



AHPRA – SELF NOTIFICATION FACT SHEET

These fact sheets are for information of health practitioners. These fact sheets are not legal advice, and are advice of a general nature. If you need advice in relation to a notification of any type, then seek advice from ADA if you are a member or appropriately experienced legal practitioners.

Since the commencement of the *Health Practitioner Regulation National Law* from July 2010 many of the sections of this legislation have become more understood by health practitioners and indeed legal practitioners.

Section 130 of the National Law is such a section, contained under Division 1, Miscellaneous, Subdivision 3, which states the obligations of health practitioners and students. It broadly requires health practitioners to give National Boards notice of certain events.

Certain events are required to be notified to the relevant Board within seven (7) days of becoming aware that a relevant event has occurred.

A contravention of subsection (1), meaning the failure to notify, can constitute conduct or performance action, but does not constitute an offence as such under the act.

Practically, this means that if you are in a position that you have an occurrence of a relevant event in relation to you, then you must inform the Board using the relevant form. A copy can be found at this web address.

<http://www.ahpra.gov.au/documents/default.aspx?record=WD11%2f5955&dbid=AP&chksum=OHhOhO1K%2bPI%2fHIVqRTYg8Q%3d%3d>

Relevant events include:

- i. If the practitioner is **charged** anywhere with an offence punishable by twelve (12) months imprisonment or more. This does not mean that you must have been convicted; it just means that the offence can be punishable by twelve (12) months imprisonment or more.
- ii. If the practitioner is convicted or found guilty of an offence where that offence is punishable by any term of imprisonment, whether imprisoned or not.

- iii. **Appropriate professional indemnity insurance arrangements are no longer in place** for whatever reason.
- iv. The practitioner's right to practice at a hospital or another facility at which health services are provided is withdrawn or restricted because of the practitioner's conduct, professional performance or health.
- v. The practitioner's billing privileges are withdrawn or restricted under the *Medicare Australia Act* because of conduct, professional performance or health.
- vi. The authority for the practitioner under a law of the State or a Territory to administer, obtain, possess, prescribe, sell or use a scheduled medicine or class of scheduled medicines is cancelled or restricted.
- vii. A complaint is made to a practitioner referred to in an entity in section 219(1)(a) to (e), and section 219 refers to, for practical purposes:
 - (a) The chief executive officer under the Medicare Australia Act for Commonwealth;
 - (b) An entity performing functions under the *Health Insurance Act* for Commonwealth;
 - (c) The Secretary within the meaning of the *National Health Act* for Commonwealth;
 - (d) The Secretary to the Department in which the *Migration Act* of the Commonwealth is administered; and
 - (e) Any Commonwealth, State or Territory entity having functions related to professional services provided by health practitioners or the regulation of practitioners, which would include, clearly the Office of the Health Ombudsman in Queensland and the Health Care Complaints Commission in New South Wales.

Section 130(3)(b) refers to students.

Clearly the intention of this legislation is that practitioners are obliged to inform all regulatory authorities about other incidents, which are relevant to their health practice.

Failure to do so will not mean necessarily a prosecution or the commission of an offence, but it may mean that a failure to do so does result in a finding of professional misconduct or unsatisfactory professional conduct.

For these reasons, practitioners need to have a practical knowledge of this section and be ready to inform the Dental Board of Australia through AHPRA.

Making such a notification is sometimes problematic, but in Queensland the best way to perform this notification promptly within the requirement of seven (7) days is to send the NOCE-OO form to Notifications at AHPRA, GPO Box 9958, in your capital city.

The consequences of the sending of the notification vary, depending on the event, but an investigation or assessment may take place as a result of the notification.

For further information, please contact the writer.

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