



Consultation paper 3

Proposals for registration standards for limited registration for teaching or research and limited registration in the public interest

Issued by the Medical Board of Australia under the authority of
Dr Joanna Flynn, Chair

14 April 2010

If you wish to provide comments on this paper, please lodge a written submission in electronic form, marked 'Registration standards' at Chair@medicalboard.gov.au by close of business on 12 May 2010.

Please note that your submission will be placed on the Board's website unless you indicate otherwise.

Contents

1	Background	3
Attachment A	Proposed registration standard — limited registration for teaching or research.....	4
Attachment B	Proposed registration standard — limited registration in the public interest	10

1 Background

From 1 July 2010 the Medical Board of Australia (the Board) will commence registering medical practitioners under the *Health Practitioner National Law Act 2009* (the National Law). Medical practitioners already registered by State and Territory medical registration boards will transition to registration under the National Law.

Section 38 of the National Law empowers the Board to develop and recommend to the Ministerial Council registration standards about issues relevant to the eligibility of individuals for registration in the medical profession or the suitability of individuals to competently and safely practice the profession.

A link to the National Law is available at www.ahpra.gov.au.

The Board has previously developed and consulted on a range of registration standards that have now been approved by the Ministerial Council. The approved standards can be accessed at www.medicalboard.gov.au.

The Board has now developed a further two registration standards regarding:

1. Limited registration for teaching and research and
2. Limited registration in the public interest

The National Law requires the Board to undertake wide-ranging consultation on proposed registration standards. The Board welcomes feedback about the proposed standards.

Interested parties are invited to make written submissions on these proposals, before the Board makes its submission the Ministerial Council under section 12 of the National Law.

Submissions on the content of this consultation paper will be accepted up until close of business on 12 May 2010.

Attachment A : Proposed registration standard – limited registration for teaching or research

Medical Board of Australia

Limited registration for teaching or research

Summary

The Medical Board of Australia has established this standard under section 69 of the *Health Practitioner Regulation National Law Act 2009 (Qld)* ('the National Law'), and in accordance with section 38(2) of that Act. It applies to international medical graduates (IMGs) who do not qualify for general or specialist registration.

This standard sets out the requirements that an applicant for registration must meet in order to be granted limited registration to fill a teaching or research position, under section 69 of the National Law.

All practitioners granted limited registration for teaching or research must comply with the requirements for registration set out in this standard, including:

- compliance with a supervision plan
- compliance with a professional development plan
- authorising and facilitating the provision of regular reports from their supervisors to the Board regarding their safety and competence to practise
- satisfactory performance in the teaching or research position
- if intending to practise medicine in Australia longer term, providing evidence to confirm satisfactory progress towards meeting the qualifications required for general registration or specialist registration.

These requirements are established under this standard to ensure safe and competent practice for the period of limited registration.

The Board will be including the requirements of limited registration on the National Register pursuant to section 225(p) of the National Law.

Scope of application

This standard applies to international medical graduates (IMGs) applying for limited registration for teaching or research, under section 69 of the National Law, or for renewal of limited registration for teaching or research, under Part 7 Division 9 of the National Law.

Requirements

For initial registration

General requirements:

1. Presentation in person to a Board office or authorised delegate with of proof of identity (100 points of identity) — a list of permitted documents is available on the Board's website at the following address:

www.medicalboard.gov.au.

Applicants are required to provide certified documentation identifying changes of name when the name of the applicant is different to the name on the primary degree in medicine and surgery and/or the name used with previous registration authorities.

2. Evidence of having been awarded a primary degree in medicine and surgery, after completing an approved

course of study at a medical school listed in the current International Medical Education Directory (IMED) (online only) of the Foundation for Advancement of International Medical Education and Research, or other publications approved by the Australian Medical Council. An approved course of study means that the applicant must be able to demonstrate that they have completed a medical curriculum of at least four academic years, leading to an entitlement to registration in the country issuing the degree to practise clinical medicine.

3. Evidence of application for primary source verification of medical qualifications from the Educational Commission for Foreign Medical Graduates International Credentials Service (EICS). The Board may take action under Part 8 of the National Law if the practitioner's medical qualifications are not verified. The New South Wales Medical Council may take action under the relevant law in that jurisdiction.

4. Evidence of successful completion of a period of internship or comparable, in accordance with guidelines issued from time to time by the Board.

5. Evidence of English language skills that meets the Board's English language registration standard.

6. Evidence of work practice history that meets the Board's recency of practice registration standard. This must include a resume that describes the applicant's full practice history and any specific clinical training undertaken. Any gaps and/or overlaps in practice history from date of qualification to the present must be included and explained.

7. Details of registration history including certificates of good standing/registration status from each registration authority with which the applicant has previously been registered in the previous ten years (supplied where possible directly to the Board from the relevant registration authority).

8. Sponsoring employer's written confirmation of offer of employment.

9. Statement from the sponsoring employer including:

(a) employer contact details

(b) position description including key selection criteria addressing clinical responsibilities and qualifications and experience required. This should also contain details of the teaching or research activities that will be undertaken.

(c) name, qualifications and contact details of the proposed clinical supervisor/s.

(d) details of a supervision plan, prepared in accordance with any supervised practice guidelines issued from time to time by the Board, providing details of supervisor/s and how supervision will be provided to ensure the medical practitioner's ongoing professional development and safe practice.

10. Written confirmation from the proposed supervisor that they agree to provide supervision and to comply with supervision obligations as required by the Board.

11. Satisfactory completion of a criminal history check undertaken by the Board that meets the Board's Criminal history registration standard.

12. Any other information the Board requires under section 70 in order to determine whether the applicant is a suitable person to hold limited registration.

Specific requirements

In addition to the general requirements above, specific requirements apply depending on the pathway through which the applicant is seeking to qualify for registration. There are three pathways to registration:

- competent authority pathway
- standard pathway
- specialist pathway – specialist recognition and short term training

1. Competent authority pathway:

(a) certificate of Advanced Standing issued by the Australian Medical Council

(b) satisfactory results of a pre-employment structured clinical interview (PESCI) required for any non specialist position if the Board determines the PESCI is necessary. The Board will base its decision on the nature of the position and level of risk.

2. Standard pathway:

(a) successful completion of the Australian Medical Council MCQ examination

(b) satisfactory results of a pre-employment structured clinical interview (PESCI) required for any non specialist if the Board determines the PESCI is necessary. The Board will base its decision on the nature of the position and level of risk.

3a. Specialist pathway¹ – specialist recognition

(a) Specialist college assessment (coordinated by the Australian Medical Council) as either:

- substantially comparable; or
- partially comparable.

(b) Where possible, recommendations from the specialist college about necessary training for specialist recognition.

3b. Specialist pathway – short term training

Typically, medical practitioners in this pathway have satisfied all the training and examination requirements to practise in their specialty in their country of training or are specialists-in-training in another country and wish to undertake specialised training in Australia.

(a) Statement from the overseas specialist college or body awarding the specialist qualification, or with whom the applicant is a trainee in the country of training:

- confirming the applicant's trainee status with the college/body
- outlining the content, structure and length of the training program
- confirming that the applicant is no more than 2 years from completing their specialist training
- confirming that the applicant has passed a basic specialist examination or satisfactorily completed substantial training (generally 3 or more years i.e. PGY 5); and
- identifying the objectives of the training to be undertaken in Australia or

OR:

- Confirming the applicant's specialist qualification in their country of training.

(b) Written confirmation from the applicant that they will be returning to their country of training at the end of the period of postgraduate training or supervised practice

Requirements on limited registration for teaching or research

The Board establishes requirements on the medical registration of all limited registrants. The requirements

¹ This does not qualify applicants for specialist registration

relate to the requirement for the registrant to:

- comply with the supervision plan approved by the Board
- comply with the professional development plan approved by the Board
- ensure that supervisors provide regular reports to the Board regarding the registrant's safety and competence to practise
- perform satisfactorily in the position for teaching or research
- provide evidence to confirm the satisfactory progress towards meeting the qualifications required for general registration or specialist registration if the practitioner is intending to practise medicine in Australia longer term
- restrict their practice to the approved position.

If a practitioner with limited registration for teaching or research does not maintain their employment in the designated position, they are unable to comply with the requirements on their practice and therefore cannot practise medicine.

The Board will grant limited registration for teaching or research for a period of up to 12 months.

The Board will be including the requirements of limited registration on the National Register pursuant to section 225(p) of the National Law.

Requirements for renewal of registration

1. Renewal of limited registration for teaching or research will be subject to the practitioner meeting the following requirements:

(a) completion of an annual renewal form in accordance with section 107 of the National Law including an annual statement in accordance with section 109

(b) demonstrated compliance with any conditions or requirements on registration

(c) satisfactory performance in the position

(d) documentary evidence in accordance with any guidelines issued from time to time by the Board, demonstrating satisfactory progress towards general registration or specialist registration, within a maximum period of four years if the practitioner is intending to practise medicine in Australia longer term.

(e) any additional investigation, information, examination or assessment required by the Board in accordance with section 80 of the National Law.

The Board will not renew limited registration more than three times. However, a new application for limited registration can be made.

2. The Board may **refuse to renew** the practitioner's registration if:

(a) the practitioner's employment ceases or is terminated; or

(b) the practitioner fails to comply with supervision requirements; or

(c) the practitioner fails to comply with the professional development plan

(d) the practitioner fails to demonstrate satisfactory progress towards general registration or specialist registration

(e) during assessment or supervision, deficiencies are identified in the practitioner's practice that the Board considers are significant.

Applications for variation in changed circumstances

If a practitioner has a significant change in circumstances, such as a change in the teaching role or research that will be undertaken, they must submit a new application for limited registration. However, practitioners can apply to the Board for a variation if there is a minor change to their circumstances, such as a change in their supervisor.

When making an application for a variation, the Board requires details of the change of circumstances from the sponsoring employer and confirmation from the registrant that they agree to the change in circumstances. Supporting documentation of the change must be submitted.

If the Board considers that the variation is significant, it will require the registrant to submit a new application.

Definitions

Supervision plan means a plan that sets out the arrangements or proposed arrangements for clinical supervision of the medical practice of the applicant for registration or registered practitioner.

Review

This standard will commence on 1 July 2010. The Board will review this standard at least every three years.

Attachment B : Proposed registration standard – limited registration in the public interest

Medical Board of Australia

Limited registration in public interest

Summary

The Medical Board of Australia has established this standard under section 68 of the *Health Practitioner Regulation National Law Act 2009 (Qld)* ('the National Law'), and in accordance with section 38(2) of that Act. It applies to international medical graduates (IMGs) who do not qualify for general or specialist registration.

This standard sets out the requirements that an applicant for registration must meet in order to be granted limited registration to practise as a medical practitioner, in the public interest, under section 69 of the National Law.

The Board will determine whether it is in the public interest to register a medical practitioner but in general, will only register a medical practitioner for a limited time and/or for a limited scope. Examples of where it might be in the public interest to register a medical practitioner includes an unexpected situation where a natural disaster has occurred or a pandemic was declared or for an expert to demonstrate a procedure or participate in a workshop.

All practitioners granted limited registration in the public interest must comply with the requirements for registration set out in this standard, including:

For registration up to and including four weeks:

- clinical supervision - all clinical contact will be under the supervision or oversight of a medical practitioner with general and/or specialist registration who will take on the responsibility for the care of patients of the practitioner with limited registration in the public interest when he or she is no longer practising in Australia

For registration more than four weeks

- compliance with a supervision plan and
- compliance with a professional development plan
- if intending to practise medicine in Australia longer term, providing evidence to confirm satisfactory progress towards meeting the qualifications required for general registration or specialist registration.

For all registrants:

- satisfactory performance in the position
- authorising and facilitating the provision of regular reports from their supervisors to the Board regarding their safety and competence to practise

These requirements are established under this standard to ensure safe and competent practice for the period of limited registration.

The Board will be including the requirements of limited registration on the National Register pursuant to section 225(p) of the National Law.

Scope of application

This standard applies to international medical graduates (IMGs) applying for limited registration in public interest, under section 68 of the National Law, or for renewal of limited registration in public interest, under Part 7 Division 9 of the National Law.

This standard does not apply to medical practitioners with limited registration (public interest-occasional practice) granted over the transitional period pursuant to section 273 of the National Law.

Requirements

For initial registration

General requirements:

1. Presentation in person to a Board office or authorised delegate with proof of identity (100 points of identity) — a list of permitted documents is available on the Board's website at the following address:

www.medicalboard.gov.au.

Applicants are required to provide certified documentation identifying changes of name when the name of the applicant is different to the name on the primary degree in medicine and surgery and/or the name used with previous registration authorities.

2. Evidence of having been awarded a primary degree in medicine and surgery, after completing an approved course of study at a medical school listed in the current International Medical Education Directory (IMED) (online only) of the Foundation for Advancement of International Medical Education and Research, or other publications approved by the Australian Medical Council. An approved course of study means that the applicant must be able to demonstrate that they have completed a medical curriculum of at least four academic years, leading to an entitlement to registration in the country issuing the degree to practise clinical medicine.

3. Evidence of application for primary source verification of medical qualifications from the Educational Commission for Foreign Medical Graduates International Credentials Service (EICS). The Board may take action under Part 8 of the National Law if the practitioner's medical qualifications are not verified. The New South Wales Medical Council may take action under the relevant law in that jurisdiction.

4. Evidence of successful completion of a period of internship or comparable, in accordance with guidelines issued from time to time by the Board.

5. Evidence of English language skills that meets the Board's English language registration standard.

6. Evidence of work practice history that meets the Board's recency of practice registration standard. This must include a resume that describes the applicant's full practice history and any specific clinical training, teaching and research undertaken. Any gaps and/or overlaps in practice history from date of qualification to the present must be included and explained.

7. Evidence that that will meet the Board's Professional indemnity Insurance registration standard.

8. Details of registration history including certificates of good standing/registration status from each registration authority with which the applicant has previously been registered in the previous ten years (supplied where possible directly to the Board from the relevant registration authority).

9. Sponsoring employer's written confirmation of offer of employment or sponsor's written confirmation of clinical activities that will be undertaken.

10. Statement from the sponsoring employer or sponsor (if not employed) including:

(a) employer/sponsor contact details

(b) position description including key selection criteria addressing clinical responsibilities and qualifications and experience required. In the case of a medical practitioner that will demonstrate a procedure or participate in a workshop, details of what clinical activities the practitioner will be undertaking, the location/s of clinical activities

and the organisation that will auspice any demonstration or workshop.

(c) name, qualifications and contact details of the proposed clinical supervisor/s.

(d) for registration of more than four weeks, details of a supervision plan, prepared in accordance with any supervised practice guidelines issued from time to time by the Board, providing details of supervisor/s and how supervision will be provided to ensure the medical practitioner's ongoing professional development and safe practice.

11. Written confirmation from the proposed supervisor that they agree to provide supervision and to comply with supervision obligations as required by the Board.

12. Details as to why it is in the public interest to register the practitioner.

13. Satisfactory completion of a criminal history check undertaken by the Board that meets the Board's Criminal history registration standard.

14. Any other information the Board requires under section 70 in order to determine whether the applicant is a suitable person to hold limited registration.

Specific requirements

The Board may require an applicant for limited registration in the public interest to fulfil additional specific requirements, if the Board determines that it is appropriate for the applicant to seek to qualify for registration through one of the three pathways to registration:

- competent authority pathway
- standard pathway
- specialist pathway – specialist recognition and short term training

1. Competent authority pathway:

(a) certificate of Advanced Standing issued by the Australian Medical Council

(b) satisfactory results of a pre-employment structured clinical interview (PESCI) required for any non specialist position if the Board determines the PESCI is necessary. The Board will base its decision on the nature of the position and level of risk.

2. Standard pathway:

(a) successful completion of the Australian Medical Council MCQ examination

(b) satisfactory results of a pre-employment structured clinical interview (PESCI) required for any non specialist if the Board determines the PESCI is necessary. The Board will base its decision on the nature of the position and level of risk.

3. Specialist pathway²

(a) verification from the Australian Medical Council that the applicant has had an assessment of their specialist qualifications by the relevant specialist medical college against the position description for the designated area of need position, and the results of the assessment and

(b) letter of recommendation from the relevant specialist college and confirmation that the applicant is fit to carry out the tasks necessary for the particular position, including any recommended limitations on the nature and extent of practice.

Requirements on limited registration in the public interest

The Board establishes requirements on the medical registration of all limited registrants. Registrants are

² This does not qualify applicants for specialist registration

required to:

- comply with the supervision plan approved by the Board
- comply with the professional development plan approved by the Board
- ensure that supervisors provide regular reports to the Board regarding the registrant's safety and competence to practise
- perform satisfactorily in the position in the public interest
- provide evidence to confirm the satisfactory progress towards meeting the qualifications required for general registration or specialist registration if the practitioner is intending to practise medicine in Australia longer term
- restrict their practice to the approved position.

If a practitioner with limited registration in public interest does not maintain their employment or clinical engagement in the designated position, they are unable to comply with the requirements on their practice and therefore cannot practise medicine.

The Board will grant limited registration for public interest for a period of up to 12 months.

The Board will be including the requirements of limited registration on the National Register pursuant to section 225(p) of the National Law.

Requirements for renewal of registration

Given the short-term nature of limited registration in the public interest, it is unlikely that renewal of registration will be necessary. If circumstance require an application for renewal of registration, the following are requirements:

1. Renewal of limited registration in public interest will be subject to the practitioner meeting the following requirements:

- (a) demonstration that there is an ongoing public interest in registering the practitioner
- (b) completion of an annual renewal form in accordance with section 107 of the National Law including an annual statement in accordance with section 109
- (c) demonstrated compliance with any conditions or requirements on registration
- (d) satisfactory performance in the position
- (e) documentary evidence in accordance with any guidelines issued from time to time by the Board, demonstrating satisfactory progress towards general registration or specialist registration, if the practitioner is intending to practise medicine in Australia longer term.
- (f) any additional investigation, information, examination or assessment required by the Board in accordance with section 80 of the National Law.

The Board will not renew limited registration more than three times. However, a new application for limited registration can be made.

2. The Board may **refuse to renew** the practitioner's registration if:

- (a) it is no longer in the public interest to register the practitioner
- (b) the practitioner's employment/clinical engagement ceases or is terminated; or
- (c) the practitioner fails to comply with supervision requirements; or

(d) the practitioner fails to comply with the professional development plan

(e) the practitioner fails to demonstrate satisfactory progress towards general registration or specialist registration

(f) during assessment or supervision, deficiencies are identified in the practitioner's practice that the Board considers are significant.

Applications for variation in changed circumstances

If a practitioner's circumstances change substantially, they must submit a new application for limited registration. However, practitioners can apply to the Board for a variation if there is a minor change to their circumstances, such as a change in their supervisor.

When making an application for a variation, the Board requires details of the change of circumstances from the sponsoring employer/sponsor and confirmation from the registrant that they agree to the change in circumstances. Supporting documentation of the change must be submitted.

If the Board considers that the variation is significant, it will require the registrant to submit a new application.

Definitions

Supervision plan means a plan that sets out the arrangements or proposed arrangements for clinical supervision of the medical practice of the applicant for registration or registered practitioner.

Review

This standard will commence on 1 July 2010. The Board will review this standard at least every three years.