



Fact sheet - Notifications

30 November 2018

Managing risk to the public – how the complaints and concerns process works

Who is this fact sheet for?

This fact sheet is for all registered paramedics, paramedic employers and educators providing a Board-approved program and all registered paramedic students undertaking a Board-approved program from 1 December 2018.

Introduction

One of the ways in which the Paramedicine Board of Australia (the National Board) protects the public is by investigating complaints and concerns.

Under the Health Practitioner Regulation National Law (National Law) we refer to complaints or concerns as notifications because a person notifies us of their complaint or concern about a registered health practitioner's conduct, professional performance or health.

From 1 December 2018, when paramedicine begins to be regulated under the National Registration and Accreditation Scheme (National Scheme), anyone can make a notification about a registered paramedic.

What is a notification?

As well as being mandatory in some cases, notifications can be made voluntarily by any individual with a concern or complaint about:

- **Conduct** - a practitioner's professional behavior is, or may be of a lesser standard than might reasonably be expected by the public or the practitioner's professional peers
- **Performance** - a practitioner practising their profession in an unsafe way or their skill or judgements may be below the standard reasonably expected of a health practitioner, or
- **Health (impairment)** - a practitioner has, or may have a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that detrimentally affects or is likely to detrimentally affect their ability to practice the profession.

When a notification is received, AHPRA will forward the notification and any additional information received to the National Board to determine if action is required to be taken to protect the public. Any actions taken by a National Board aim first to protect the public, not to punish the practitioner.

What is a mandatory notification?

Employers and other registered health practitioners are required to make a notification if they are if they have a reasonable belief the practitioner has engaged in notifiable conduct (this is known as a 'mandatory notification'). Education providers must also make a mandatory notification if they are

concerned about a student if the registered student has an impairment.

What is notifiable conduct?

Under section 140 of the National Law, notifiable conduct is described as the practitioner having:

- (a) practiced the practitioner's profession while intoxicated or on drugs; or
- (b) engaged in sexual misconduct in connection with the practitioner's profession; or
- (c) placed the public at risk of substantial harm in the practitioners' practice of the profession because the practitioner has an impairment; or
- (d) placed the public at risk of harm because the practitioner has practice the profession in a way that constitutes a significant departure from acceptable standards.

Any practitioner or employer who forms a reasonable belief that another practitioner has engaged in notifiable conduct is obliged to make a notification to AHPRA as soon as possible.

AHPRA and the National Board have the power under the National Law to take action against a practitioner who does not comply with mandatory notifications requirements.

What happens when a notification is made?

Anyone can lodge a complaint or concern about a registered health practitioner however not all concerns lodged meet the legal requirements of a notification.

Once a complaint or concern is lodged, AHPRA will make a preliminary assessment to determine if it is considered a notification under the National Law. If the concerns lodged *do not* meet the requirements for a notification, AHPRA will recommend that the National Board closes the matter. You will be notified in writing that the National Board has received a concern and what they are, but that the National Board will not be progressing it.

If the concerns lodged *do* meet the requirements for a notification, AHPRA may request further information from the practitioner and/or the notifier unless enough information has been provided initially in the concern or complaint. For example a practitioner may be will be provided a copy of the notification and will be asked to respond.

Once further information is provided, or if there is sufficient information provided with the notification, AHPRA will refer the matter on to the National Board for further assessment and a decision.

The National Board has several options for what to do next however not every assessment leads to an investigation or to another form of action by the Board.

The National Board may decide to:

- take no further action
- take further action and begin an investigation into the notification, or
- take immediate action to protect the public.

The National Board will only take immediate action when it believes that, because of a practitioner's conduct, performance or health there may be a serious risk to public health and safety, and it is necessary to act to protect the public.

What does immediate action mean?

Under the National Law, a National Board may take immediate action in relation to a registered health practitioner or student registered by the National Board if it reasonable believes that it is necessary to protect the public. This may result in the practitioner's registration being suspended until the investigation has been completed or certain conditions being placed on a practitioner's registration.

What about practitioners who hold dual registration?

All notifications received by AHPRA are assessed on their own merit. If the notification is serious enough, it may indicate that the practitioner is not able to safely practice in either profession. In this instance AHPRA will forward the notification to both applicable Boards for further assessment and decision. Depending on the

seriousness of the notification, and what profession it was made under, both Boards may decide to take different action. For example one Board may decide to suspend registration whilst the other may decide to propose the imposition of conditions.

For more information

- [Notifications](#)
- [Paramedicine Board of Australia notifications page](#)
- Visit www.paramedicineboard.gov.au under *Contact us* to lodge an online enquiry form
- For registration enquiries: 1300 419 495 (in Australia) +61 3 9275 9009 (overseas caller)

