



Communiqué

Annual workshop of the Australian Medical Association, the Medical Board of Australia and the Australian Health Practitioner Regulation Agency

Senior leaders from the Medical Board of Australia (MBA), the Australian Health Practitioner Regulation Agency (Ahpra) and the Australian Medical Association (AMA) met on the 16 December 2022 for an annual workshop. While the annual workshop focused primarily on complaints management by the MBA and Ahpra, other matters of mutual interest were also discussed.

The workshop focused on:

- legislative amendments
- cosmetic surgery
- notifications
- supervision.

The following representatives attended:

Medical Board of Australia

Dr Anne Tonkin, Chair, National Board
A/Prof Stephen Adelstein, Practitioner Member, National Board
Dr Andrew Mulcahy, Practitioner Member, National Board
Dr Debra O'Brien, Practitioner Member, National Board and Chair, Victorian Board (*until 10.45am*)

Australian Health Practitioner Regulation Agency

Martin Fletcher, Chief Executive Officer
Kym Ayscough, Executive Director, Regulatory Operations
Matthew Hardy, National Director, Notifications
Sarah Harper, Acting Executive Officer, Medical
Jason McHeyzer, National Director, Cosmetic Surgery Enforcement Unit
Jamie Orchard, General Counsel

Australian Medical Association

Dr Danielle McMullen, Vice President, Federal AMA
Dr Jill Tomlinson, Vice President, AMA Victoria
Dr Maria Boulton, President, AMA Queensland
Dr Mark Duncan-Smith, President, AMA WA
Dr Michael Gannon, Board Member, AMA WA, Chair Private Practice Committee
Dr Hannah Szewczyk, Chair, AMA Council of Doctors in Training
Warwick Hough, General Manager Policy
Nick Elmitt, Manager, Medical Practice
Patrick Tobin, Policy Advisor
Tracey Cross, Senior Policy Advisor

Legislative amendments

Ahpra and the MBA reported on changes to the National Law:

- in effect from October 2022 (on assent):
 - new paramount principle to provide that the paramount considerations for administering the law are public protection and public confidence in the safety of health services
 - new objective and guiding principle for cultural safety for Aboriginal and Torres Strait Islander Peoples
 - name change for the Agency Management Committee to Ahpra Board
- the change related to issuing public statements is expected to come into effect in mid-2023 following consultation on implementation in early 2023
- the changes related to interim prohibition orders and alternative practitioner name on the public register will come into effect later in 2023.

Discussion occurred about the legal threshold for public statements (which is high) and procedural fairness considerations. The AMA representatives reiterated their concerns about the changes allowing public statements to be issued by regulators and the need for their implementation to be handled carefully. Targeted consultation will occur with the federal AMA about the proposed implementation of these amendments in early 2023.

Update on cosmetic surgery

Ahpra and the MBA reported on:

- work to encourage practitioners to speak up for safety including a letter sent from the MBA Chair to all registered medical practitioners in October 2022
- actions underway to implement the recommendations of the *Independent review of the regulation of medical practitioners who perform cosmetic surgery*. The MBA has recently undertaken public consultation on three key documents:
 - draft *Registration standard: Endorsement for cosmetic surgery*
 - draft revised *Guidelines for medical practitioners who perform cosmetic medical and surgical procedures*
 - draft *Guidelines for medical practitioners who advertise cosmetic surgery*
- work being undertaken by the Australian Medical Council to develop accreditation standards and graduate outcomes for cosmetic surgery programs
- the decision of the Health Ministers in December 2022 to protect the title 'surgeon' and restrict its use to medical practitioners holding specialist registration in the medical specialties of surgery, obstetrics and gynaecology, and ophthalmology
- the establishment of Ahpra's Cosmetic Surgery Enforcement Unit, the cosmetic surgery hotline and the advertising audit of cosmetic practitioners' advertising
- the establishment of the MBA's National Special Issues Committee (Cosmetic practice).

Notifications strategy and performance

Ahpra and the MBA continue to work to build a more sustainable, humane, efficient and effective notification approach. Work continues to review and improve the notifications process, recognising that it is stressful for both the notifier and the practitioner concerned. The focus is on public safety and includes better matching our resources to risk and complexity, having a separate process for health issues and strategies to improve the process and reduce timeframes.

Overall, the data for medicine shows:

- a 12% increase in notifications received in 2021/22 compared to 2020/21. The increase included some new types of notifications (in 2021/22, 12% were related to COVID-19) and an increase in volume in another specific field of medicine (in 2021/22, 3.7% of notifications were about cosmetic surgery)
- a record number of 5,927 notifications were resolved through 2021/22, an increase of 11.2% on the previous year
- the average time to complete notifications increased to 181 days (from 169 days in 2020/21). The impacts of COVID on our workforce and a rapid increase in new notifications *about* COVID related concerns were partly responsible for this increase
- 90 medical practitioners were referred to a panel or tribunal.

An updated process to get notifications more quickly into the hands of a case manager who is responsible from start to finish, avoiding a built-in handoff that has existed previously, is reducing the time taken to allocate higher risk cases earlier.

There is a significant increase in the number of low-risk cases we are closing early without always requiring a practitioner to respond. There is also a significant increase in the number of complaints that are being referred to state and territory health complaints entities who are more appropriately placed to undertake complaint resolution processes between a consumer and a health service or practitioner.

Ahpra continues to find better ways to engage with practitioners who are the subject of a notification through improved information and communication. We are using medical practitioner clinical advisors within Ahpra regularly throughout our processes to assist us to better target requests for further information that could help us to resolve notifications faster.

Ahpra surveys practitioners who have been the subject of a notification and uses the feedback to improve processes and communication with practitioners. In 2021/22, 62% of practitioners surveyed agreed (strongly or somewhat) that they were satisfied with the way Ahpra managed the notification (regardless of whether they were satisfied with the outcome of the notification). However, timeframes remain a concern for many practitioners.

Discussion occurred about the performance metrics, further refinements to the measures (for example, reporting in addition to averages) and the stress experienced by many medical practitioners during the process. It was agreed that follow up would occur with AMA on these issues.

Supervision

In response to concerns about the process to approve supervised practice arrangements and supervisors for practitioners following a notification, Ahpra and the Medical Board reported on:

- a new supervised practice framework and resources for practitioners
- processes to ensure supervisors are aware of their obligations
- ability for the Board to make a decision about the practitioner (e.g. place condition or accept undertaking) and approve a supervisor at the same time to speed up the process.

Other matters

Participants discussed:

- the pandemic sub-register and noted it is due to close in September 2023
- cases that have been reported in the media and noted that Ahpra is very limited in providing specific information when a case is currently being decided in a tribunal.

Concluding remarks

The AMA thanked the MBA and Ahpra for the discussion. The MBA and Ahpra acknowledged the value of the feedback provided by the AMA as it helps continuous improvement, and all parties look forward to meeting again in 2023.