



Response form – Targeted consultation on how Ahpra and the National Boards propose to use the new power to issue public statements

19 January 2023

Targeted consultation

The Australian Health Practitioner Regulation Agency (Ahpra) is undertaking targeted consultation about how Ahpra and the National Boards propose to use the new power to issue public statements (warnings). The change to the National Law to allow Ahpra and the National Boards to use this new power has not yet started.

Ahpra is releasing this targeted consultation paper to key stakeholders. For ease of reference, the targeted consultation paper is accessible on our [Ahpra National Law amendments implementation website](#).

Targeted consultation allows Ahpra to take a focused approach to test and refine our proposed implementation with those stakeholders that have an interest in how we are proposing to use the new power and the safeguards that will be in place to ensure the power is used lawfully and appropriately. The process provides an opportunity for key stakeholders to provide feedback that will help us improve clarity and workability.

This targeted consultation does not revisit policy decisions made by Health Ministers about public statements. The reforms were subject to multiple rounds of consultation, led by jurisdictions, over a few years before the legislative bill of amendments was finalised and introduced into Queensland Parliament.

How we will treat responses to targeted consultation

Ahpra will consider your response and any feedback before finalising the changes to our regulatory policies and procedures, and the published *Regulatory Guide*.

As this consultation is targeted, we will treat your response as being confidential and your feedback will not be published. If Ahpra receives a request for access to a submission, it will be determined in accordance with the *Freedom of Information Act 1982* (Cth), which has provisions designed to protect personal information and information given in confidence.

Our aim is to finalise the changes to the *Regulatory Guide* by March 2023. Publication of the revised *Regulatory Guide* will need to align with the start date of the delayed changes once this is decided by Governments and the proclamation/s is made.

How to give feedback

We invite your response to specific questions in the targeted consultation paper using the response form below. You may respond to all or some of these questions. You may also like to provide other feedback that is relevant to the targeted consultation.

Please email your submission to nationallawamendments@ahpra.gov.au by close of business **Wednesday 22 February 2023**.

Response form

Your details

Name: Jerry Yik

Organisation: The Society of Hospital Pharmacists of Australia (SHPA)

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Contact phone: 0424087068

Are you making a submission as: (please check the relevant box)

- A peak consumer organisation
- A peak professional body
- An individual consumer/member of the public
- An individual health practitioner
- Government or statutory authority
- Other organisation – please describe: Click or tap here to enter text.
- Other – please describe: Click or tap here to enter text.
- Prefer not to say

Feedback

1. Is it clear who will be the decision maker for issuing a public statement and under what circumstances?

Yes.

2. Does the proposed approach provide clarity about the threshold tests that need to be met to allow either Ahpra or a National Board to issue a public statement?

Yes.

3. Is the guidance clear about the procedures that are to be followed to support a public statement being made, revised, or revoked?

Yes.

4. Is there any other information that we should consider providing to help practitioners and consumers better understand how we will use this new power to issue public statements (warnings)?

Examples of circumstances where a public statement is issued relevant to the healthcare professional and examples of circumstances that would not result in public statements being issued. Consumers may wish to understand why a statement was issued and what the process is following a report of misconduct, noting that all reports may not result in public statements being issued.

5. Are there ways we can explain how this new power may be used to avoid misunderstandings among practitioners and consumers?

A plain language summary of Attachment A should be provided to consumers, outlining the circumstances for issuing a public statement.

6. Do you have feedback on the draft wording of the proposed new chapter to be inserted into the published Regulatory Guide (Attachment B to the consultation paper)

No.

7. Is there any other information or material you believe should be included in this new chapter of the Regulatory Guide?

Examples of circumstances where a public statement is issued relevant to the healthcare professional and circumstances that do not apply.

8. Do you have any other feedback that you would like to provide?

It is unclear if consent will be sought to issue public statements from the individual involved as well as the organisation or employer.

There is also a lack of clarity around the employer's obligations for cooperating in investigations and whether employers will be required to conduct an internal inquiry.

SHPA believes that issuing public statements concerning misconduct is vital to protect consumers, however, notes that this could deter reporting in some cases. Clear guidance in the Regulatory Guide will be required to allow pharmacists to reflect on their own practice, their own obligations concerning reporting and subsequent issuing of public statements.

Thank you

Thank you for participating in this targeted consultation.