

Information sheet for prohibited practitioners

Introduction

The National Board, a Panel or Tribunal may suspend, cancel or restrict a health practitioner's registration. Practitioners who have their registration suspended, cancelled or restricted are required to conform to the requirements of their registration status in accordance with the Health Practitioner Regulation National Law (the National Law). This information sheet outlines important aspects of your registration status to help you understand your responsibilities where your registration is either suspended, cancelled or there is a condition or undertaking not to practise.

Definitions

Prohibited Practitioners

Practitioners who are subject to a cancellation order, surrender of registration or change to non-practising registration in lieu of further Part 8 action¹ or suspension and for students who are suspended.

Practise

Is defined as any role, whether remunerated or not, in which the individual uses their skills and knowledge in their profession. It is not restricted to the provision of direct clinical care and includes using the knowledge and skills of their profession in a direct non-clinical relationship with a client, working in management, administration, education, research, advisory, regulatory or policy development roles and any other roles that impact on safe, effective delivery of services in the profession.

For Pharmacists, it also includes any role wherein the individual holds any means of access to any pharmacy premises or any drug safe at any pharmacy premises as well as the manufacturing, dispensing, possessing, supplying or selling (hereafter referred to as access) of any medicine or poison listed in the relevant schedule Schedule(s) of the Standard for the Uniform Scheduling of Medicines and Poisons (the SUSMP) as amended from time to time and as published at <https://www.tga.gov.au/publication/poisons-standard-susmp> and/or pharmaceutical items containing any active ingredient listed within #relevant schedule# of the SUSMP, other than for a genuine personal therapeutic need.

Holding out

Under the National Law, it is unlawful to knowingly or recklessly claim to be a registered health practitioner. This can include using a title, name, initial, symbol, word or description which could be reasonably understood to indicate that you are a registered health practitioner or qualified to practise in a health profession.

Protected titles

It is unlawful for you to knowingly or recklessly use a title to make someone believe you are registered as a health professional.

¹ Where the registration was surrendered under s137 or changed to non-practising in lieu of the Board progressing further action under Part 8

Contact with a patient

Includes consultation, interview, examination, assessment, prescribing for, advising or otherwise treating a patient, whether it is in person or on a communication device.

Patient

Is defined as any individual awaiting, requiring, or receiving the professional services of the practitioner or a registered health practitioner within the same place of practice as the practitioner and any spouse, partner, parent, family member or guardian/carer of this individual.

What does this mean for me?

It is your responsibility to consider whether your work prior to the restricting of your registration would fall into the definition of 'practise'. If so, you are required to cease work from the date of the prohibition on practice. You may need to update websites, social media and other public facing information to avoid claiming (or otherwise promoting) to be a registered health practitioner or someone who can practise as a registered health practitioner. Your advertising practices are monitored by Ahpra.

Who is an advertiser?

An advertiser is anyone (person, business or corporate entity) who advertises a regulated health service. You are considered to have control of the advertising if:

- you publish or authorise content or direct someone to publish or draft content (including third parties, staff members or a marketing agency) or
- there is a mechanism for you to modify or remove content published by an unrelated publisher.

Advertising of services and/or registered status

A prohibited practitioner is required to ensure that advertising of their services and use of protected titles are compliant with their registration status. Breaches of advertising responsibilities may be dealt with under section 133 of the National Law. Outcomes include financial penalties for offences which breach the advertising requirements.

As a restricted practitioner, you will need to review items such as practice websites and social media. Examples of advertising that would require your actioning would be:

1. You are listed as an active team member on a practice website, which shows you are a registered health practitioner.
2. Appointments can be made with you by online booking services or you are otherwise shown as available for consultation.
3. Your social media (such as LinkedIn, Facebook, Twitter, etc) shows you in a way that a member of the public would consider you to be a registered and/or practising health practitioner.

In summary, you cannot advertise your provision of services as a registered health practitioner nor can you indicate that your registration status allows you to practise.

We are aware of health search engines which obtain practice data through data mining. Updating information on these websites are often outside your control. As above, it is your responsibility to adjust advertising that *is reasonably within your control*. It is expected that you address this within the first month of your registration being restricted.

Notification of your status to third parties

Under the National Law, Ahpra is required to notify certain third parties of action taken on your registration. This will result in your employer being advised by written notice that your registration has been suspended, cancelled or restricted not to practise. Ahpra may also contact practice staff in order to seek confirmation that they are aware of your registration status and that you are not practising.

Entities such as Services Australia are notified of practitioners who are cancelled, suspended or have a restriction not to practise. This is done under the relevant sections of the applicable laws.

Practice Inspections

To ensure compliance with your suspension, cancellation or restriction not to practise, Ahpra can conduct practice inspections. These inspections may occur at random and without notice. Ahpra officers are required to carry identification cards during inspections. Practice staff have a right to request Ahpra staff to produce their Ahpra identification at the time of a physical site inspection.

The intention of the inspection is to confirm that you have ceased practise. It can also include talking to administration staff to ensure that no bookings are being made for you while you cannot practise.

Patient handover/transition

A prohibited practitioner is required to ensure continuity of care of their patients as a matter of urgency. While doing this, you cannot have any direct or indirect contact with your patients during this time. For example, you cannot contact patients to advise them of your work status or who the new health practitioners is. This information can be communicated to your patients via the practice staff only. It is expected that your clinical records are in line with the standard outlined in the Code of Conduct, which should see new treating practitioners able to accept care of your patients during the time you are prohibited from practising.

Ongoing monitoring

You are responsible for ensuring compliance with your restriction on your practise.

Ahpra will send periodic correspondence which may ask you to confirm your employment details or communication that confirms that the suspension remains in place. Please refer to your monitoring plan for details of monitoring activities that will be undertaken.

How long will the suspension or restriction not to practise be in place?

You can apply to the National Board for a review of the restriction not to practise or suspension. You may submit information to support your application for review. This includes evidence of what you reasonably believe to be the material change as to why the Board should review the restriction. For more [information about the Board's review process](#) and what information is required, please visit the Ahpra website.

Have a concern?

If you have questions or concerns about your matter, please contact the case officer or team identified in the initial correspondence sent to you.

Anyone who is concerned about our service delivery or administrative actions can make a complaint to Ahpra in accordance with our *Complaints Handling Policy and Procedure*. You can find out more about [how we manage complaints](#) on our webpage. You can submit a complaint via our [online complaint form](#).