



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

6 November 2019

Australian Health Practitioner Regulation Agency

G.P.O Box 9958

MELBOURNE VIC 3001

via email: ahpra.consultation@ahpra.gov.au.

Dear Sir/Madam

Guidelines for mandatory notifications about registered health practitioners.

We welcome the opportunity to comment on the Australian Health Practitioners Regulation Agency's (AHPRA) review of guidelines on mandatory notifications about registered health practitioners. Many health practitioners operate as small businesses and family enterprises (SBFE) and this review will impact them.

We understand that amendments to the Health Practitioner Regulation National Law (the National Law) in early 2019 included identifying four categories of unacceptable professional conduct that now require mandatory notification to AHPRA by treating practitioners, non-treating practitioners and employers of practitioners. These four categories are (i) impairment, (ii) intoxication while practising, (iii) significant departure from acceptable professional standards, and (iv) sexual misconduct. The National Law requires that all notifications be lodged where a notifier has direct knowledge or has observed the behaviours listed that can result in risk of harm to the public.

We are supportive of AHPRA's proactive approach to review the notification guidelines and support the step-by-step approach to compulsory notification. As part of this, we ask that AHPRA develop an investigative process that is transparent, maximises privacy protection for all involved, and does not burden SBFE practitioners with overwhelming or unnecessary demands. Furthermore, rumours of being investigated can have a serious and detrimental effect on a medical practitioner's ability to trade. It is critical therefore that as far as possible that the guidelines ensure that privacy is maintained during investigations and all industry participants understand the guidelines' purpose.

Any unprofessional conduct by a health practitioner has a ripple effect on the communities around them including employees, patients and suppliers who are often small businesses themselves. As such, to coincide with the launch of the revised guidelines, we propose that AHPRA should undertake a widely promoted awareness campaign highlighting these important changes. This should be supported by plain English information and fact sheets. This could be coordinated with activities of relevant professional and industry associations.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Paul Joshua on 02 9246 0412 or at paul.joshua@asbfeo.gov.au.

Yours sincerely

Kate Carnell AO

Australian Small Business and Family Enterprise Ombudsman

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