



## AHPRA Management Policy – Regulatory Operations

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### Operational Policy: Removal of reprimands from the national register

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#### Division

Regulatory Operations - Compliance

#### Purpose

To ensure that reprimands imposed on a practitioner's registration under:

- the National Law by a performance or professional standards panel (panel), professional standards committee (NSW committee), relevant tribunal or court are removed from the national register in a consistent and effective way, and
- prior legislation are considered on an individual basis informed by legal advice and to the extent possible are removed from the register consistent with the removal process enabled under the National Law.

#### Policy statement

A reprimand imposed under the National Law is to be removed from the national register on the publication end date for the reprimand as set by the court, tribunal, panel or NSW committee (the period for publication of the reprimand commences on the date of publication to the National Register). Where the panel or tribunal in an AHPRA jurisdiction has not set a publication end date or where the reprimand was imposed under prior legislation, the reprimand is to be removed no earlier than five years from the date of initial publication subject to:

- the practitioner submitting an application in the approved form for removal of the reprimand (it is sufficient for the practitioner to submit the required information in the form of a letter or email)
- no relevant event<sup>1</sup> having occurred in the five year period of publication of the reprimand
- the appropriate delegation being with AHPRA, and
- legal advice being sought to confirm the power to remove reprimands imposed under prior legislation and any changes to the matters which must be considered to inform the removal decision.

Where an adjudication body in NSW has imposed the reprimand under the National Law and recommended a publication end date, the reprimand is to be removed no earlier than the recommended end date subject to:

- the practitioner submitting an application in the approved form for removal of the reprimand
- the appropriate delegation being with AHPRA, and
- no relevant event<sup>2</sup> having occurred in the period of publication of the reprimand.

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<sup>1</sup> **Relevant event** - is any health, performance or conduct notification action taken against the registrant in relation to an adverse disclosure on renewal of registration, new information returned on a criminal history check, a confirmed breach of restrictions, or where the practitioner has been the subject of action under Part 8 of the National Law or its equivalent in a co-regulatory jurisdiction. This includes receipt of any new notification irrespective of whether action was taken.

Where a relevant event has occurred or where the delegate for a decision to remove a reprimand under s.226(3) is not AHPRA, the application is to be referred to the local or regional board or national committee for a decision. In accordance with procedural fairness, where the decision maker is proposing to refuse the application, the practitioner must be provided with the:

- reasons for the proposed refusal
- details of any relevant and significant information being relied on by the decision maker, and
- opportunity to respond to the proposal and have that response considered by the decision maker to inform the final decision.

Irrespective of the requirements noted above any request or application received prior to the end of the five year period of publication for removal of the reprimand must be referred to the local or regional board or national committee for a decision. In these circumstances the same considerations apply in preparing recommendations for consideration.

### **Scope, evaluation and review**

This operational policy is established in accordance with *Operational Guidance Framework*. It must be used and complied with by all relevant Regulatory Operations staff. This operational policy will be reviewed annually.

### **References**

Guideline: Removal of reprimands from the public register

### **Appendices**

NIL

### **Policy Sponsor**

National Director, Compliance

### **Approved by**

Executive Director, Regulatory Operations

### **Effective date**

This policy is effective 2 October 2017 and was reviewed in July 2018.