Medical Radiation Practice Council of NSW

HPCA

Health Professional Councils Authority

# Health Professional Council Regulation

Justine Trpezanovski – MRP representative – MRPC of NSW

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# Topics to be covered:

- The Regulatory body / structure in Australia
- Medical Radiation Practice Council of NSW
  - Who, What, Why
- Regulatory activity
- Common definitions
- Processes
- Council contact details

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# Who are the regulators?

Several agencies are directly or indirectly involved in the regulation of medical radiation practitioners and students:

- National Boards
- Australian Health Practitioner Regulation Agency (AHPRA)
- Health Care Complaints Commission (HCCC) (NSW only)
- Health Professional Councils Authority (HPCA) (NSW only)

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# Health Professional Councils of NSW

- Chiropractic
- Dental
- Medical
- Nursing and Midwifery
- Optometry
- Osteopathy
- Pharmacy
- Physiotherapy
- Podiatry
- Psychology
- ATSI Health Practice
- Chinese Medicine
- **Medical Radiation Practice**
- Occupational Therapy
- Paramedicine

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# How Council is appointed?

- Councils are independent statutory bodies established under the *Health Practitioner Regulation National Law (NSW)*
- Council members are appointed by the NSW Governor and are practitioners legal and community members

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# Medical Radiation Practice Council of NSW

Nominated by the NSW Minister for Health and approved by the Governor

| Member | Role |
|---|---|
| Ms Tracy Vitucci | President |
| Dr Karen Jovanovic | Deputy President |
| Ms Justine Trpezanovski | Medical Radiation Practitioner Member |
| Ms Nadine Thompson | Medical Radiation Practitioner Member |
| Mr Warren Stretton | Community Member |
| Mr Greg Ross | Legal Member |

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# Role of the Councils

## The primary role of the Councils is to protect the health and safety of the public

- The Councils' functions are to deal with **health, performance and conduct matters**, governance and administer education and research funds
- The Councils may place practice or health conditions/restrictions on a practitioner and in extreme cases may suspend a practitioner from practice
- The Councils monitor conditions placed on practitioners (excluding registration issues)

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# Regulatory committees and panels

- The National Law sets out the committees and panels that assist the Council to undertake its regulatory activities.
- Regulatory committees and panels include:
  - Impaired Registrants Panels (IRP)
  - Performance Review Panels (PRP)
  - Assessment Committees

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HEALTH CARE COMPLAINTS COMMISSION

# Health Care Complaints Commission (HCCC)

- Independent body established under *Health Care Complaints Act 1993*
- Aims to protect public health and safety by resolving, investigating and prosecuting health care complaints
- Consults with the Councils on health, conduct and performance matters regarding registered health and allied health professionals
- HCCC* also regulates non registered health professionals and manages complaints about public and private health care facilities

*www.hccc.nsw.gov.au

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# Registrants Data FY2018-19

| Profession | NSW registered practitioners | Total Australian registered practitioners | % of Australian registered practitioners with NSW PPP[1] |
|---|---|---|---|
| Aboriginal and Torres Strait Islander Health Practitioner | 133 | 690 | 19.3% |
| Chinese medicine practitioner | 2,003 | 4,892 | 40.9% |
| Chiropractor | 1,840 | 5,550 | 33.2% |
| Dental practitioner | 7,100 | 23,730 | 29.9% |
| Medical practitioner | 36,194 | 118,996 | 30.4% |
| Medical radiation practitioner | 5,489 | 16,683 | 32.9% |
| Midwife | 1,336 | 5,727 | 23.3% |
| Nurse | 103,985 | 383,509 | 27.1% |
| Nurse and midwife[2] | 7,746 | 27,707 | 28.0% |
| Occupational therapist | 6,245 | 22,412 | 27.9% |
| Optometrist | 1,933 | 5,781 | 33.4% |
| Osteopath | 586 | 2,546 | 23.0% |
| Paramedic | 4,417 | 17,323 | 25.5% |
| Pharmacist | 9,637 | 31,955 | 30.2% |
| Physiotherapist | 9,739 | 33,792 | 28.8% |
| Podiatrist[3] | 1,506 | 5,361 | 28.1% |
| Psychologist | 12,318 | 37,783 | 32.6% |
| **Total 2018/19** | **212,207** | **744,437** | **28.5%** |
| **Total 2017/18** | **202,033** | **702,741** | **28.7%** |

Medical Radiation Practice Council

## 2018-19 Summary

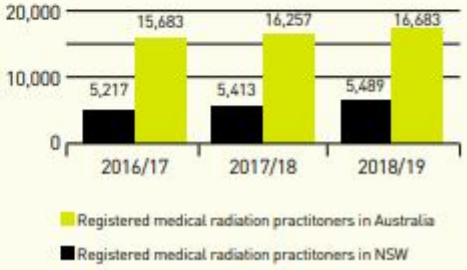
### MEDICAL RADIATION PRACTITIONERS

**5,489** Registered medical radiation practitoners in NSW

**33%** of Australian medical radiation practitoners practise in NSW

**0.4%** of NSW medical radiation practitoners had complaints made about them

**3 year trend in number of registered medical radiation practitoners**



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# Complaints Received FY2018-19



**6**

**cases were open at the beginning of the year**



**21**

**cases were closed during the year**



**6**

**cases were open at the end of the year**



**21**

**complaints were received about 20 medical radiation practitoners in 2018/19**

**6**

**of the complaints received were mandatory notifications about 6 practitioners**

**Complaints were mainly from:**

Patients - 5

Employers - 5

Other practitioners - 4

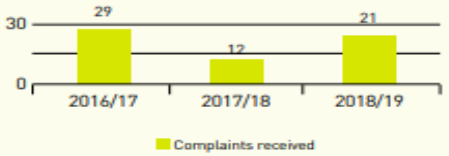
**Complaints were mainly about:**

Clinical care - 4

Health impairment - 4

Behaviour - 4

**3 year trend in number of complaints about medical radiation practitoners**



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# Complaint outcomes FY2018-19

**MEDICAL RADIATION PRACTICE COUNCIL'S REGULATORY ACTIVITY**
**– MATTERS CONCLUDED**

**MEDICAL RADIATION PRACTICE COUNCIL'S REGULATORY ACTIVITY**

No Council inquiries or Assessment Committees

2 immediate actions were considered by Council

**7 complaints were referred for Council management**

Council did not conduct any counselling or interview sessions

**HEALTH MATTERS**
3 Health Assessments
1 Impaired Registrants Panel (IRP)

**PERFORMANCE MATTERS**
No Performance Assessments or Performance Review Panels (PRPs)

**OUTCOMES**

**KEY ACTION OUTCOMES* FOR CLOSED CASES**
1 conditions on practice
No practitioners counselled
No cancelled or surrendered registration
18 no further action or discontinued

**IMMEDIATE ACTION OUTCOMES***
1 suspended registration
1 conditions on practice

**ACTIVE MONITORING**
Conduct - 0 cases
Performance - 0 cases
Health - 5 cases

**No Tribunals**

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# Definitions

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# Meaning of unsatisfactory professional conduct

- Conduct significantly below reasonable standard
- Contravention of the National Law or regulations
- Contravention of conditions of registration or undertaking
- Failure to comply with decision or order of the Committee or the Tribunal
- Contravention of requirement under the Health Care Complaints Act
- Accepting benefit for referral or recommendation to health service provider

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# Meaning of unsatisfactory professional conduct (Cont'd)

- Accepting benefit for recommendation of health product
- Offering a benefit for a referral or recommendation
- Failure to disclose pecuniary interest in giving referral or recommendation
- Engaging in over-servicing
- Supervision of assistants
- Other improper or unethical conduct

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# Meaning of professional misconduct

- Unsatisfactory professional conduct of a sufficiently serious nature to justify suspension or cancellation of the practitioner's registration, or

- More than one instance of unsatisfactory professional conduct of a sufficiently serious nature to justify suspension or cancellation of the practitioner's registration

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# Mandatory Notifications

Notifiable conduct, in relation to a registered health practitioner, means the practitioner has:

- practised the practitioner's profession while intoxicated by alcohol or drugs
- engaged in sexual misconduct in connection with the practice of the practitioner's profession
- placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment
- placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards

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# Mandatory Notifications (Cont'd)

- Notifiable conduct, in relation to a student, means the student has an impairment that, in the course of the student undertaking clinical training, may place the public at substantial risk of harm

- Mandatory notifications are made to AHPRA

**Under the National Law, health practitioners, employers and education providers have an obligation to notify AHPRA of notifiable conduct.**

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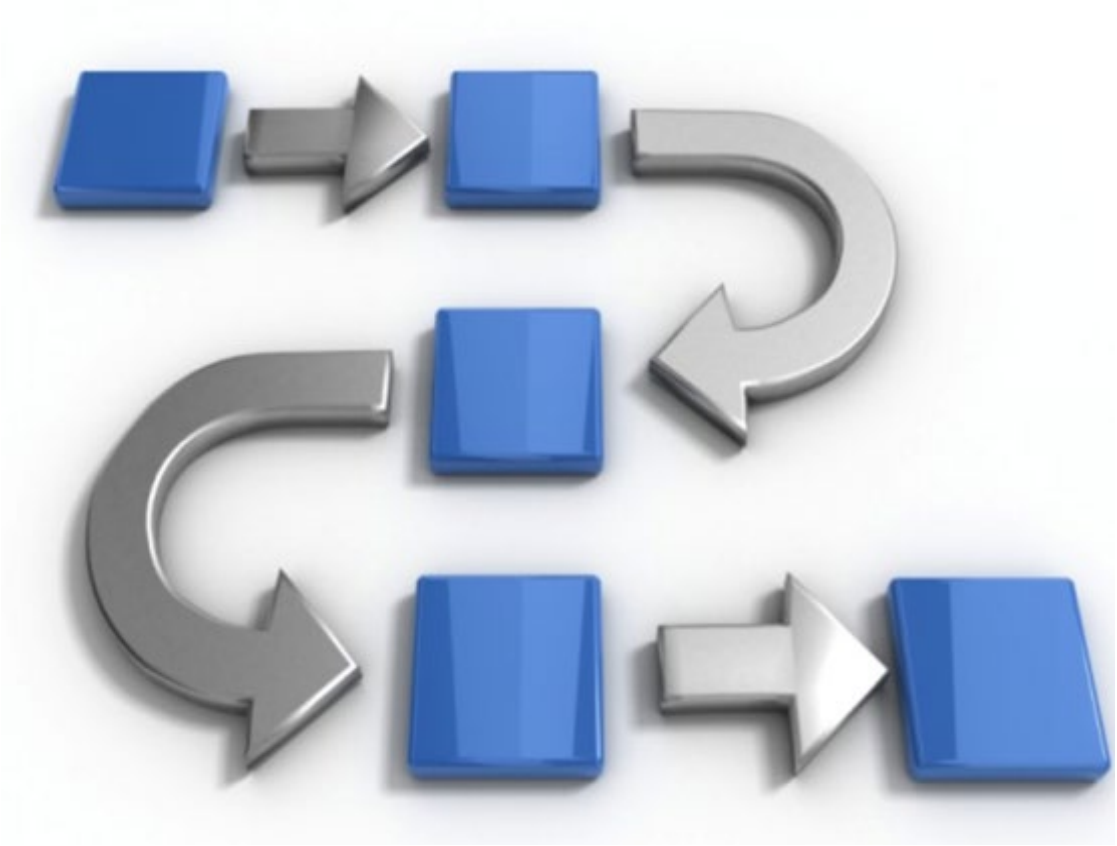
# Complaints process



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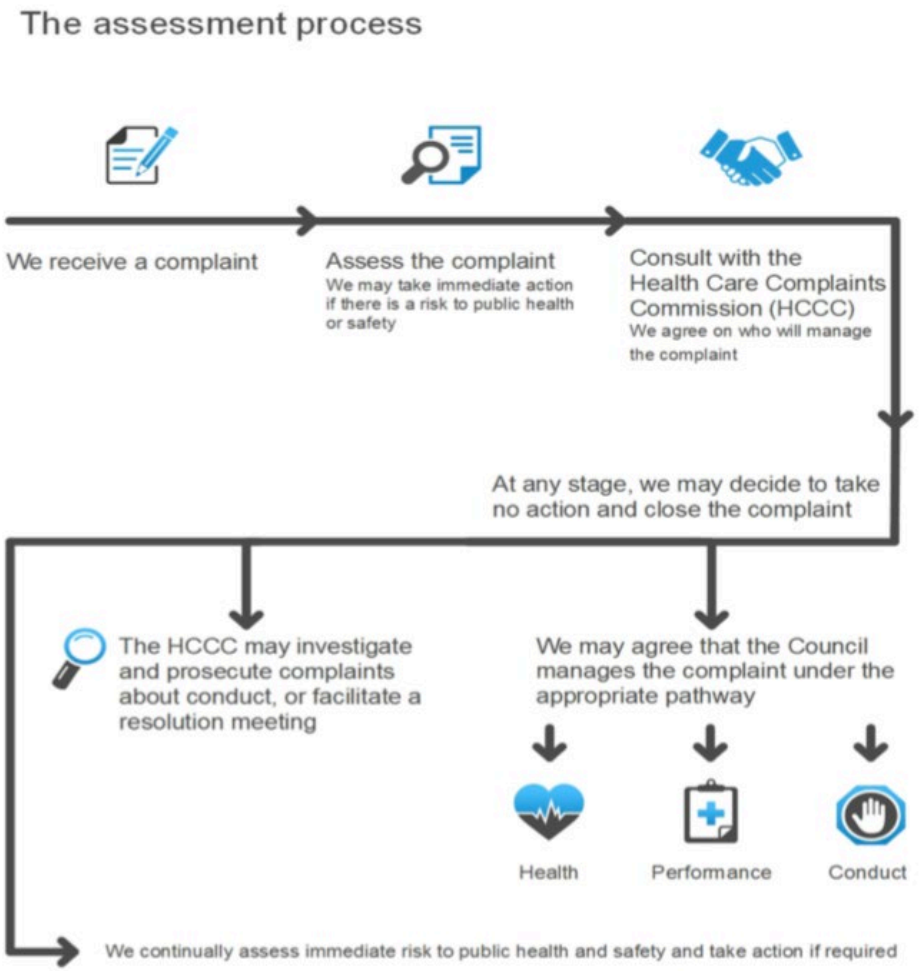
# What happens when a Council receives a complaint?



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# Courses of action available to a Council

- Make inquiries
- Counselling
- Council Inquiry (Conduct)
- Refer to HCCC for investigation/conciliation
- Refer to Health pathway
- Refer to Performance pathway
- Refer to another entity
- Take no further action

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# Councils' complaints streams

**Conduct**

Conduct issues generally relate to behavioural acts or omission and often go to the question of character or suitability of a practitioner. Conduct issues may constitute unsatisfactory professional conduct or professional misconduct, as defined in the Law.

**Performance**

Performance issues generally involve concerns about the standard of a practitioner's clinical performance, that is whether the knowledge, skill or judgement of a practitioner, or care exercised, is significantly below the standard reasonably expected of a practitioner of an equivalent level of training or experience.

**Health**

Impairment includes both physical and non-physical conditions that affect the health of a practitioner. Following assessment a Council may determine that a practitioner with an impairment can continue to practise where public safety can be ensured and management measures are in place, such as restrictions on practice, supervision or monitoring arrangements.

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# Counselling

- Usually held when there are issues of concern which may constitute a departure, but not a significant departure, from acceptable standards of practice and/or conduct

- Purpose is to remind practitioners of their professional obligations and assist them in identifying possible areas for improvement

Reference:
https://www.medicalradiationpracticecouncil.nsw.gov.au/node/578

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# Conduct - Inquiry

- Generally held when the nature of the complaint is sufficiently serious, but would not lead to a finding of professional misconduct (which can lead to suspension or cancelling of registration)
- May lead to a finding of unsatisfactory professional conduct
- Possible outcomes of Inquiry:
  - Caution or reprimand
  - Imposition of conditions
  - Make orders – e.g. refund fees, complete an educational course, and/or take advice in relation to the management of the practitioner's practice
  - Fines

Reference:
https://www.medicalradiationpracticecouncil.nsw.gov.au/node/578

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# Performance

- This pathway may be utilised where a Council has concerns regarding the overall performance of a practitioner
- Courses of action available:
  - Advice by letter with no further action
  - Performance interview – to gather more information
  - Performance assessment – assessment of performance in practice/simulation setting
  - Performance Review Panel – a hearing following a performance assessment report advising the practitioner's professional performance is unsatisfactory

Reference:
https://www.medicalradiationpracticecouncil.nsw.gov.au/node/575

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# Performance (Cont'd)

- Where a Performance Review Panel finds that the professional performance of a practitioner is unsatisfactory, one of the following actions may be taken:
  - Imposition of conditions on registration
  - Make an order – e.g. a specified educational course
  - Appropriate recommendations be made to Council – e.g. that a complaint be made
  - Direct that the practitioner's performance be reassessed at a future date

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# Health

- Courses of action available to a Council:
  - Referring the practitioner to undergo an independent health assessment by a Council - appointed practitioner (CAP)
  - Convening an Impaired Registrant's Panel (IRP) (2-3 members appointed by Council)
- Action that can be taken following receipt of CAP report:
  - No further action
  - Refer the matter to an IRP
  - Determine the matter concerns the practitioner's conduct or performance (rather than health) and take appropriate action as required (including making a complaint)
  - Take immediate action (section 150) where the Council has urgent concerns regarding public health or safety

Reference: https://www.medicalradiationpracticecouncil.nsw.gov.au/node/574

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# Health (Cont'd)

- Actions following an IRP:
  - Counsel the practitioner or recommend he/she undertake counselling
  - Recommend that the practitioner agree to having conditions placed on registration
  - Recommend that the practitioner agree to be suspended from practising for a specified period
  - Make any other recommendations the IRP thinks appropriate

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# Urgent interim action – s150

- Under section 150 of the National Law, the Council has urgent interim powers to suspend a practitioner's registration or impose conditions to protect the health and safety of the public or if it is otherwise in the public interest.

- The complaint continues along the standard assessment process for complaints – i.e. to consult with HCCC etc.

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# Contact details

- Website
  https://www.medicalradiationpracticecouncil.nsw.gov.au/
  Email
  mail@medicalradiationpracticecouncil.nsw.gov.au

- Address

| | | |
|---|---|---|
| Level 6 North Wing<br>477 Pitt Street<br>Sydney NSW 2000 | OR | Locked Bag 20<br>Haymarket NSW 1238 |

- Phone 1300 197 177