

## Media statement

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16 November 2016

### Statement from Medical Board of Australia and AHPRA

Regulating health practitioners is an essential safeguard to protect patients.

The Medical Board of Australia (the Board) and the Australian Health Practitioner Regulation Agency (AHPRA) can – and does - take action to protect patients and manage risk posed by a registered medical practitioner.

AHPRA and the Board understand the community's interest in its regulatory activities, and have listened to community debate about the caution issued to Tasmanian medical practitioner, Dr Gary Fettke.

By law, the Board cannot discuss individual cases in detail or publish the reasons for many of its decisions, without the consent of the medical practitioner concerned. Dr Fettke has not yet given his consent for the Board to make public the facts and issues that informed its decision.

The Board holds all registered medical practitioners to account against the professional standards set by the Board. These standards are set out in [Good Medical Practice – A code of conduct for doctors in Australia](#). This code:

- requires doctors to make sure their personal beliefs do not compromise the care they provide to their patients. (See 2.4.7 and 2.4.6)
- prevents doctors putting their commercial interests ahead of their patients' care and requires them to inform their patients when their interest could – or could be perceived to – affect patient care ( 8.11.3)
- requires doctors to make sure their commercial interests do not adversely affect their patient's care. (See 8.11.9)
- expects doctors to recognise and work within the limits of their competence and scope of practice and
- sets explicit standards in relation to public health and doctors' responsibility to promote the health of the community through disease prevention and control and screening. (See 5.4) This includes providing appropriate dietary advice, when this is indicated.

Each complaint received by the Board about a registered medical practitioner is carefully considered individually to see if action is needed to ensure patient safety. The Board can caution a doctor if it has concerns about patient safety. A caution is a warning not a ban and has no expiry date. A doctor is always advised when the Board proposes to caution them - or take any other action- and is given the opportunity to make a further submission before the Board acts. When the Board does impose a caution, the practitioner is provided with all of the reasons for the Board's decision in writing. A caution is not usually announced publicly by the Board, although a practitioner who has been cautioned is free to tell people they have been cautioned and to release the documentation.

Any medical practitioner can appeal a decision made by the board to the Supreme Court for judicial review if they believe there are grounds to do so.

They can also make a complaint to the [National Health Practitioner Ombudsman](#) if they think they may have been treated unfairly by the Board or AHPRA.

Unless Dr Fettke consents to the release of the information that informed the Board's decision to issue a caution, the Board is not able to comment further and support informed community debate about these important issues.

### **Do you have a concern?**

Anyone with concerns about a registered health practitioner should contact AHPRA on 1300 419 495.

#### **For more information**

- For media enquiries: (03) 8708 9200
- Lodge an [online enquiry form](#)
- For registration enquiries: 1300 419 495 (within Australia) +61 3 9275 9009 (overseas callers)