



Aboriginal and Torres Strait
Islander Health Practice
Chinese Medicine
Chiropractic
Dental
Medical
Medical Radiation Practice
Nursing and Midwifery
Occupational Therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

Regulating Health Practitioners

Dominique Saunders, AHPRA, General Counsel

16 November 2012



Reforms

- One national scheme
- National Boards - 10+4 health profession
 - From 85 Boards
- Acts of Parliament in each State and Territory
 - From 61 Acts
- Australian Health Practitioner Regulation National Law
 - Establishes the national regulation and accreditation scheme



Health Professions...

July 2010

- chiropractors
- dental care (including dentists, dental hygienists, dental prosthetists & dental therapists),
- medical practitioners
- nurses and midwives
- optometrists
- osteopaths
- pharmacists
- physiotherapists
- podiatrists
- psychologists

July 2012

- Aboriginal and Torres Strait Islander health practitioners
- Chinese medicine practitioners
- medical radiation practitioners
- occupational therapists



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The number of registered health practitioners is growing

Profession	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP ²	Total 2011/12	Total 2010/11	% change
Chiropractor	56	1,511	24	692	357	45	1,202	498	77	4,462	4,350	2.57%
Dental practitioner	350	5,989	134	3,728	1,615	336	4,358	2,254	323	19,087	18,319	4.19%
Medical practitioner	1,784	28,972	945	17,682	7,142	2,048	22,365	8,855	1,855	91,648	88,293	3.80%
Midwife	39	418	29	321	343	9	747	229	52	2,187	1,788	22.32%
Nurse	4,848	81,927	3,276	57,491	28,393	7,570	80,982	31,076	6,682	302,245	290,072	4.20%
Nurse and midwife ³	719	13,491	579	7,321	2,601	723	10,297	3,292	248	39,271	40,325	-2.61%
Optometrist	71	1,553	28	929	234	84	1,163	366	140	4,568	4,442	2.84%
Osteopath	32	510	2	149	29	38	843	52	21	1,676	1,595	5.08%
Pharmacist	420	8,274	186	5,187	1,919	628	6,578	2,852	504	26,548	25,944	2.33%
Physiotherapist	441	6,888	145	4,379	1,928	394	5,904	2,798	624	23,501	22,384	4.99%
Podiatrist	47	946	17	631	370	90	1,195	375	19	3,690	3,461	6.62%
Psychologist	794	10,066	216	5,220	1,466	524	8,009	3,082	268	29,645	29,142	1.73%
Total 2011/12	9,601	160,545	5,581	103,730	46,397	12,489	143,643	55,729	10,813	548,528		3.47%
Total 2010/11⁴	8,976	156,139	5,121	99,850	44,441	12,407	137,361	52,111	13,709	530,115		



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Public Register ...

- All registrants
- Type of registration – general, provisional, limited, specialist
- Conditions, reprimands
- Suspended, cancelled

- Panel decisions – de-identified
- Tribunal decisions



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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



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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
- Mandatory and Voluntary
- Relationship with Health Complaints Entities



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Mandatory notifications...

- Notifiable conduct
 - practising while intoxicated by drugs or alcohol
 - engaging in sexual misconduct in professional practice
 - placing the public at risk of substantial harm through a physical or mental impairment affecting practice
 - placing the public at risk of harm through a substantial departure from accepted professional standards
- Practitioners and employers must report registrant who they believe has engaged in notifiable conduct (some exceptions)
- Belief formed through the practice of the profession



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Voluntary Notifications ...

- Unprofessional conduct - lesser standard
- Performance – knowledge skill or judgement below standard
- Professional misconduct
 - substantially below,
 - more than one instance of unprofessional conduct,
- personal or professional behaviour where not a fit and proper person.
- Impairment – health practitioners and students



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Unprofessional conduct

Includes

- providing a person with health services that are excessive, unnecessary or otherwise not reasonably required for the person's well-being
- accepting a benefit as inducement, consideration or reward for referring another person to a health service provider or recommending another person use or consult with a health service provider
- giving or receiving a benefit for a referral where the practitioner has a pecuniary interest unless the interest is disclosed



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The Notifications Process ...

- Preliminary assessment
- Option to take immediate action or no further action
- Investigation
- Board and practitioner may enter an undertaking
- Board may caution, reprimand, impose conditions
- Refer to a Panel or Tribunal



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Panels ...

- Performance, standards & conduct
- Impairment
- Outcomes
 - Caution
 - Reprimand – on public register
 - Conditions - on public register
 - De identified published record of panel decisions



Tribunals ...

- Appeals from decisions of Boards about registration and notifications
- Decision makers at first instance
 - Professional misconduct
 - Registration obtained by fraud
- Powers
 - Caution or reprimand
 - Impose conditions
 - Fine
 - Suspend
 - Cancel



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AHPRA and the Health Complaints Entities

- Notify each other of notifications (complaints)
 - Exchange information
 - Reach an agreement who to take action
 - If cannot agree then most serious form of action
-
- AHPRA has an MOU with the HCEs



How many notifications in 2011/12?

Profession	ACT	NT	QLD	SA	TAS	VIC	WA ³	2012 Sub Total ⁴	NSW	2012 Total ⁴	2011 Total ⁴
Chiropractor	6	0	26	19	0	29	8	88	27	115	104
Dental practitioner	15	8	162	32	15	195	49	476	516	992	1,322
Medical practitioner	100	45	866	207	145	743	267	2,373	1,628	4,001	4,122
Midwife	3	0	34	2	0	2	9	50	1	51	62
Nurse	23	20	296	160	39	326	114	978	423	1,401	1,238
Optometrist	1	0	6	3	1	14	3	28	26	54	55
Osteopath	0	0	1	1	0	4	0	6	11	17	19
Pharmacist	13	1	57	16	9	88	32	216	171	387	419
Physiotherapist	4	4	15	13	0	20	5	61	27	88	111
Podiatrist	0	1	6	4	1	10	3	25	18	43	55
Psychologist	11	6	62	26	8	96	28	237	130	367	390
Not identified ²	0	1	17	14	1	44	1	78		78	242
2012 Total	176	86	1,548	497	219	1,571	519	4,616	2,978	7,594	
2011 Total	175	108	1,924	771	230	1,712	377	5,297			8,139



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Privacy in National Law ...

- Incorporates Privacy Act 1988 (Cth)
- Collection Use and Disclosure Personal Information
- National Privacy Principles apply
- Collection for a primary purpose
- Disclosed for a secondary purpose and other reasons under the NPPs
- National Law allows exchange of information to Medicare, Immigration and other similar entities



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ACCC/TGA/AHPRA ...

- Joint meetings & to establish protocol
 - Most appropriate regulator
- Common functions
 - Advertising, false and misleading, claims about therapeutic benefit
 - Use of botox, teeth whitening, pricing in pharmaceuticals



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Questions ...

- Annual Report 2011/2012
www.ahpra.gov.au
- Thank you



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