



## AHPRA Management Policy – Regulatory Operations

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### Operational Policy: Use of the National Restrictions Library

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#### Division

All Divisions Regulatory Operations

#### Purpose

This purpose of this policy is to ensure staff use the National Restrictions Library (the library) in a consistent manner in making recommendations to all decision makers, initially for health, performance, conduct and prohibited practice stream cases and, when subsequently available, for suitability and annual suitability stream cases.

#### Background

The library provides a consolidated structure for restrictions (conditions and undertakings) commonly used across regulatory functions, ensuring consistency in:

- recommendations made by AHPRA to decision makers
- restrictions appearing on the national register, and
- a best practice approach to monitoring registrant compliance with restrictions.

#### Policy statement

The library must be used by all making recommendations to decision makers when the category of restriction is available in the library for health, performance, conduct and prohibited practice stream cases for the imposition of conditions under Part 7 or Part 8 of the National Law as it applies in each jurisdiction or when recommending the acceptance of undertakings under Part 8. This includes when:

- managing applications to remove or modify restrictions in these streams, and
- adding a customised restriction to cases in these streams.

The definition of each stream for the purpose of this policy is as detailed in the Guideline – Establishing a monitoring case.

In using the library staff are also required to conform to the Guideline – Creating restrictions using the National Restrictions Library and the Procedure – Creating restrictions using the National Restrictions Library.

All staff will be required to use the library in making recommendations in suitability and annual suitability stream cases under this policy when directed to do so by the Executive Director, Regulatory Operations.

#### Relationship with Protocols

Some restriction categories, for example restrictions relating to substance use and gender based restrictions, reference a protocol within the restriction.

Due to the interdependence between the restrictions and the protocols, any regulatory operations staff member making a recommendation to a decision maker to impose a restriction which invokes a protocol must include a copy of the relevant protocol the information of the decision maker.

Similarly when a 'show cause' notice is sent to a practitioner in regard to a proposal from a decision maker to impose a restriction requiring the practitioner to comply with a protocol a copy of the relevant protocol must be sent to the practitioner with the notice.

If a National Board determines that the protocol or part of the protocol does not apply, before finalising the restrictions to be imposed, a regulatory operations staff member must contact the National Program Manager – Compliance or the National Director – Compliance to discuss the restrictions to be imposed in the absence of the protocol or part of the protocol.

### **Voluntary undertakings**

In circumstances where practitioners offer an undertaking and the relevant legislative provision exists for the acceptance of an undertaking, staff must recommend that the Board not accept the undertaking when:

- the circumstances are able to be addressed by restrictions within the library and the undertaking does not contain the same or similar requirements to the restrictions in the library, or
- the wording of the undertaking is vastly inconsistent with the library (with the exception that the restriction is phrased in the first person).

In these circumstances staff must propose alternate action where necessary to protect the public from risk of harm. This may include the proposal to impose conditions on the practitioner's registration, rather than accept an undertaking.

### **Scope, evaluation and review**

This operational policy is established in accordance with *Operational Guidance Framework*. It must be used and complied with by all relevant Regulatory Operations staff. This operational policy will be reviewed annually.

### **Appendices**

#### **References**

- Guideline: Creating restrictions using the National Restrictions Library
- Guideline: Establishing a monitoring case
- Procedure: Creating restrictions using the National Restrictions Library
- AHPRA Gender-based restrictions protocol
- AHPRA Drug and Alcohol Screening protocol

### **Policy Sponsor**

National Director, Compliance

### **Approved by**

Executive Director, Regulatory Operations

### **Effective date**

This policy commenced on 17 March 2016 and was updated July 2018