



MEDICAL BOARD OF WESTERN AUSTRALIA

POLICY FLAGGING - REGISTER OF MEDICAL PRACTITIONERS Issued: April 2010

1. BACKGROUND

The Medical Board of Western Australia ("the Board") has considered the requirements of the *Medical Practitioners Act 2008* ("the Act") in relation to flagging disciplinary, competency or impairment matters; and the publication of details of Conditions (including Voluntary undertakings) and Orders on the *Register of Medical Practitioners* (website). This is accessible by the public.

The relevant sections of the Act are:

- a. Section 48 – The Register;
- b. Section 153 – Publication of Proceedings etc; and
- c. Section 154 – Furnishing Information

In addition, the *Medical Practitioners Regulations 2008* further defines prescribed information under section 48 (2)(j) of the Act to include a condition applying to registration that has been imposed at the request of the medical practitioner.

2. PURPOSE

The purpose of this policy is to define the detail of the information that will appear on the Register of Medical Practitioner for the purposes of:

- a. Meeting the Board's obligations under the Act; and
- b. Protecting public safety.

3. WHAT INFORMATION WILL BE PUBLISHED ON THE REGISTER?

The following information will be published on the *Register of Medical Practitioners* in relation to medical practitioners registered in Western Australia:

- a. Any conditions applying to the registration of a practitioner; and
- b. Any condition or change of condition, notice of which is given under section 64; and
- c. Details of the exercise of any power under Part 6 in respect of that person or any order made or penalty imposed in respect of that person by the Board or in a proceeding before the State Administrative Tribunal under Part 6; and
- d. Any offence under the Act for which the medical practitioner has been convicted; and
- e. That a condition applying to registration has been imposed at the request of the medical practitioner; and
- f. Any cancellation or suspension of a medical practitioner's registration as a medical practitioner or specialist in another State or a Territory; and

- g. Any condition imposed on a medical practitioner's registration as a medical practitioner or specialist in another State or a Territory

The following information will be published on the *Register of Medical Practitioners* in relation to medical practitioners registered in another state or territory if:

- a. The Board or the State Administrative Tribunal imposes a condition on the registration of a medical practitioner who is an interstate practitioner; or
- b. A condition relating to an interstate practitioner is varied under section 69(2); or
- c. Written advice of any condition imposed or any change of a condition is given under section 69(5)

4. WHAT DETAIL WILL BE PUBLISHED ON THE REGISTER?

The following information will be published on the *Register of Medical Practitioners* in relation to orders and conditions applied to a medical practitioner's registration as a result of the investigation of a complaint or impairment matter:

a. Suspension (including interim suspension) of a medical practitioner

If a medical practitioner is suspended from practising medicine by the Board or the State Administrative Tribunal, then the practitioner's name will appear in the "Current Suspended Doctors" section of the website as well as the "*Register of Medical Practitioners*" section of the website.

The following flag will appear on the *Register of Medical Practitioners*:

"Doctor's practise of medicine is subject to an Undertaking; Order of the Board; or Order of the State Administrative Tribunal. Further particulars may be provided to relevant parties, pursuant to the *Mutual Recognition (Western Australia) Act 2001*."

In addition, a signed copy of the final Orders from SAT will be available on the *Register of Medical Practitioners*. If Orders include issues pertaining to health and conduct, the Order will be placed on the *Register of Medical Practitioners* at the discretion of the Registrar. The release of the information is to be authorised by the Registrar.

The Orders will remain on the *Register of Medical Practitioners* for the duration of the Orders.

b. Deregistration of a medical practitioner

Commencing 1 December 2008, if the registration of a medical practitioner is cancelled by the State Administrative Tribunal, then the practitioner's name will appear in the "Current Deregistered Doctors" section of the website and be removed from the "*Register of Medical Practitioners*" section of the website.

The release of the information is to be authorised by the Registrar.

c. State Administrative Tribunal - Orders

If the SAT makes an Order with regard to a medical practitioner, then the following flag will appear on the *Register of Medical Practitioners*:

“Doctor's practise of medicine is subject to an Undertaking; Order of the Board; or Order of the State Administrative Tribunal. Further particulars may be provided to relevant parties, pursuant to the *Mutual Recognition (Western Australia) Act 2001*.”

In addition, a signed copy of the final Orders from SAT will be available on the *Register of Medical Practitioners*. If Orders include issues pertaining to health and conduct, the Order will be placed on the *Register of Medical Practitioners* at the discretion of the Registrar. The release of the information is to be authorised by the Registrar.

The Orders will remain on the *Register of Medical Practitioners* for the duration of the Orders.

d. Professional Standards Committee (“PSC”)

If the PSC (under the repealed legislation) or the Board makes an Order with regard to a medical practitioner, then the following flag will appear on the *Register of Medical Practitioners*:

“Doctor's practise of medicine is subject to an Undertaking; Order of the Board; or Order of the State Administrative Tribunal. Further particulars may be provided to relevant parties, pursuant to the *Mutual Recognition (Western Australia) Act 2001*.”

In addition, a signed copy of the Order or Penalty imposed from the Board or PSC will be available on the *Register of Medical Practitioners*. If Orders include issues pertaining to health and conduct, the Order will be placed on the *Register of Medical Practitioners* at the discretion of the Registrar. The release of the information is to be authorised by the Registrar.

Orders of the Board or PSC (under the repealed legislation) will remain on the *Register of Medical Practitioners* for the duration of the Orders.

From the 1 December 2008, the Board will consider the publication of Cautions and Reprimands from the Board or PSC (under the repealed legislation) on the *Register of Medical Practitioners* on a case-by-case basis. Please note that, at times, a Caution or Reprimand may be the only penalty and the Board will need to consider whether the Caution or Reprimand should be published on the *Register of Medical Practitioners* for a defined period.

e. Impairment Matters - Division 6

If the medical practitioner has Conditions imposed in relation to an impairment that may affect his or her ability to practise medicine, then the following flag will appear on the *Register of Medical Practitioners*:

“Doctor's practise of medicine is subject to an Undertaking; Order of the Board; or Order of the State Administrative Tribunal. Further particulars may be provided to relevant parties, pursuant to the *Mutual Recognition (Western Australia) Act 2001*.”

In addition, the text “This doctor is subject to health-related conditions on their practice. No further details will be provided.” will be placed on the *Register of Medical Practitioners*. The release of the information is to be authorised by the Registrar.

The Conditions imposed will remain on the website for the duration of the Conditions.

f. Voluntary Undertaking

If the medical practitioner has entered into a voluntary undertaking with the Board, then the following flag will appear on the *Register of Medical Practitioners*:

“Doctor's practise of medicine is subject to an Undertaking; Order of the Board; or Order of the State Administrative Tribunal. Further particulars may be provided to relevant parties, pursuant to the *Mutual Recognition (Western Australia) Act 2001*.”

In addition, the following examples of relevant text will be placed on the *Register of Medical Practitioners*:

- “Doctor’s practice of medicine is subject to a voluntary undertaking – chaperone is required when doctor consults with female patients”
- “Doctor’s practice of medicine is subject to a voluntary undertaking – surgery is restricted to xxxx only for xxx period”

The detail of the voluntary undertaking to be published is to be determined by the Registrar or Professional Standards Manager. The release of the information is to be authorised by the Registrar.

The Conditions imposed will remain on the website for the duration of the Conditions.

g. Imposition of Condition on Registration - section 30 (5), 31 (5), 32 (3), 33 (6), 34 (4), 38 (6)

If the medical practitioner has Conditions imposed in relation to registration to ensure the competent and safe practice of medicine, then the following flag will appear on the *Register of Medical Practitioners*:

“Doctor's practise of medicine is subject to an Undertaking; Order of the Board; or Order of the State Administrative Tribunal. Further particulars may be provided to relevant parties, pursuant to the *Mutual Recognition (Western Australia) Act 2001*.”

If a medical practitioner has a health condition, the text “This doctor is subject to health-related conditions on their practice. No further details will be provided.” be placed on the *Register of Medical Practitioners*.

The detail of the condition to be published on the *Register of Medical Practitioners* is to be determined by the Registrar or Professional Standards Manager to reflect the condition imposed. The release of the information is to be authorised by the Registrar.

The Conditions imposed will remain on the website for the duration of the Conditions.

5. AUTHORISATION OF RELEASE OF INFORMATION

The Board delegates the authority to the Registrar to release information in the *Register of Medical Practitioners* according to this policy.

6. POLICY REVIEW

This policy will be reviewed in twelve months time, and earlier if required.