



MEDICAL BOARD OF WESTERN AUSTRALIA

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IMPAIRMENT REVIEW COMMITTEE (“IRC”)

A medical practitioner may be referred to the Impairment Review Committee (“IRC”) by the Board (Division 6 of the *Medical Practitioners Act 2008*) and undergo a medical examination if it is determined that he or she is:

- adversely affected by a dependence on alcohol or any other drug; or
- suffering from an impairment (physical or mental) to the extent that the practitioner’s ability to practise medicine is or is likely to be affected adversely.

Role of the IRC

The IRC must investigate a complaint referred to it by the Board.

On completion of the investigation; and

- after giving the medical practitioner an opportunity to make a written submission to, or attend before and make a representation to, the committee; and
- having regard to any submission or representation made by the medical practitioner,

the IRC must submit a report in writing to the Board.

Medical Examination

If the Board decides to refer a practitioner to the IRC, the Board may require the medical practitioner to undergo an examination by a medical practitioner nominated by the Board.

The nature of the examination is to be determined by the Board but must be reasonable in relation to the nature of the complaint.

The Impairment Review Committee (“IRC”)

- The IRC is to consist of 2 persons, one of whom must be a medical practitioner, appointed in writing by the Board from time to time.
- A member of the IRC is to be –
 - (a) A member of the Board; or
 - (b) A member of the ministerially appointed panel.
 - (c) The Board is to appoint a member of the IRC to be the committee’s chairperson.

IRC recommendations to the Board

The IRC can recommend:

- that the Board take no further action;
- if the medical practitioner consents to being suspended from the practice of medicine for a period not exceeding 2 years specified by the IRC that the Board suspend the medical practitioner for the period recommended by the IRC or specified by the Board;
- if the complaint also involves a disciplinary matter, the Board can take action under Division 5 (Disciplinary Matter) of the Act;
- if the complaint also involves a competency matter, that the Board take action under Division 7 (Competency Matter) of the Act;
- that the Board requires the medical practitioner to give an undertaking to the Board to undergo counselling specified by the IRC;

- that the Board impose conditions specified by the IRC on the medical practitioner's registration;
- if the subject matter of the complaint is sufficiently serious to warrant suspension or cancellation of the medical practitioner's registration, the Board make an allegation to the [State Administrative Tribunal](#) ("SAT").

IRC and Medical Students

Students are not registered by the Medical Board, however they may be subject to the IRC processes.

Outlined below is the process by which medical students are covered under Division 9 of the Act in respect of their impaired ability to participate in clinical activity and their referral to the IRC.

Impaired ability to participate in a clinical activity

If the Board believes that a medical student's ability to participate in clinical activity is affected by:

- (a) his or her use of or dependence on alcohol or a drug; or
- (b) an impairment

to such an extent that the student's participation in the clinical activity safely and competently is adversely affected, the Board may refer the matter to the Dean of the medical school at which the student is studying medicine.

Referral

If the medical student and the Dean have agreed on:

1. a condition to ensure the student can participate in a clinical activity safely and competently; and
2. the student fails to comply with the condition or the medical student and the Dean cannot agree on such a condition,

the Dean may refer the matter to the Board.

Examination

The student may be referred for an examination. If a medical student, without reasonable excuse, fails to comply with an order to submit to an examination by a medical practitioner nominated by the Board, the Board may make an allegation to the SAT. The SAT has powers to prohibit the medical student from participating in a clinical activity specified in an order.

After considering:

- (a) the medical report; and
- (b) giving the medical student an opportunity to make a written submission to, or attend before and make a representation to, the committee; and
- (c) having regard to any submission or representation made by the medical student,

the IRC may make any one or more of the following recommendations to the Board:

- (a) that the Board take no further action in relation to the matter;
- (b) require that the student not participate in a clinical activity for a period recommended by the IRC or specified by the Board;
- (c) require that the medical student to undergo counselling specified by the IRC;
- (d) conditions be imposed specified by the IRC on the medical student's participation in a clinical activity;
- (e) referral to the SAT.

The Board must consider the recommendation of the IRC and either –

- (a) act on the recommendation; or
- (b) take alternative action.