

## Health Professions Registration Act 2005

# Frequently asked questions - consumers

The government has introduced a range of changes to the way that health practitioners are regulated in Victoria. These changes impact on what the registration boards that regulate each of the 12 registered health professions can do, and how they can do it.

- 1. Will these changes compromise the quality of the health services I receive?**

No. The *Health Professions Registration Act 2005* still protects the public by ensuring that only people who are suitably qualified can practise in these professions. As part of this, the changes enable suitably qualified podiatrists to prescribe medicines to treat foot conditions.
- 2. Will this cost me more? Is bulk billing affected?**

There will be no additional costs to consumers as a result of this legislation. There is no cost to make a complaint to a registration board or the Health Services Commissioner about a health practitioner. This legislation does not change bulk-billing arrangements.
- 3. Does this change how I make a complaint, should I need to?**

No. Under the *Health Professions Registration Act 2005*, complaints are made to the health practitioner board that registers that health practitioner. Complaints may also be made to the Health Services Commissioner. The legislation now means that an investigation by a board into a complaint must be conducted as quickly as possible, and that progress reports must be given to the person making the complaint and the practitioner affected at least every three months.
- 4. Are registered health practitioners more accountable under the new system?**

The *Health Professions Registration Act 2005* strengthens powers of the registration boards to make sure practitioners are properly trained and keep their skills up-to-date. All boards continue to have the power to immediately suspend the registration of a practitioner if there is a serious risk to public health and safety. Following an investigation, both Professional Standards Panels and Health Panels have the power to impose conditions on registration and, in the case of a Health Panel, suspend a practitioner's registration.

Where a matter raises serious concerns about a practitioner's conduct or capacity, a board must refer the matter to VCAT, which has the ability to take a number of actions including:

  - The suspension or cancellation of the practitioner's registration.
  - An order disqualifying the practitioner from applying for registration for a period.
  - An order prohibiting the practitioner from providing health services or using any title specified in the order.
- 5. Is the new system independent and impartial?**

Yes. Under previous legislation, each health practitioner registration board was responsible for all stages of managing a complaint, from investigation to hearing and imposing sanctions. This had given rise to concerns about the independence and fairness of those processes.

The *Health Professions Registration Act 2005* better separates the investigation and prosecution function undertaken by boards from that of hearing and determining disciplinary matters. Cases with serious allegations of professional misconduct are now to be heard by the Victorian Civil and Administrative Tribunal (VCAT), rather than by the responsible board.

**6. Who is in charge of the new system?**

The *Health Professions Registration Act 2005* means that the community has more of a say in the decision-making of registration boards. There are changes to the make-up of registration boards to increase the number of people who are not registered practitioners on the board.

**7. Does this mean that professional standards are no longer being set by experts?**

The health practitioner registration boards continue to play an important role in protecting the public under the *Health Professions Registration Act 2005*. Victorians can be confident that our registered health professionals are qualified and competent to practise.

At least half of the members of each board must be registered health practitioners in that profession, and the president and deputy president of a board will usually be practitioners from the profession. However, in setting professional standards, there will now be more discussion and debate between practitioners who are experts in their respective fields, and those who represent a community view. This is to make sure that the public's view is represented.

Registration boards continue to set standards for entry to and the practice of the different professions (e.g. what qualifications are required to become a health practitioner) and protect the public by investigating complaints about individual practitioners and where appropriate, referring such complaints to a Professional Standards Panel or Health Panel of the relevant board. These Panels have powers to conduct hearings and impose sanctions on practitioners who have done the wrong thing.

With the hearing of serious matters being undertaken by VCAT, the legislation preserves the principle of peer review in disciplinary decision-making - if a practitioner has allegations made about him/her, other practitioners from the same field continue to be part of the review and have a say about disciplinary processes. Panel hearings within VCAT must have at least three people hear the case, two of whom must be practitioners from the same profession as the person who is the subject of the disciplinary action. This means that there is expert input into decision-making and that the hearings process is fairer for everyone involved.

The processes behind all of these activities is more open than under the previous regulatory system with, for example, the legislation establishing a requirement for the responsible board to keep both the person making the complaint and the practitioner involved up-to-date on progress with the investigation, as well as providing reasons for decisions, when appropriate.

**8. Am I able to seek a review if I'm not happy with the outcome of my complaint?**

There is a new right for people who make a complaint to seek a review of a board's decision not to investigate a matter, to take no further action following an investigation, or to refer a matter to a Professional Standards Panel rather than to VCAT. In such circumstances, a board is required to establish an 'Investigation Review Panel' and include on the Panel a nominee of the Health Services Commissioner, as well as a lawyer. Investigation Review Panels have powers to reconsider the matter and, if necessary, reopen the investigation and reach a different decision.

The Ombudsman's role in scrutinising board complaints handling processes also continues unchanged.

**9. Are practitioners left in limbo while complaints go through appeal processes?**

The *Health Professions Registration Act 2005* requires that:

- Reviews are commenced as soon as practicable after the responsible board receives an application.
- All parties involved are notified of the intention to conduct a review before it commences.
- All investigations are conducted as quickly as possible.

These powers have been established to make sure everyone involved – including practitioners – are not left in limbo during a review process, and that reviews are handled quickly and openly.

**Further information**

<http://www.health.vic.gov.au/pracreg/index.htm>