

Unregistered Health Practitioners – National Consultation Project

Frequently Asked Questions

Why have Ministers agreed to consider the issue of regulation of unregistered health practitioners?

A number of States and Territories have seen an increase in complaints to health departments, registration boards and Health Complaints Entities concerning unregistered health practitioners. Of particular concern are practitioners who engage in serious misconduct that, if the practitioner had been registered, would have resulted in cancellation of their registration and withdrawal of their right to practise.

What will the government do about unregistered health practitioners?

In November 2010 Health Ministers agreed to commence a national consultation process on options for strengthening the regulation of unregistered health practitioners. The consultation is intended to gather information and views to assist in determining the adequacy of existing protections for consumers who use the services of unregistered health practitioners and, if further public protection measures are required, what these should be and how they should be structured and administered.

What is a Regulatory Impact Statement (RIS)?

A RIS is prepared when new regulation, or changes to regulation are proposed that are likely to have a significant impact on businesses and individuals or restrict competition. Regulation refers to the broad range of legally enforceable instruments that impose mandatory requirements on businesses and the community. A RIS will:

- State the problem being addressed.
- State the objectives or principles that have been set to measure the proposed reform.
- Identify a range of viable options to address the problem.
- Provide an analysis of the costs and benefits of the options for reform.
- Consult with affected stakeholders.
- Evaluate the analysis and consultation feedback and make a conclusion or recommendation.
- Provide information on how the preferred option would be implemented, monitored and reviewed.

The consultation paper has been prepared to comply with the requirements for a 'Consultation RIS'. It is intended to seek information and feedback from parties that may be affected by the current situation or the options for change.

How will the consultation be carried out?

The project is being undertaken by the Practitioner Regulation Sub Committee on behalf of the Australian Health Ministers Advisory Council (AHMAC) and is led by the Victorian Department of Health. A consultation paper has been released and submissions are invited. Consultation forums are being held in each State and Territory to enable interested parties to contribute. The consultation seeks the views of interested parties on the best way to address the problems identified in the paper.

What options have been considered?

The options for regulatory reform that are under consideration are:

- Option 1: No change – rely on existing regulatory and non-regulatory mechanisms.
- Option 2: Strengthen self-regulation – a voluntary code of practice.
- Option 3: Strengthen health complaint mechanisms – a statutory code of conduct.

Does any State or Territory already have a statutory code of conduct for unregistered health practitioners?

New South Wales already has a *Code of Conduct for unregistered health practitioners* and legal powers for the NSW Healthcare Complaints Commissioner to deal with people who are not fit and proper persons to provide health services and, in some cases, to place conditions on or prohibit their practice.

The NSW scheme is called a 'negative licensing' scheme as it does not require unregistered practitioners to hold a license or pay a license fee but allows for action to be taken where an unregistered health practitioner has acted in a way that breaches the NSW code of conduct.

South Australia has also recently completed a Parliamentary Inquiry into the provision of health care services by unregistered practitioners and legislation to introduce a scheme similar to that of NSW is currently before that State's Parliament.

Where can I get information about the NSW scheme and the code of conduct?

Details of the NSW Code of Conduct for unregistered health practitioners, along with prohibition orders issued by the Health Care Complaints Commissioner can be accessed at the following address:

<http://www.hccc.nsw.gov.au/Information/Information-for-Unregistered-Practitioners/default.aspx>

What happens after the consultation?

Health Ministers are scheduled to consider the results of the consultation in the second half of 2011 and will make a decision as to whether further public protections are required, and if so, what these should be.

How can I find out more?

The consultation paper and response sheet are available on the Australian Health Ministers' Advisory Council (AHMAC) web-site:

www.ahmac.gov.au

What will my feedback be used for?

Feedback will be reported and assessed in a final Regulatory Impact Statement that will be prepared for consideration by Health Ministers.

If I provide a written submission, will it be kept in-confidence?

All submissions will be considered public documents and will be posted on the web-site, unless marked 'private and confidential'.

Where do I send my written submission?

Submissions can be emailed to:

unregisteredhealthpractitioners@health.vic.gov.au

OR mailed to:

Ms Anne-Louise Carlton
Manager, Health Practitioner Regulation Unit
Health Regulation and Reform Branch
Department of Health
GPO Box 4541
Melbourne 3001
Telephone: 03 9096 7610
Email:

When do submissions close?

Submissions should be received by Friday 15 April 2011.

Who can I contact if I need more information or assistance to obtain a copy of the consultation paper?

Ms Glenys Sleeman
Project Officer
Health Practitioner Regulation Unit
Tel: 03 9096 1160
Email: Glenys.Sleeman@health.vic.gov.au

OR

Ms Anne-Louise Carlton
Manager, Health Practitioner Regulation Unit
Health Regulation and Reform Branch
Tel: 03 9096 7610
Email: Anne-Louise.Carlton@health.vic.gov.au