Ahpra & National Boards

Mandatory notifications: What you need to know

Editorial (400+ words)

Health practitioners encouraged to seek advice about their own health

An important part of being a health professional is getting the healthcare you need, without fearing a mandatory notification.

Mandatory notifications are a part of the National Law[1] and set out obligations for registered health practitioners, employers and education providers. These obligations aim to protect the public by ensuring that the Australian Health Practitioner Regulation Agency (Ahpra) and the National Boards are made aware of practitioners who may be placing the public at serious risk of harm.

Currently, registered health practitioners, including treating practitioners, and employers need to notify Ahpra if they reasonably believe another registered health practitioner has behaved in a way that constitutes 'notifiable conduct'. Notifiable concerns have a specific meaning under the National Law.

There are four concerns that may trigger a mandatory notification, depending on the risk of harm to the public:

- impairment
- intoxication while practising
- significant departure from accepted professional standards, and
- sexual misconduct.

Ahpra CEO Martin Fletcher said a health practitioner's physical or mental health issue rarely needs a mandatory notification.

'Having a health issue is not in itself a reason to make a mandatory notification. If a practitioner has taken steps to deal with it, such as taking time away from work, or are engaged in an effective treatment plan then we don't need to know about it,' Mr Fletcher said.

'Ahpra and National Boards recognise that there may be times when health practitioners need professional advice about their own health, and we encourage them to get that support. Practitioners should seek advice without worrying about a mandatory notification being made about them.'

Changes to mandatory notifications

Early this year, Health Ministers agreed to make changes to mandatory notifications requirements in the National Law and the *Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018 (Qld)* (the Bill) was passed by the Queensland Parliament in February 2019.

The changes only apply to treating practitioners and intend to support practitioners to seek advice for a health issue (including mental health issues), while continuing to protect the public. This is because the circumstances for treating practitioners to make mandatory notifications are more limited than they are for other groups.

Under these National Law amendments, three of the four types of conduct (impairment, intoxication and practice outside of professional standards), which may lead to a mandatory notification, will have the same threshold for mandatory notifications by treating practitioners. It is: *substantial risk of harm*. A substantial risk of harm is a very high threshold for reporting risk of harm to the public.

When the amendments take effect in early 2020, they will apply in all states and territories except Western Australia, where mandatory notification requirements will not change.

Find out more, download resources and access the current guidelines for mandatory notifications by going to www.ahpra.gov.au/mandatorynotifications.

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1 The Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).