



## MEDICAL BOARD OF WESTERN AUSTRALIA

### National Registration and Accreditation Scheme

Update - February 2010

#### **New National Registration and Accreditation Scheme**

In March 2008, the Council of Australian Governments ("COAG") signed an intergovernmental agreement to create a single national scheme for the registration and accreditation of health practitioners ("National Scheme"). The commencement date for the National Scheme is 1 July 2010.

In addition to providing for the protection of the public, another objective of the National Scheme is to facilitate workforce mobility across Australia.

#### **How is the new National Scheme progressing?**

New legislation to allow for the National Scheme has been passed in Queensland (*Health Practitioner Regulation National Law 2009*), New South Wales (*Health Practitioner Regulation Act 2009*) and Victoria (*Health Practitioner Regulation National Law [Victoria] 2009*).

The Australian Health Practitioner Regulation Agency ("AHPRA") has been established to administer the National Scheme and further information is available at [www.ahpra.gov.au](http://www.ahpra.gov.au). The current President of the Medical Board of Western Australia is an appointed member of the AHPRA Agency Management Committee.

To support the new process, the Medical Board of Australia ("National Board") has been established and its website is available at [www.medicalboard.gov.au](http://www.medicalboard.gov.au). Two current Board members of the Medical Board of Western Australia have been appointed to the Medical Board of Australia.

Therefore, WA is well represented under the National Scheme.

#### **How is WA progressing towards the National Scheme?**

It is expected that legislation ("Bill C") to enable Western Australia to join the National Scheme will be considered by the Parliament of Western Australia within the next few months. Assuming that this occurs and the legislation is passed, the current *Medical Practitioners Act 2008* will be repealed and at that time, the Medical Board of Western Australia will cease to exist. It is anticipated that the National Board will establish a Board/Committee in Western Australia that will be delegated powers to continue to deal with registration matters and notifications locally as part of the National Scheme from 1 July 2010.

#### **Will there be an office in Western Australia?**

Yes, AHPRA is currently sourcing premises in WA to accommodate its employees. Many of the existing staff from current Boards will be employed in the local AHPRA office to ensure continuity of skills and knowledge.

#### **What does the National Scheme mean to me?**

To give you an indication of what may be ahead in terms of the requirements from 1 July 2010, the uniform national legislation already adopted in QLD, NSW and VIC ("national legislation") includes the following registration matters, notification matters and complaints processes (not limited to the described matters

below). The national legislation is significant (300 pages) and many of the requirements are in addition to what is currently required in Western Australia.

## 1. Registration Matters (including registration renewal)

- Registration Category and Conditions

Medical practitioners who are currently registered in Western Australia will have their registration automatically transferred to a similar category with the Medical Board of Australia. The Occasional Practise category will be available under s.273 of the national legislation - Limited Registration (Public Interest - Occasional Practise). Any conditions that apply to a medical practitioner will transfer with his/her registration.

- Movement Between States

Once registered with the Medical Board of Australia, generally registered practitioners may practise medicine in any state or territory participating in the National Scheme as there will be one national database recording all registration information.

- Students

Students are required to be registered under the National Scheme.

- Professional Indemnity Insurance

The requirement for Professional Indemnity Insurance ("PII") is detailed in s. 129 of the national legislation. The *Professional Indemnity Insurance Arrangements Standard* recently proposed by the National Board to the Ministerial Council (ie Ministers of the governments of the participating jurisdictions and the Commonwealth with portfolio responsibility for health) states that PII will be required for all medical practitioners who undertake any form of practice (whether remunerated or not). A copy of the proposed *PII Arrangements Standard* is available at [www.medicalboard.gov.au](http://www.medicalboard.gov.au).

- Continuing Professional Development

The Annual Statement required under s. 109 of the national legislation includes a declaration from a medical practitioner about recency of practice and continuing professional development ("CPD") as detailed in an approved registration standard available at [www.medicalboard.gov.au](http://www.medicalboard.gov.au). The National Board has recently proposed these registrations standards to the Ministerial Council.

- Annual Statement (s. 109 of the national legislation)

The Annual Statement requires a declaration covering matters such as criminal history, health issues, complaints, and PII. In addition, it will require a declaration about any withdrawal or restriction, of:

- Medicare billing privileges; and/or
- the applicant's right to practice at a hospital or another facility at which health services are provided

because of the applicant's conduct, professional performance or health.

- Date for Registration Renewal 2010

The National Board has determined that the annual renewal date for the registration of medical practitioners is 30 September. This is the same date that currently applies for registration renewal in Western Australia.

- Fees for Registration Renewal

Relevant fees for registration will be published on the National Board's website. It is anticipated that the current fees (as mandated by the current regulations) will be increased.

## 2. Notification Matters (includes complaints, health, performance and conduct)

Various mandatory notification requirements will also come into effect such as:

- A health practitioner or employer must notify AHPRA of conduct, as defined in s. 140 of the national legislation, in relation to the practice of a (second) practitioner's profession such as: intoxication by alcohol or drugs; sexual misconduct; impairment; and unprofessional conduct.
- A health practitioner must notify the National Board when he/she becomes aware of a relevant event, as defined in s. 130 of the national legislation, including (not limited to) cancellation or restriction of his/her own authority to administer, obtain, possess, prescribe, sell, supply or use a scheduled medicine or class of scheduled medicines.

## 3. Complaints Processes

- Part 8 Division 3 of the national legislation provides that a person or an unincorporated body may make a notification about a health practitioner to AHPRA in respect of (not limited to):
  - the practitioner's professional conduct;
  - the practitioner's standards of knowledge, skill and judgment;
  - that the practitioner may not be a suitable person to hold registration;
  - that the practitioner has, or may have, an impairment;
  - that the practitioner has, or may have, contravened a condition of registration or an undertaking given by the practitioner to the National Board; and/or
  - that registration of the practitioner was, or may have been, improperly obtained because the practitioner or someone else provided false or misleading information or a document.
- On receipt of a notification, AHPRA must notify the Medical Board of Australia. A preliminary assessment will be made of the notification within 60 days. In matters relevant to the health complaints entity - Office of Health Review (OHR) in WA - the Medical Board of Australia must notify OHR and both bodies must attempt to reach agreement about how a notification is to be dealt with.
- On receipt of the notification, the Medical Board of Australia must give notification to the practitioner under s.152 of the national legislation, as soon as practicable unless it would prejudice the investigation or pose a risk to any person.
- There are four adjudication bodies under the legislation as follows:
  - Medical Board of Australia;
  - health panels;
  - performance and professional standards panel; and
  - the State Administrative Tribunal

### **Do you have a question?**

AHPRA has appointed Ms Robyn Collins as the State Manager for Western Australia. Ms Collins was previously the CEO of the Nurses and Midwives Board of Western Australia.

We have been advised that AHPRA will communicate directly with medical practitioners about the National Scheme within the next few months.

In the meantime, if you have any questions, please continue to contact the Medical Board of Western Australia, CEO, Ms Pamela Malcolm, [pmalcolm@wa.medicalboard.com.au](mailto:pmalcolm@wa.medicalboard.com.au)