

## Media Statement

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### AHPRA and the NMBA take action to protect patients

29 July 2015

The Australian Health Practitioner Regulation Agency (AHPRA), on behalf of the Nursing and Midwifery Board of Australia (NMBA), is taking legal action against a man they allege has pretended to be a registered nurse.

AHPRA, on behalf of the NMBA, has filed charges in the Magistrates' Court in Queensland and Western Australia alleging that Mr Nicholas Crawford was 'holding himself out' as a registered nurse in both states.

After learning that Mr Crawford had been purporting to be a nurse when he was not and had not ever been registered as a nurse, the NMBA and AHPRA started regulatory action against Mr Crawford to protect the public.

"Our job is to manage risk to patients, including by making sure that only practitioners who have the qualifications and skills to provide safe care are registered to practise," said AHPRA CEO Martin Fletcher.

"Patients have a right to expect that someone who is purporting to be a nurse has the necessary academic and professional qualifications to support that claim," he said.

In Queensland, AHPRA has filed three charges:

- one charge under section 113 (1) for unlawful use of protected titles 'nurse' and 'registered nurse'
- two charges under section 116(1)(c) for holding himself out as being registered under the National Law.

These matters are listed for first mention hearing in the Magistrates Court at Cairns QLD on 27 August 2015 at 9.30am.

In Western Australia, AHPRA has filed 11 charges:

- two charges under section 116(1)(d) for claims to being qualified to practise
- one charge under section 116(1)(b) for the unlawful use of title or name 'acting clinical nurse'
- eight charges under section 116(1)(c) regarding claims to being registered claim or holding himself or out as being registered under the National Law.

These matters are listed for first mention on 14 August 2015 in the Magistrates Court at Perth, WA.

Pretending to be a registered health practitioner is an offence under the Health Practitioner Regulation National Law, as in force in each state and territory.

The current registration status of all of Australia's 619,000 registered health practitioners is published on the [register of practitioners](#). If a person's name does not appear on the register, they are not registered to practise in a regulated health profession in Australia.

AHPRA has published '[Top Tips on using the register for public safety](#)'.

The National Law protects the public by ensuring that only registered health practitioners who are suitably trained and qualified can use [protected titles](#)<sup>1</sup> such as nurse. The law allows for penalties for falsely using protected titles or holding yourself out to be a registered practitioner.

The NMBA and AHPRA will not comment further at this time.

### **Title protection, practice protections and advertising**

The National Law protects the public by ensuring that only registered health practitioners who are suitably trained and qualified can use [protected titles](#) such as nurse.

The law allows for penalties for falsely using protected titles or holding yourself out to be a registered practitioner when you are not.

Certain practices are also restricted to individuals with necessary qualifications or registration under the National Law. It is also an offence under the National Law to advertise a regulated health service, in a way that is false, misleading or deceptive. The Advertising Guidelines set by the NMBA guide the interpretation of the National Law.

A breach of the National Law is a criminal offence and may be prosecuted by AHPRA. The maximum penalties that a court may issue if you are found guilty of an offence under the National Law are as follows:

- for offences under sections 113 to 118 (title and practice protections) – a fine of \$30,000 in the case of an individual or \$60,000 in the case of a body corporate, per offence
- for offences under section 133 (advertising) – a fine of \$5,000 in the case of an individual or \$10,000 in the case of a body corporate, per offence

Anyone who is concerned about the practices of an individual or organisation can make a complaint to AHPRA.

**Media enquiries: (03) 8708 9200**

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<sup>1</sup> The National Law has clear restrictions on the use of protected titles and are addressed in Sections 113, .116, .117, .119 and .120 of the National Law. Only people who have met the requirements of the National Law can use a protected title. It is an offence for anyone either knowingly or recklessly to use any of the protected titles to make another person believe that you are registered under the Act unless you are registered in the profession.