

Consultation submission report

August 2020

Public consultation on options for regulating medical practitioners who provide complementary and unconventional medicine and emerging treatments

Introduction

In 2019, the Medical Board of Australia (the Board) consulted on options for regulating medical practitioners who provide complementary and unconventional medicine and emerging treatments.

Public consultation is an important part of the Board's work and enables stakeholders, including medical practitioners and patients, to share their views on the Board's proposals. The Board thanks everyone who participated in the consultation for taking the time to provide their feedback. We have published this consultation submission report because of the very large volume of submissions we received. It outlines the consultation process and provides information about the submissions received and published. It does *not* include thematic analysis of the feedback.

Consultation process

The public consultation opened on 15 February 2019. It was initially open until 12 April 2019 (the standard eight-week public consultation period). In response to the intense interest in the consultation and to make sure everyone had a chance to have their say, the Board twice extended the consultation period, initially to 12 May 2019 and later to 30 June 2019.

The Board invited feedback from all stakeholders including organisations, medical practitioners and the community. The consultation paper was published on the consultation page on the Board's website, and distributed to stakeholders including government, medical colleges, professional associations and consumer organisations. A news item was published on the front page of the Board's website and information about the consultation was sent to all registered medical practitioners in the Board's electronic newsletter in [February](#), [March](#), [April](#) and [May](#) 2019.

The Board sought feedback from stakeholders about whether additional safeguards were needed for patients receiving care from medical practitioners who provide complementary and unconventional medicine and emerging treatments. As required by the Council of Australian Governments (COAG) Best Practice Regulation, the Board provided potential options. In this case, two options for regulating medical practitioners who provide complementary and unconventional medicine and emerging treatments were proposed:

- option one - retain the status quo
- option two - draft guidelines for medical practitioners.

More detail is available in the consultation paper available on the [Board's website](#).

The Board is aware of three websites which provided members of the community with information about the consultation and information on how to make a submission:

- <https://integrativemedicinefreedomofchoice.com/>
- <https://www.yourhealthyourchoice.com.au/mba-submissions/>
- <https://www.ourchoice.org.au/>

The Board is also aware of one petition on change.org – [Vote for option 1 – protect your health freedom](#) with 492 signatures (as at 30 June 2019).

Submissions received

The Board received almost 13,500 submissions from a wide range of stakeholders. These include:

- organisations, including professional associations
- registered medical practitioners, including those who work in this field of practice, those who don't work in this area and those whose patients access these treatments from other medical practitioners
- other registered health practitioners including Chinese medicine practitioners, chiropractors, dentists, nurses, occupational therapists, osteopaths, pharmacists, physiotherapists and psychologists
- non-registered health practitioners including aromatherapists, dieticians, herbalists, homeopaths, hypnotherapists, kinesiologists, masseurs and naturopaths
- patients and members of the community.

Of the submissions received:

- some were direct copies or variations of template submissions circulated by associations, medical practitioners and other stakeholders
- more than 600 stakeholders made multiple submissions (including exact duplicates and/or multiple (2, 3 or 4) unique submissions)
- some submissions consisted of only one line 'I support Option 1/no change' (however worded) (and the person's contact details).

A number of submissions appeared to respond to inaccurate information or expressed concerns about issues that were not proposed. In some cases, stakeholders based their submissions on inaccurate assumptions about the Board's proposal and/or intentions, or inaccuracies included in media articles or reports. For example, the Board received submissions on the following proposals, NONE of which are in the Board's consultation paper or under consideration:

- 'deregistering' all medical practitioners who provide complementary and unconventional medicine or emerging treatments
- introducing time limits on medical practitioner consultations to a maximum of 10 minutes
- banning integrative medicine
- banning acupuncture

- banning medical practitioners from recommending patients take vitamins or supplements
- banning medical practitioners from referring their patients to other practitioners who provide complementary and unconventional medicine or emerging treatments
- restricting the practice of other registered or non-registered health practitioners (e.g. chiropractors, naturopaths).

The consultation paper was released by the Medical Board of Australia. However, there appears to have been some confusion about the agency consulting as well as the proposal being consulted on. Some submissions refer to guidelines proposed by 'government', 'health ministers' or the 'AMA' (Australian Medical Association).

Many submissions relate to issues that were outside the scope of the consultation on complementary and unconventional medicine and emerging treatments, including:

- access to Medicare by non-registered health practitioners
- private health insurance rebates for natural therapies
- regulation of other registered health practitioners (not medical practitioners)
- treatments provided by other registered and non-registered health practitioners (not medical practitioners)
- access to retail over-the-counter vitamins and supplements without the involvement of a registered health practitioner.

Submissions that refer generically to 'complementary medicine' or an 'integrative practitioner' (which may be referring to registered medical practitioners) were accepted as submissions. Submissions referring to natural therapies (such as naturopathy and homeopathy) being provided by registered medical practitioners were also accepted. Submissions that specify that the provider was not a registered medical practitioner were not accepted, as they are out of scope. The Medical Board only regulates registered medical practitioners.

Submissions considered by the Board

The Medical Board are considering all consultation submissions except:

- submissions that *solely* refer to matters outside the scope of the consultation (as per the criteria listed above). However, all submissions that reference *both* in scope and out of scope matters have been provided to the Board.
 - there were more than 1200 out of scope submissions
- duplicate submissions – only the first submission is provided. However, multiple unique submissions from an individual have been provided to the Board.
 - there were more than 85 individuals who made two or more duplicate submissions
- one-line submissions which only state support for option 1 and no other content. However, the Board has been informed of the number of these submissions.
 - there were more than 300 one-line submissions.

Publishing submissions

After a public consultation, the Board usually publishes on its website submissions received, except when the stakeholder has requested that their submission not be published. The consultation paper states that 'the Board publishes submissions at its discretion' and that it will not publish submissions 'that contain offensive or defamatory comments, or which are outside the scope of the consultation'.

Submissions that are out of scope, duplicates or one-line submissions (as described above) have not been published.

Published submissions have been redacted to remove the submitter's name (on request), their personal/contact details (email, home address, phone number, etc), information that identifies personal details or another person, potentially defamatory and offensive content.

More than 2,000 stakeholders requested that their submission remain confidential and not be published. Many others requested that their name be withheld from publication.

Submissions are published with the submitter's name or without:

- submissions with name
- submissions with 'name withheld'
 - if the submitter requested that their name not be published
- submissions with 'name removed'
 - many members of the community made submissions that included extensive details of their own or a family member's chronic medical conditions, the complementary and unconventional medicine and emerging treatments they have received and their outcomes. While many people gave permission for their submission to be published in full, with their name, the Board had concerns about publishing individuals' personal medical information, especially when it was not clear if the relative or other person mentioned was aware of the submission. Redacting the sensitive medical details would render the submission meaningless. Therefore, the Board decided in the interests of patient privacy to remove some patients' names. By publishing the submission without names, the submission provides useful feedback while protecting the patient and/or their family member. These are labelled 'name removed'. Where patients referred generically to an 'illness' or seeing a doctor for unspecified treatment, names have not been removed.

The large volume of submissions has made it impossible to publish all submissions as individual word or PDF documents as is our usual practice. We have therefore combined some submissions into larger PDF documents.

Hard-copy template submissions and submissions received through a third-party website (directly or forwarded by the individual) have been collated and published together (integrative medicine, Your health, your choice (YHYC), Our choice).

Submissions are available on the Board's [past consultations web page](#). The Board has published more than 9,700 submissions:

Stakeholder	Number of published submissions	Submission format
Organisations and joint submissions	57	Individual documents
Medical practitioners, other health practitioners (registered and non-registered), patients, members of the community	>1150	Bulk PDFs - alphabetical by surname - name withheld - name removed
Hardcopy template - integrative medicine	141	
Submissions via www.ourchoice.org.au (practitioners and patients)	78	
Submissions via www.yourhealthyourchoice.com.au (practitioners and patients)	>8300	
TOTAL	>9700	

Note: The Board publishes submissions to be transparent and support public debate. In this consultation, some submissions are critical of others. While we have redacted statements about named individuals, we have not redacted general criticisms.

The views expressed in the submissions are those of the individuals or organisations who submit them. Their publication does not imply that the Board accepts or agrees with these views.

In deciding the approach to the submissions and their publication, the Board sought the advice of the National Health Practitioner Ombudsman and Privacy Commissioner (NHPOPC). The NHPOPC supported the Board's approach to publishing submissions.

Next steps

The Board is now considering all the feedback from the consultation and will consider the options. This will take time. No timelines for a Board decision have yet been set, but the Board will keep the community and the profession informed. In the meantime, *Good medical practice: a code of conduct for doctors* applies to all registered medical practitioners across all areas of practice. It is available on the [Board's website](#).