



**Medical
Radiation
Practice
Council**
of NSW



Health Professional Councils Authority

Health Professional Council Regulation

Justine Trpezanovski - MRP representative - MRPC of NSW

ASMIRT NSW

**ANNUAL
MEETING**

JOIN VIA ZOOM





Topics to be covered:

- ▶ The Regulatory body / structure in Australia
- ▶ Medical Radiation Practice Council of NSW
 - ▶ Who, What, Why
- ▶ Regulatory activity
- ▶ Common definitions
- ▶ Processes
- ▶ Council contact details



Who are the regulators?

Several agencies are directly or indirectly involved in the regulation of medical radiation practitioners and students:

- ▶ National Boards
- ▶ Australian Health Practitioner Regulation Agency (AHPRA)
- ▶ Health Care Complaints Commission (HCCC) (NSW only)
- ▶ Health Professional Councils Authority (HPCA) (NSW only)



Health Professional Councils of NSW

- ❑ Chiropractic
- ❑ Dental
- ❑ Medical
- ❑ Nursing and Midwifery
- ❑ Optometry
- ❑ Osteopathy
- ❑ Pharmacy
- ❑ Physiotherapy
- ❑ Podiatry
- ❑ Psychology
- ❑ ATSI Health Practice
- ❑ Chinese Medicine
- ❑ **Medical Radiation Practice**
- ❑ Occupational Therapy
- ❑ Paramedicine



How Council is appointed?

- ▶ Councils are independent statutory bodies established under the *Health Practitioner Regulation National Law (NSW)*
- ▶ Council members are appointed by the NSW Governor and are practitioners legal and community members



Medical Radiation Practice Council of NSW

Nominated by the NSW Minister for Health and approved by the Governor

Member	Role
Ms Tracy Vitucci	President
Dr Karen Jovanovic	Deputy President
Ms Justine Trpezanovski	Medical Radiation Practitioner Member
Ms Nadine Thompson	Medical Radiation Practitioner Member
Mr Warren Stretton	Community Member
Mr Greg Ross	Legal Member



Role of the Councils

The primary role of the Councils is to protect the health and safety of the public

- ▶ The Councils' functions are to deal with **health, performance and conduct matters**, governance and administer education and research funds
- ▶ The Councils may place practice or health conditions/restrictions on a practitioner and in extreme cases may suspend a practitioner from practice
- ▶ The Councils monitor conditions placed on practitioners (excluding registration issues)



Regulatory committees and panels

- ▶ The National Law sets out the committees and panels that assist the Council to undertake its regulatory activities.
- ▶ Regulatory committees and panels include:
 - ▶ Impaired Registrants Panels (IRP)
 - ▶ Performance Review Panels (PRP)
 - ▶ Assessment Committees



Health Professional Councils Authority



Health Care Complaints Commission (HCCC)

- ▶ Independent body established under *Health Care Complaints Act 1993*
- ▶ Aims to protect public health and safety by resolving, investigating and prosecuting health care complaints
- ▶ Consults with the Councils on health, conduct and performance matters regarding registered health and allied health professionals
- ▶ HCCC* also regulates non registered health professionals and manages complaints about public and private health care facilities

*www.hccc.nsw.gov.au

Registrants Data FY2018-19

Profession	NSW registered practitioners	Total Australian registered practitioners	% of Australian registered practitioners with NSW PPP ¹
Aboriginal and Torres Strait Islander Health Practitioner	133	690	19.3%
Chinese medicine practitioner	2,003	4,892	40.9%
Chiropractor	1,840	5,550	33.2%
Dental practitioner	7,100	23,730	29.9%
Medical practitioner	36,194	118,996	30.4%
Medical radiation practitioner	5,489	16,683	32.9%
Midwife	1,336	5,727	23.3%
Nurse	103,985	383,509	27.1%
Nurse and midwife ²	7,746	27,707	28.0%
Occupational therapist	6,245	22,412	27.9%
Optometrist	1,933	5,781	33.4%
Osteopath	586	2,546	23.0%
Paramedic	4,417	17,323	25.5%
Pharmacist	9,637	31,955	30.2%
Physiotherapist	9,739	33,792	28.8%
Podiatrist ³	1,506	5,361	28.1%
Psychologist	12,318	37,783	32.6%
Total 2018/19	212,207	744,437	28.5%
Total 2017/18	202,033	702,741	28.7%



Medical Radiation Practice Council 2018-19 Summary

MEDICAL RADIATION PRACTITIONERS

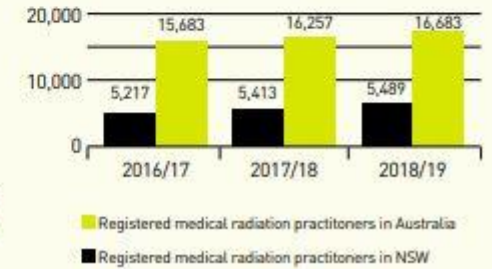


5,489
Registered medical radiation practitioners in NSW

33%
of Australian medical radiation practitioners practise in NSW

0.4%
of NSW medical radiation practitioners had complaints made about them

3 year trend in number of registered medical radiation practitioners





Complaints Received FY2018-19



6

cases were open at the beginning of the year



21

cases were closed during the year



6

cases were open at the end of the year



21

complaints were received about 20 medical radiation practitioners in 2018/19

6

of the complaints received were mandatory notifications about 6 practitioners

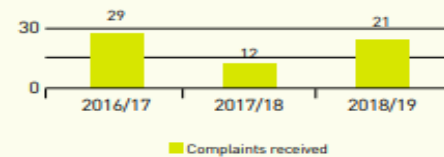
Complaints were mainly from:

- Patients - 5
- Employers - 5
- Other practitioners - 4

Complaints were mainly about:

- Clinical care - 4
- Health impairment - 4
- Behaviour - 4

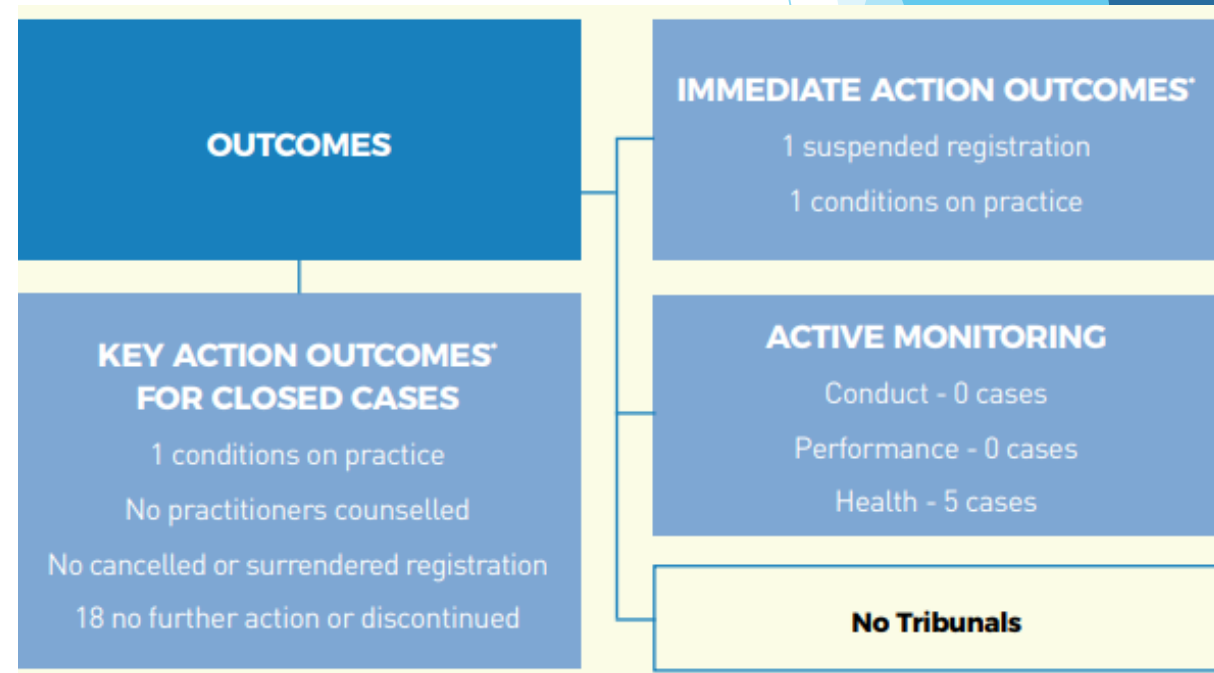
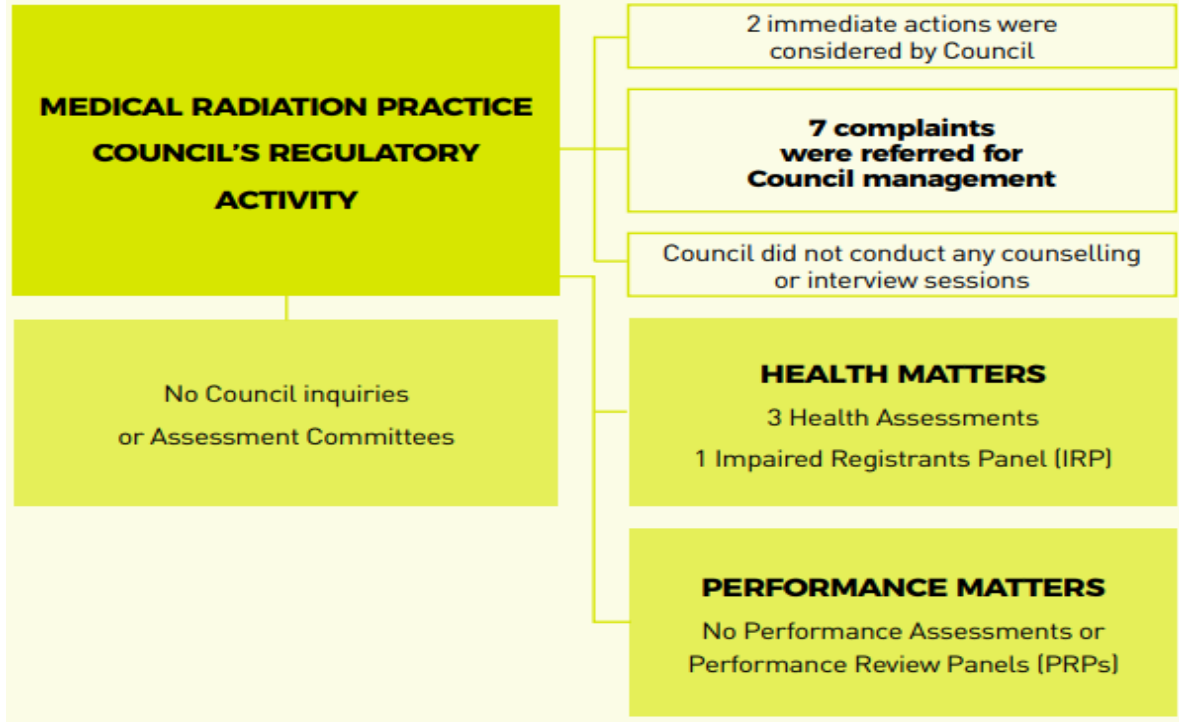
3 year trend in number of complaints about medical radiation practitioners





Complaint outcomes FY2018-19

MEDICAL RADIATION PRACTICE COUNCIL'S REGULATORY ACTIVITY - MATTERS CONCLUDED





Definitions





Meaning of unsatisfactory professional conduct

- ▶ Conduct significantly below reasonable standard
- ▶ Contravention of the National Law or regulations
- ▶ Contravention of conditions of registration or undertaking
- ▶ Failure to comply with decision or order of the Committee or the Tribunal
- ▶ Contravention of requirement under the Health Care Complaints Act
- ▶ Accepting benefit for referral or recommendation to health service provider



Meaning of unsatisfactory professional conduct (Cont'd)

- ▶ Accepting benefit for recommendation of health product
- ▶ Offering a benefit for a referral or recommendation
- ▶ Failure to disclose pecuniary interest in giving referral or recommendation
- ▶ Engaging in over-servicing
- ▶ Supervision of assistants
- ▶ Other improper or unethical conduct



Meaning of professional misconduct

- ▶ Unsatisfactory professional conduct of a sufficiently serious nature to justify suspension or cancellation of the practitioner's registration, or
- ▶ More than one instance of unsatisfactory professional conduct of a sufficiently serious nature to justify suspension or cancellation of the practitioner's registration



Mandatory Notifications

Notifiable conduct, in relation to a registered health practitioner, means the practitioner has:

- ▶ practised the practitioner's profession while intoxicated by alcohol or drugs
- ▶ engaged in sexual misconduct in connection with the practice of the practitioner's profession
- ▶ placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment
- ▶ placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards



Mandatory Notifications (Cont'd)

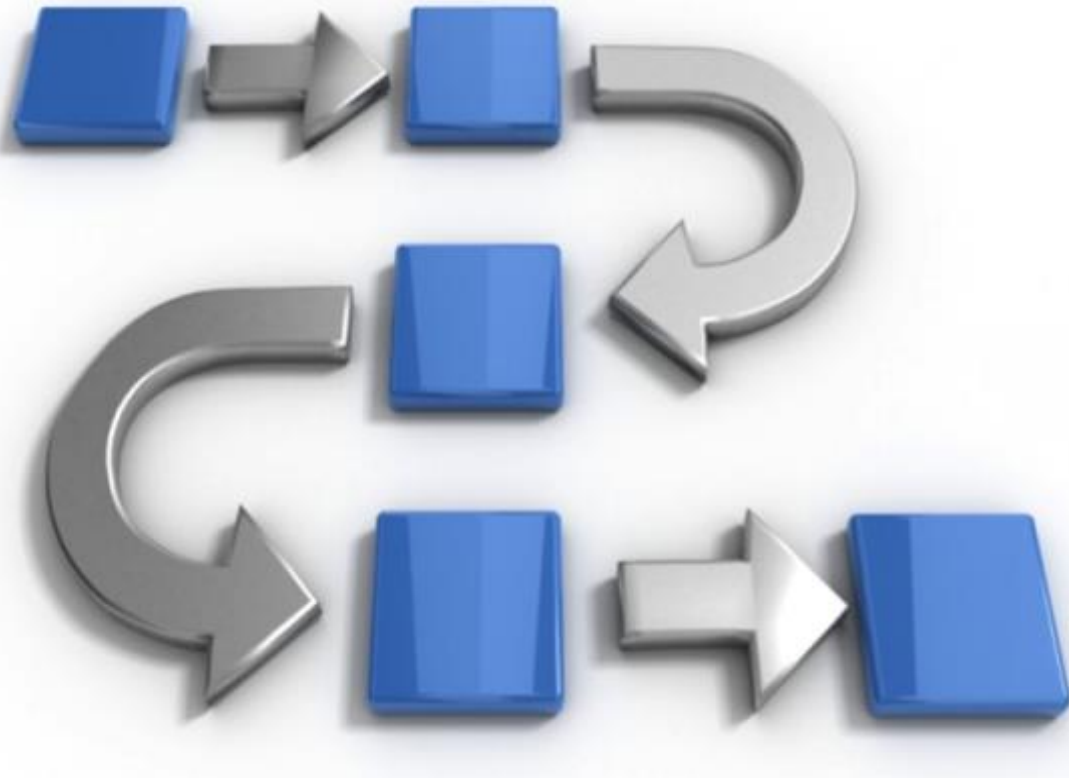
- ▶ Notifiable conduct, in relation to a student, means the student has an impairment that, in the course of the student undertaking clinical training, may place the public at substantial risk of harm
- ▶ Mandatory notifications are made to AHPRA

Under the National Law, health practitioners, employers and education providers have an obligation to notify AHPRA of notifiable conduct.



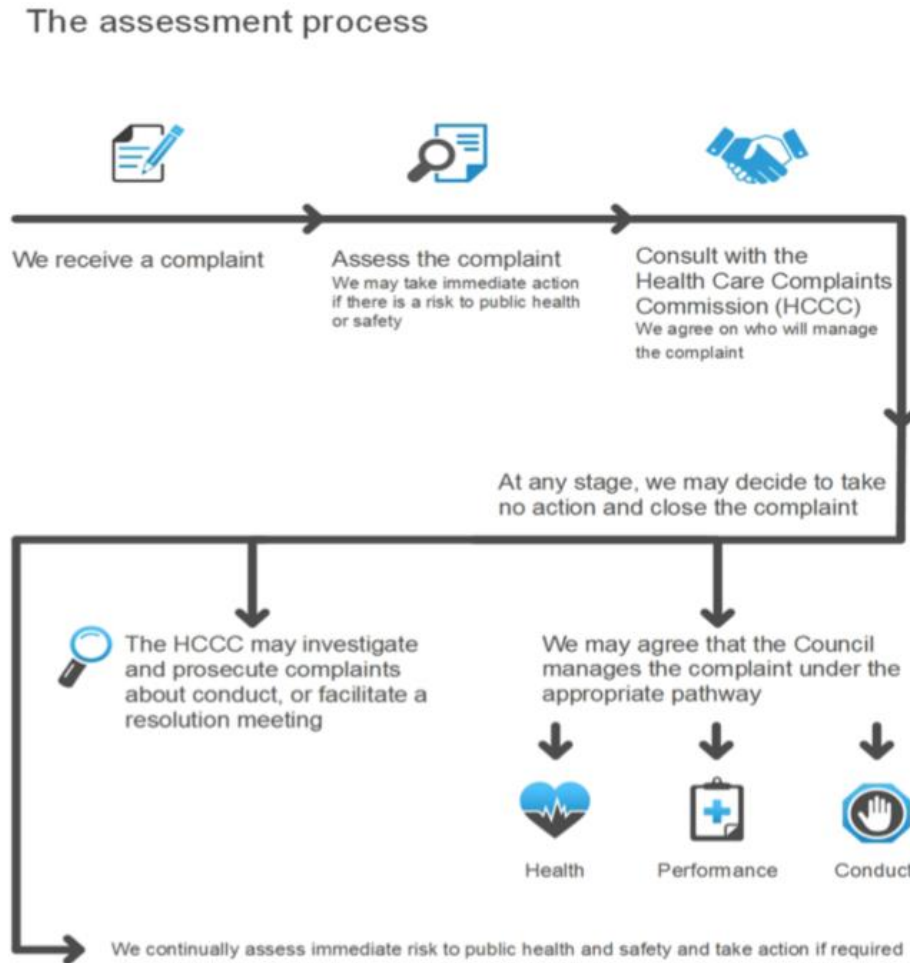
Health Professional Councils Authority

Complaints process





What happens when a Council receives a complaint?





Courses of action available to a Council

- ▶ Make inquiries
- ▶ Counselling
- ▶ Council Inquiry (Conduct)
- ▶ Refer to HCCC for investigation/conciliation
- ▶ Refer to Health pathway
- ▶ Refer to Performance pathway
- ▶ Refer to another entity
- ▶ Take no further action



Councils' complaints streams

Conduct

Conduct issues generally relate to behavioural acts or omission and often go to the question of character or suitability of a practitioner. Conduct issues may constitute unsatisfactory professional conduct or professional misconduct, as defined in the Law.

Performance

Performance issues generally involve concerns about the standard of a practitioner's clinical performance, that is whether the knowledge, skill or judgement of a practitioner, or care exercised, is significantly below the standard reasonably expected of a practitioner of an equivalent level of training or experience.

Health

Impairment includes both physical and non-physical conditions that affect the health of a practitioner. Following assessment a Council may determine that a practitioner with an impairment can continue to practise where public safety can be ensured and management measures are in place, such as restrictions on practice, supervision or monitoring arrangements.

Counselling

- ▶ Usually held when there are issues of concern which may constitute a departure, but not a significant departure, from acceptable standards of practice and/or conduct
- ▶ Purpose is to remind practitioners of their professional obligations and assist them in identifying possible areas for improvement

Conduct - Inquiry

- ▶ Generally held when the nature of the complaint is sufficiently serious, but would not lead to a finding of professional misconduct (which can lead to suspension or cancelling of registration)
- ▶ May lead to a finding of unsatisfactory professional conduct
- ▶ Possible outcomes of Inquiry:
 - Caution or reprimand
 - Imposition of conditions
 - Make orders - e.g. refund fees, complete an educational course, and/or take advice in relation to the management of the practitioner's practice
 - Fines



Performance

- ▶ This pathway may be utilised where a Council has concerns regarding the overall performance of a practitioner
- ▶ Courses of action available:
 - Advice by letter with no further action
 - Performance interview - to gather more information
 - Performance assessment - assessment of performance in practice/simulation setting
 - Performance Review Panel - a hearing following a performance assessment report advising the practitioner's professional performance is unsatisfactory

Reference:

<https://www.medicalradiationpracticecouncil.nsw.gov.au/node/575>



Performance (Cont'd)

- ▶ Where a Performance Review Panel finds that the professional performance of a practitioner is unsatisfactory, one of the following actions may be taken:
 - Imposition of conditions on registration
 - Make an order - e.g. a specified educational course
 - Appropriate recommendations be made to Council - e.g. that a complaint be made
 - Direct that the practitioner's performance be reassessed at a future date



Health

- ▶ Courses of action available to a Council:
 - Referring the practitioner to undergo an independent health assessment by a Council - appointed practitioner (CAP)
 - Convening an Impaired Registrant's Panel (IRP) (2-3 members appointed by Council)
- ▶ Action that can be taken following receipt of CAP report:
 - No further action
 - Refer the matter to an IRP
 - Determine the matter concerns the practitioner's conduct or performance (rather than health) and take appropriate action as required (including making a complaint)
 - Take immediate action (section 150) where the Council has urgent concerns regarding public health or safety



Health (Cont'd)

- ▶ Actions following an IRP:
 - Counsel the practitioner or recommend he/she undertake counselling
 - Recommend that the practitioner agree to having conditions placed on registration
 - Recommend that the practitioner agree to be suspended from practising for a specified period
 - Make any other recommendations the IRP thinks appropriate



Urgent interim action - s150

- ▶ Under section 150 of the National Law, the Council has urgent interim powers to suspend a practitioner's registration or impose conditions to protect the health and safety of the public or if it is otherwise in the public interest.
- ▶ The complaint continues along the standard assessment process for complaints - i.e. to consult with HCCC etc.



Contact details

- ▶ Website

<https://www.medicalradiationpracticecouncil.nsw.gov.au/>

- ▶ Email

mail@medicalradiationpracticecouncil.nsw.gov.au

- Address

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Haymarket NSW 1238

- ▶ Phone 1300 197 177