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Australian Health Practitioner Regulation Agency

Review of immediate action restrictions arising from allegations of sexual boundary violations

September 2017

Guidelines

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Introduction

In the report 'Independent review of the use of chaperones to protect patients in Australia' Professor Paterson recommended that all interim restrictions and suspensions be reviewed at least every six months and earlier if there are triggers for review.

AHPRA has established a policy to outline what constitutes a trigger for review. This guideline establishes how the review is to be undertaken and how to refer triggers to the appropriate team when identified to initiate review of the immediate action restrictions.

Immediate action restrictions

For the purposes of the Operational Policy immediate action restrictions are any immediate action, including suspension of registration, taken as defined in section 155 of the National Law.

Identification of a trigger for review by a notification officer

On identification of any trigger for review of restrictions the notification officer must notify the sexual boundaries compliance team of the following information:

- Name of practitioner.
- Pivotal contact or registration number.
- Nature of the trigger.
- Details of the trigger including:
 - the notification record number where relevant, and
 - TRIM folders or document references for any related evidence.

This advice is to be provided by email to compliancebvt@ahpra.gov.au

Action by compliance officer on receipt or identification of a trigger for review

On receipt of information relating to a trigger for review the compliance case officer must in consultation with the National Senior Policy and Quality Assurance Officer prepare an agenda paper for consideration by the Sexual Boundaries Notifications Committee of the Medical Board of Australia.

Where the trigger for review is identified in the course of monitoring the monitoring case officer will liaise with the:

- relevant notifications or legal officer on the progress of the concurrent Part 8 action from which the immediate action restrictions have arisen, and
- the notifications or legal officer assigned to manage any other notifications for the same practitioner.

Scheduled review every six months

In the absence of any triggers for review the compliance case officer in consultation with the National Senior Policy and Quality Assurance Officer will prepare an agenda paper for consideration by the Sexual Boundaries Notifications Committee of the Medical Board of Australia every six months. The agenda paper will make recommendations in relation to the ongoing requirement for immediate action restrictions.

In formulating any recommendations the compliance case officer will consult with the:

- relevant notifications and/or legal officer on the progress of the Part 8 action from which the immediate action restrictions have arisen, and
- the notifications or legal officer assigned to manage any other notifications for the same practitioner.

The compliance case officer may require any other case officers involved in the management of one or more notifications to complete the template investigation update.