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Dear Dr Katsoris

The AMA has reviewed the consultation paper on the revised:

- *Guidelines for advertising;* and
- *Guidelines for mandatory notifications.*

The AMA will write to you separately on and the draft proposed *social media policy*.

Advertising

The AMA does not have access to information to be able to answer the question posed in the consultation paper "how are the existing guidelines working?" This can only be judged by the boards when taking action under the National Law in respect of a complaint received about a health practitioner's advertising of their services. AMA members have not raised any particular concerns about the existing guidelines and the application of them by the Medical Board of Australia.

Having said that, the revised guidelines are clear, and the AMA has no specific comment to make on them.

Mandatory notifications

The AMA notes the information box on **Protections for people making a notification** (page 33 of 52) now contains the words

Practitioners should be aware that if they make notifications that are frivolous, vexatious or not in good faith, they may be subject to conduct action.

The purpose of the guidelines is to inform practitioners about the circumstances in which they are required to make a mandatory notification. The circumstances under which a practitioner considers they are required by section 141 of the National Law to make a mandatory notification will be subjective – he or she can only form a belief on the information as it is presented (which is acknowledged on page 34 of 52 in the guidelines).

It is counter productive to the purpose of the guidelines to highlight that making a mandatory notification carries a risk that it may be judged by the Board as being

frivolous, vexatious or not in good faith. The AMA considers the new words should be removed.

It would be more appropriate for a separate document to be prepared setting out how Boards will assess, determine and handle practitioners who make frivolous or vexatious voluntary and mandatory notifications against other practitioners.

This would require cross Board working arrangements to cover situations where a Board has found that a notification it received from a health practitioner registered in another profession was frivolous, vexatious or was not made in good faith.

The AMA is comfortable with the other revisions to the guidelines.

Yours sincerely

A handwritten signature in black ink that reads "Steve Hambleton". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Dr Steve Hambleton

31 May 2013