



## Information on the management of impaired practitioners and students

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The Medical Board of Australia (the Board), via the Australian Health Practitioner Regulation Agency (AHPRA) receives notifications about medical practitioners and medical students. Under the *Health Practitioner Regulation National Law Act (National Law)*, as in force in each state and territory, impairment is one of the grounds for both voluntary and mandatory notifications, in specific circumstances. This document describes how the Board deals with impaired practitioners under the National Law.

### What is impairment?

Impairment is defined in the National Law as follows:

***impairment**, in relation to a person, means the person has a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that detrimentally affects or is likely to detrimentally affect—*

- (a) for a registered health practitioner or an applicant for registration in a health profession, the person's capacity to practise the profession; or*
- (b) for a student, the student's capacity to undertake clinical training—*
  - (i) as part of the approved program of study in which the student is enrolled;*  
*or*
  - (ii) arranged by an education provider.*

As such, the term "impairment" has a specific meaning under the National Law. It refers to a physical or mental impairment, disability, condition or disorder that is linked to a practitioner's capacity to practise medicine or a student's capacity to undertake clinical training. That is, a person's physical or mental impairment, disability, condition or disorder is **only** of interest to the Board if it detrimentally affects or is likely to detrimentally affect a practitioner's capacity to practise medicine or a student's capacity to undertake clinical training.

### Notification about impairment

Anyone can make a notification about a medical practitioner or medical student who they believe may be impaired. Typically, notifications about impairment are made by treating doctors, employers, education providers, statutory bodies and by the practitioners themselves.

The National Law provides protection from civil, criminal and administrative liability for persons who make a notification in good faith.

### Grounds for voluntary notifications related to impairment – medical practitioners and students

A voluntary notification can be made if:

- a practitioner or student has, or may have, an impairment
- a practitioner or student has, or may have, contravened a condition on their registration or an undertaking given to the Board.

### Grounds for mandatory notifications related to impairment – medical practitioners

The National Law sets down specific grounds for mandatory notifications, including those related to a practitioners' impairment. It does this by defining what is 'notifiable conduct' – or conduct about which the Board must be notified.

In relation to a registered medical practitioner with an impairment, **notifiable conduct** includes that the practitioner has:

- practised their profession while intoxicated by alcohol or drugs or
- placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment.

Registered health practitioners (from all registered health professions) must make a notification if, in the course of practising their profession, they form a reasonable belief that another registered health practitioner has behaved in a way that constitutes notifiable conduct.

Registered health practitioners are exempt from the requirement to make a mandatory notification in certain circumstances. These are listed in s. 141 of the National Law which is available at [www.ahpra.gov.au](http://www.ahpra.gov.au). They can also be found in the Boards "Guidelines for mandatory notifications" which are published at [www.medicalboard.gov.au](http://www.medicalboard.gov.au).

Employers of registered medical practitioners must notify AHPRA if they reasonably believe that the practitioner has behaved in a way that constitutes notifiable conduct.

### Grounds for mandatory notifications related to impairment – medical students

Registered health practitioners (from all registered health professions) must make a notification if, in the course of practising their profession, they form a reasonable belief that a student has an impairment that in the course of the student undertaking clinical training, may place the public at substantial risk of harm.

Registered health practitioners are exempt from the requirement to make a mandatory notification in certain circumstances. These are listed in s. 141 of the National Law which is

available at [www.ahpra.gov.au](http://www.ahpra.gov.au). They can also be found in the Boards “Guidelines for mandatory notifications” which are published at [www.medicalboard.gov.au](http://www.medicalboard.gov.au).

Education providers must notify AHPRA if they reasonably believe that a student enrolled in a program of study provided by the education provider, or a student for whom they have arranged clinical training, has an impairment that, in the course of the student undertaking clinical training as part of the program of study, may place the public at substantial risk of harm.

## Preliminary assessment

AHPRA and the Board take all notifications seriously.

After AHPRA receives a notification, the Board will conduct a preliminary assessment to decide whether or not:

- the notification relates to a registered medical practitioner or registered student
- the notification relates to a matter that is grounds for notification and
- it is a notification that could also be made to a health complaints entity.

In deciding that a matter is grounds for a notification, the Board can consider a single notification or a number of notifications that suggest a pattern of conduct. The Board can also consider notifications made to a health complaints entity.

## After the preliminary assessment

If after undertaking a preliminary assessment of a notification the Board decides that a practitioner or student is or may be impaired and further action is necessary, the Board may decide to:

- take immediate action – this may include suspending a practitioner or student’s registration, imposing conditions, accepting undertakings or accepting the surrender of registration. More information on immediate action is available at [www.medicalboard.gov.au](http://www.medicalboard.gov.au)
- require the practitioner or student to undergo a health assessment. The purpose of the health assessment is for the Board to obtain independent expert advice about the practitioner or student’s health and its potential impact on the practitioner’s practice or the student’s clinical training. The expert advice will inform what further action needs to be taken
- refer the matter to a health panel.

## Health assessment

The Board may require a medical practitioner or student to undergo a health assessment if it believes that the practitioner or student may be impaired.

The health assessment is conducted by an experienced and appropriately-qualified, independent medical practitioner or psychologist.

The Board pays for the assessment and the assessor writes a report for the Board.

The practitioner who was assessed is given a copy of the report unless the report contains information that may be prejudicial to the practitioner's health or wellbeing, in which case it is given to a medical practitioner or psychologist nominated by the practitioner.

After receiving the report, the practitioner who was assessed must discuss the report, and ways of dealing with any adverse findings, with a person nominated by the Board. The Board person nominated to discuss the report will be a registered medical practitioner.

## Actions the Board can take after health assessment

The Board has the power to take a range of actions at any time after a health assessment.

These actions include:

- a decision to take no further action
- referral to another entity such as a health complaints entity or
- immediate action if this is necessary to protect the health and safety of the public.

If the Board believes that a practitioner's health is impaired, it can:

- caution the medical practitioner and/or
- accept an undertaking from them and/or
- impose conditions on the practitioner's registration.

Alternatively, the Board may decide to refer:

- a practitioner to a Health or Performance and Professional Standards Panel or to a Tribunal
- a student to a health Panel or to a Tribunal.

## Support for the impaired practitioner or student

Practitioners and students who have been notified to the Board as a result of a possible impairment can find their dealings with the Board and AHPRA to be very stressful.

Practitioners and students are often concerned that their registration and therefore their

livelihood may be at risk. They also fear that their private health information will be made public.

The Board operates under the provisions of the National Law. Because of this, interactions with the Board and AHPRA can seem formal and bureaucratic. While some of this cannot be avoided, staff will work with the practitioners and students to explain the various processes and requirements. Practitioners and students can expect that their dealings with AHPRA and the Board will be professional, respectful and polite.

Practitioners and students who have been notified to the Board are encouraged to seek assistance and support. This may include support from treating practitioners, doctors' health services, professional indemnity insurers or other legal advisors.

### Related documents

The following documents are available at [www.medicalboard.gov.au](http://www.medicalboard.gov.au):

- Guidelines on mandatory notifications
- Information on immediate action
- Information on notifications
- Information on panel hearings

### Note

The Medical Board of Australia has delegated all powers necessary to deal with individual practitioner's registration and notifications. References to "the Board" in this document mean "the delegated decision-maker".