

AHPRA AND COMPLAINTS

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There are several organisations who consider complaints or concerns about health practitioners or students. We want to help you identify the right organisation for you, so that the concerns can be considered as quickly as possible.

AHPRA(AUSTRALIAN HEALTH PRACTITIONER REGULATION AGENCY) is the right place if you are concerned that a health practitioner may be behaving in a way that could present a significant risk to you, to other patients or members of the public. There are different arrangements for people in Qld and NSW for managing concerns about registered health practitioners. See further information.

Any person or organisation can raise a concern with Ahpra if they have concerns about a registered health practitioner or student. The person who raises the concern is called 'the notifier'. The National Law provides protection from civil, criminal and administrative liability for people who make a notification in good faith.

You can submit a concern by phone, through online portal, or by email or post. We acknowledge that we have received all concerns in writing, and give a reference number for each notification.

The practitioner is also usually contacted and advised that a concern has been raised about them.

What types of concerns can Ahpra consider-

Below are some examples of concerns that we can consider. **Contact Ahpra** if you are not sure and we can help you get in touch with the right agency.

Concerns that a practitioner is working or providing patient care in an unsafe way, such as:

- serious or repeated mistakes in carrying out procedures, in diagnosis or in prescribing medications for a patient
- a failure to examine a patient properly or to respond reasonably to a patient's needs
- serious concerns about the way in which a practitioner managed someone's personal information

- serious concerns about the way a practitioner is prescribing medication
- serious concerns about the practitioner's ability to understand and communicate in English, or
- serious concerns about the practitioner's skills, knowledge or judgement in their profession.

Concerns about the way a practitioner behaves, including:

- a practitioner abusing their professional position, for example by engaging in an sexual or personal relationship with a patient or someone close to a patient
- inappropriate examinations of a patient
- acts of violence, sexual assault or indecency
- acts of fraud or dishonesty
- any serious criminal acts, or
- any other behaviour that is inconsistent with the practitioner being fit and proper to be a registered health practitioner.

Concerns that a practitioner has a health issue or impairment that might cause harm to a member of the public if it is not appropriately managed, including that a practitioner might have a problem with alcohol or drugs.

If you want an apology, an explanation or a review of the care or treatment a health practitioner provided to you, you should first contact the health service or centre where you received the care or contact a [health complaints organisation](#) in your state or territory.

What is a notifier-

Under the National Law, concerns are called 'notifications'. This is because you are 'notifying' Ahpra and the National Board about your concern.

We use the term 'notifier' for the person raising a concern about a registered health practitioner or student.

What is a registered health practitioner-

Ahpra and the National Boards only manage concerns about registered health practitioners or students, people pretending to be registered health practitioners or about people advertising regulated health services usually provided by registered health practitioners.

A registered health practitioner is someone who is registered to practise as one of the following:

- Aboriginal and Torres Strait Islander health practitioners
- Chinese medicine practitioner (including acupuncturists, Chinese herbal medicine practitioners and Chinese herbal dispensers)
- chiropractors
- dental practitioners (including dentists, dental hygienists, dental prosthetists and dental therapists)
- medical practitioners
- medical radiation practitioners (including diagnostic radiographers, radiation therapists and nuclear medicine technologists)
- midwives
- nurses
- occupational therapists
- optometrists
- osteopaths
- paramedics
- pharmacists
- physiotherapists
- podiatrists, and
- psychologists.

If you want to make a notification about a health practitioner in a profession that is not listed above, or if your complaint is about a health service or a health service provider, your local [health complaints organisation](#) may be able to help.

What do Ahpra and the National Boards do when you submit your concern-

Ahpra and National Boards assess every concern raised. Concerns are recorded on our internal database. This which helps us keep track of the sorts of concerns people have raised about a single practitioner specifically, and regulated health practitioners as a whole.

We call concerns notifications.

When we receive a notification, we look at whether the practitioner is practising appropriately and safely. We also consider the practitioner's history with the National Board to see if there is an emerging or existing pattern of behaviour that may need to be considered.

Sometimes a practitioner and/or their employer will have taken some action in response to the concern that has been raised with us. We ask the practitioner and/or their employer to tell us about this response because their actions may be enough to manage the risk of the same thing happening again. If this is the case, we don't need to take any regulatory action.

Most notifications end up with no regulatory action from us because most one-off events can be resolved by the practitioner and their workplace(s).

Some notifications, or series of notifications result in practitioners being investigated. This happens when we believe that there could be some risk to the public but we need more information. Most investigations we carry out enable us to gather information about the:

- nature of the practitioner's health practice
- places where the practitioner carries out their health practice, and
- ways that the practitioner and their workplace(s) have responded to the events described in a notification or series of notifications.

We present information about individual practitioners who might not be practising appropriately and safely to the National Board who registered the

individual. Ahpra and the National Boards can take action that might affect a health practitioner's registration if we believe it is necessary to keep the public safe.

After considering the information the National Board will take action to protect the public if it finds that a health practitioner's:

- behaviour is placing the public at risk and the practitioner and the practitioner's workplaces have not appropriately dealt with the behaviour
- practise is unsafe and the practitioner and the practitioner's workplaces have not appropriately dealt with the poor practice, and/or
- ability to make safe judgements about their patients or to provide care safely might be impaired because of the practitioner's health.

If a National Board believes that it needs to take action to make sure the public is safe, it can:

- **Take immediate action** to restrict a health practitioner's ability to practise if it believes this is necessary to protect the public.
- **Caution a practitioner**, which is a warning to a practitioner about their conduct or the way they practise.
- **Impose conditions or accept an undertaking** from a practitioner that requires the practitioner to do something or stop doing something, for example:
 - the practitioner must practise under supervision, or
 - the practitioner must not prescribe certain types of medication.
- **Refer a practitioner to a hearing by a panel** that has the same powers as the National Board, as well as the ability to reprimand a practitioner. There are two different types of panels practitioners may be referred to:
 - a performance and professional standards panel if the concerns relate to the practitioner's performance and/or conduct, or
 - a health panel if the concerns relate to the practitioner's health.
- **Refer a practitioner to an independent tribunal** that has the power to reprimand, fine, suspend or cancel a practitioner's registration.

Ahpra and the National Boards are responsible for making sure that only health practitioners who have the appropriate skills and qualifications to provide safe,

ethical care are registered to practise, so we take every concern we receive seriously.

The fact that a concern has been raised does not automatically affect a practitioner's ability to practise. A National Board will only take action to restrict a practitioner's registration if it believes this is necessary to protect the public.

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Any individual or organisation can make a voluntary notification about a registered health practitioner or student's health, conduct or performance.

Most notifications made to Ahpra are voluntary. They are most often made by:

- the patient, their relative, carer or anyone acting on the patient's behalf with the patient's consent
- other health practitioners or employers, or
- representatives of statutory bodies.

A voluntary notification is different to a mandatory notification. Under the National Law, some individuals (such as employers or other registered health practitioners) have a legal obligation to make a notification about a registered health practitioner in certain circumstances. This is called [mandatory reporting](#) and is often referred to as a mandatory notification.

Offences are breaches of the National Law, committed by registered health practitioners and unregistered individuals.

There are a number of offences created under the National Law, including the following:

- unlawful use of a protected title
- performing a restricted act
- holding out (claims by individuals or organisations as to registration), and
- unlawful advertising.

More information about each type of offence is available below.

Make a complaint about an offence

Ahpra and the National Boards take complaints about offences seriously, as they are responsible for making sure that only practitioners who have the skills and qualifications to provide care are registered to practise.

These breaches can put individuals and the community at risk.



