

Professions Reference Group communiqué

The Professions Reference Group (PRG) met by video conference on 16 April 2024.

The Acting CEO provided this update:

[Update on legislative amendments](#)

On 21 March 2024, debate occurred in the Legislative Council of the Western Australian Parliament on the *Health Practitioner Regulation National Law Application Bill 2023*. This Bill contains all of the National Law amendments to bring Western Australia into alignment with all other states, including:

- The introduction of a paramount principle for the National Scheme, and a new guiding principle and objective related to cultural safety.
- Publication of Public Statements and Warnings
- Introduction of Interim Prohibition Order Powers
- Provisions for practitioners to use an alternate practise name that is visible on the public register

Debate on the Bill has been adjourned until sittings of the Legislative Council in mid-April. Whilst Ahpra cannot be certain until the Bill passes the WA Parliament, preparation is underway for a commencement date of these amendments of 1 July 2024 in anticipation of the Bill passing.

Earlier this year, jurisdictions undertook public consultation on amendments to the National Law that includes:

- Publishing of the regulatory history of practitioners with proven findings of professional misconduct related to sexual misconduct
- Requirements for practitioners, who have had their licence cancelled or subject to a disqualification period, to seek a reinstatement order from a tribunal prior to applying for registration.
- Introduction of new provisions that would render a Non-Disclosure Agreement between a practitioner and patient null and void to the extent that it prevented a patient from notifying a regulator of their concerns.
- New provisions to protect notifiers from harm, harassment or intimidation for making a notification.

Since the conclusion of public consultation, jurisdictions have been considering the feedback and preparing drafting instructions for potential amendments to the National Law. The timeframes for completion of a draft bill are not clear at this point, but the PRG will be kept informed of progress of these amendments.

[Minimising the risk of distress in health practitioners involved in a regulatory process: Implementing the EAG recommendations](#)

Following the three successful symposia about minimising distress and strengthening support for practitioners with external stakeholders in February, reporting back and determining next steps and actions to prioritise has been a major activity in March.

The Steering Committee discussed the outcomes of the symposia and how to determine which of the comprehensive and wide-ranging suggestions to adopt or support.

The Expert Advisory Group discussed three topics: the recent symposia; the legal requirement to refer a practitioner with a health concern to a tribunal when their conduct could be regarded as professional misconduct; and how to progress the staff being able to set realistic expectations through early conversations with practitioners about possible or likely outcomes.

In a meeting with the AMA, they reflected very positively on the symposia. The AMA President agreed to be part of a video where senior doctors shared their experience of receiving a notification along with Anne Tonkin and several others. The aim is to decrease the shame, stigma and fear associated with the notifications experience.

Following a request from the NSW Health Professional Councils Authority, we met with them to share our perspectives and experience of developing resources and training for staff to better manage challenging difficult interactions with distressed or angry practitioners and notifiers.

As we now have some actions that the relevant teams, or functions, are reporting as adopted, we needed to decide when changes made are 'complete' and can effectively be regarded as BAU. Ongoing monitoring to ensure their implementation is supported would still continue. A clear process for closing actions and reporting them is being developed.

Over 200 Regulatory Operations staff attended a presentation by DRS4DRS about the support service they provide for doctors. Nurse and Midwife Support also presented to over 230 staff late in March. These presentations followed a similar presentation about the Pharmacists' Support Service in February with 267 attendees and a planned presentation from Dental Practitioner Support in April. The purpose of the webinars is to let staff know about the support services available to practitioners, so they are knowledgeable about them when talking to practitioners and potentially more likely to refer practitioners to them.

[Update on development of multi-profession practice and advertising guidelines for non-surgical cosmetic procedures](#)

Consultation on the three draft guidelines commenced on 27 November 2023 and closed on 1 March 2024, having been extended in mid-January to ensure wide-ranging engagement with all stakeholders.

- Draft *Guidelines for nurses who perform non-surgical cosmetic procedures* (NMBA practice guidelines)
- Draft *Guidelines for registered health practitioners who perform non-surgical cosmetic procedures* (shared practice guidelines except for medical practitioners)
- Draft *Guidelines for registered health practitioners who advertise non-surgical cosmetic procedures* (shared non-surgical cosmetic advertising guidelines)

158 submissions were received, the majority of which were from individual registered practitioners, with the majority of these being from registered nurses. Where practitioners provided a response to the question of area of practice, a majority indicated they were working in the cosmetic sector.

The remainder of submissions were from organisations, professional associations, co-regulators and defence organisations in the main. A few submissions were from individuals who identified as consumers.

Themes emerging from initial review of responses include clarity on scope of practice for various professions and cosmetic procedures, a recognition of the complexity of the cosmetic procedure area, with some procedures able to be performed by non-registered individuals, a need for clarity on the intersection of the various guidelines, and on the requirements for psychological assessments.

Ahpra and the TGA continue active discussions to ensure continued alignment between the TGA's position on advertising cosmetic injectables and the draft guidelines we are currently consulting on in relation to the advertising of non-surgical cosmetic procedures

[Regulatory Operations update](#)

New graduate campaign

The 2023-2024 new graduate campaign (the campaign) covered the peak registration period from 11 September 2023 to 31 March 2024. There were 30,186 applications received during this period (3.8% less than the previous year), with 99 % of applications received online.

Operational performance improved and new benchmarks set for timeliness across most key metrics. 91% of those graduates who had advised their employment start date were registered on time.

The campaign continues to have scope and opportunities for improvement. Delivery was well executed and operational performance and practitioner experience in the 2023-24 campaign across all domains was improved/set new benchmarks, with largely positive feedback from internal and external stakeholders.

Notifications update

The highest ever number of notifications (23% increase compared to the same time period last year) has been recorded. We are completing them in a timely manner.

National Restrictions Library (NRL)

The NRL provides a consolidated structure for commonly imposed restrictions. Used by Ahpra staff across all regulatory functions to assist in formulating consistent recommendations for restrictions when advising Committees and Boards making regulatory decisions.

The project objectives include simplifying wording for practitioners and the public, responding to issues with current restrictions (practitioner distress, misconduct blueprint), fit for purpose, and to ensure all restrictions used regularly are available.

Changes to NRL restriction wording will not automatically apply to practitioners subject to existing restrictions. New NRL restrictions may be proposed if there is a trigger and legislative thresholds are met.

If changes are considered to the practitioner's benefit, they may apply for a change in restrictions.

Transformation Program update – standing agenda item

Kym Ayscough provided this update.

We are working towards a date of release for the Transformation Program to become operational and will keep the PRG updated on a potential go live date at each meeting.

Regulatory Intelligence – standing agenda item

Members were advised to contact Helen.Townley@ahpra.gov.au are any regulatory intelligence issues occurring in any profession.

The next meeting of the PRG is confirmed for Wednesday 12 June 2024.

Other business

Mr Patrick Tobin from the AMA was acknowledged and thanked for his contribution on the PRG.