTS AT END OF MONTH (March 2012) – TRIBUNALS - Totals by Board and State									
	ACT	NT	QLD	SA	TAS	VIC	WA	TOTAL	NSW
Chiropractic BA	0	0	1	1	0	3	1	6	5
Dental BA	0	1	4	3	0	6	2	16	3
Medical BA	3	1	51	6	12	22	45	140	47
NMBA	0	1	12	4	4	11	4	36	12
Optometry BA	0	0	0	0	0	1	0	1	0
Osteopathy BA	0	0	0	0	0	1	0	1	0
Pharmacy BA	0	0	25	0	1	2	2	30	7
Physiotherapy BA	0	0	2	0	0	0	1	3	2
Podiatry BA	0	0	0	0	0	1	0	1	0
Psychology BA	0	0	14	0	0	10	4	28	3
TOTAL	3	3	109	14	17	57	59	262	79

Questions ...