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Ahpra data confirms traumatic effect of regulatory process on doctors and need for change

Data released by Ahpra to media outlets and seen by the Australian Medical Association has confirmed the terrible impact current regulatory processes are having on doctors and the need for a change in approach.

Australian Medical Association President Steve Robson said the information released by Ahpra was confronting but should be a wakeup call for health ministers.

The Ahpra study looked at the distress in health practitioners involved in a regulatory process, identifying 16 deaths and four instances of attempted suicide or self-harm among practitioners who were subject to regulatory notifications within a four-year study period from January 2018 to December 2021.

“The AMA has consistently raised the impact the regulatory process has on a doctor’s health and wellbeing,” Professor Robson said.

“This information should send a strong message to health ministers that they can no longer ignore the AMA’s calls for better support for doctors including an explicit exemption from mandatory reporting for treating doctors.”

“This report means that health ministers can no longer ignore the significant impact that the notification process has on practitioners,” Professor Robson said.

“Health ministers, who are responsible for the Health Practitioner National Law which is implemented at state and territory level and enforced by Ahpra and the National Boards, have failed to maintain an appropriate balance between protecting the public and protecting health professionals in recent years.

“We saw this with the mandatory reporting laws and the recent amendments which allow public statements to be made about practitioners before the conclusion of an investigation.

“Health ministers must take heed of this data and move to quickly reverse the changes they have made to allow these public statements.”

Professor Robson said the AMA was reiterating its calls on the health ministers to make more deliberate efforts to treat health practitioners fairly and recognise the impact that regulatory processes have on them.

The AMA wrote to the health ministers in November last year raising serious concerns about the potential adverse impact of Ahpra investigations on the mental health of health practitioners arising from being investigated.

Professor Robson said the AMA had yet to receive a response to the letter, which sends a worrying signal that ministers simply don’t care about the impact of their decisions on doctors.

In the letter the AMA called for the health ministers to:

- mandate, either through a Ministerial Directive or changes to the National Law, that Ahpra has a duty of care to the Registrant and in particular a duty to minimise the mental health impacts and financial effects on the health practitioner who may be subject to a notification
- require Ahpra and the Medical Board of Australia to offer confidential support by an independent mental health professional to any health practitioner under investigation
- require all investigations to be completed promptly – with an average target of 6 months except in exceptional circumstances

- ensure that a practitioner has the right to be personally present and to be legally represented during all stages of the investigative process – with the practitioner or their legal representative having the full and unfettered right to support their case.

“The vast majority of Ahpra investigations (71 per cent) result in no regulatory action being found and no wrongdoing on the part of the practitioner, yet the process is often lengthy and highly stressful,” Professor Robson said.

“Ministers also need to consider providing Ahpra with extra funding to do its job. It is clear that Ahpra carries a significant workload and ministers keep asking it to do more. This is contributing to the significant delays practitioners face when subject to investigation and potential regulatory action and these delays and uncertainty are the cause of significant distress.”

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