

Health Professions Registration Act 2005

Frequently asked questions - practitioners

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.

Why did the Government make these changes?

The previous system was based on a regulatory model that was in place for over 10 years. During that time, there have been substantial changes in the way in which health services have been delivered, as well as the workforce delivering them.

It was important that the health practitioner legislation be updated to ensure registration boards were capable of meeting new challenges. These changes were about making the system fairer and more accountable, and to ensure that the system could adjust to the Victorian public's evolving needs and expectations.

How have the reforms made things better?

The reforms introduced by the *Health Professions Registration Act 2005* have made things better by:

- Making the processes used to handle complaints against registered practitioners more flexible, transparent and accountable.
- Increasing the involvement of community representatives in the activities of the health practitioner registration boards to ensure the public's interest – as well as professions' interests, are taken into account.
- Increasing public access to quality services by providing podiatrists with limited prescribing rights.
- Improving the systems for approving the drugs that can be prescribed to patients by nurse practitioners and suitably qualified optometrists.
- Allowing orthoptists employed in certain settings to prescribe spectacles without a referral from an eye doctor or an optometrist.

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* is more effectively separating the investigation and prosecution functions undertaken by boards. 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.

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 processes 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.

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 also 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 adequately 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 acting inappropriately.

With the hearing of serious matters being undertaken by VCAT, the legislation preserves the principle of peer review in disciplinary decision-making. Panel hearings within VCAT must consist of at least three people, two who 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.

Are registered health practitioners more accountable under the new system?

The *Health Professions Registration Act 2005* strengthens powers of the registration boards to ensure practitioners are properly trained and keep their skill levels 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.

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.

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.

For further information

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