

Mandatory reporting for health professionals - 25 May 2010

Australia's new national registration and accreditation scheme commences on 1 July 2010. From this date, a new national law - the *Health Practitioner Regulation National Law Act 2009* - will come into effect.

The new law means that ten health professions will be regulated by nationally consistent legislation. For the first time, there will be one national fee, one set of registration and professional standards and one registration process for each profession across Australia. The ten health professions impacted are: chiropractic, dentistry, medicine, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology. Mandatory reporting is a key feature of the new legislation. It requires members of the regulated health professions to report notifiable conduct of another health professional to the Australian Health Practitioner Regulations Agency (AHPRA). AHPRA will then forward the notification to the appropriate professional board for investigation.

Some frequently asked questions:

What is notifiable conduct?

- Practicing while under the influence of alcohol or drugs.
- Engaging in sexual misconduct in connection with practice.
- Placing the public at risk of substantial harm because of impairment.
- Placing the public at risk of harm due to practice that constitutes a significant departure from accepted professional standards.

Who is required to report?

A registered health practitioner who forms a reasonable belief that another registered health practitioner has behaved in a way that constitutes notifiable conduct, is required to report this to AHPRA as soon as practicable. A registered health practitioner is required to report unless they know or reasonably believe that AHPRA has already been notified.

Employers who form a reasonable belief that a staff member (who is a registered health practitioner) has behaved in a way that constitutes notifiable conduct, are also required to report the matter to AHPRA as soon as practicable.

If it comes to AHPRA's attention that an employer failed to report notifiable conduct that it was aware of, AHPRA will issue a written report to the responsible minister of that health service, informing the minister of the failure to notify. The information provided in this document is intended for general use only. It is not a definitive guide to the law, does not constitute formal advice, and does not take into consideration the particular circumstances and needs of your organisation.

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How can health services prepare for mandatory reporting?

1. Have a clear understanding of what constitutes “accepted professional standards” in order to apply the test of a “significant departure”. This will help determine whether a notification needs to be made or not.
2. Identify how the health services’ internal processes (investigations, grievances etc) will be effected by and need to accommodate the notification process.
3. Communicate with staff what the changes mean and how the notification process works.
4. Consider how to manage the welfare and ongoing employment duties of staff that may have a notification made against them.

Health services should also review their existing policies and procedures in order to incorporate the requirement to notify AHPRA as described above. These may include but not be limited to:

- Performance management.
- Disciplinary procedures.
- Whistleblower protection.
- Occupational health and safety.
- Investigation, root cause analysis.
- Grievance procedures.

Further information

Contact Australian Health Practitioner Regulation Agency P: **1300 088 590** or

www.ahpra.gov.au