

12th April, 2011

**Christine McDonald,
Committee Secretary for the
Inquiry into AHPRA Registration process.**

Dear Ms McDonald,

Thank-you for the opportunity to make a submission to this Senate Inquiry.

My concern is that on 18/2/2011 I was deregistered as a medical practitioner. This was because AHPRA failed to process the application I had sent in a timely manner. I was not notified of this occurrence and continued in medical practice until a local Medicare clerk brought the problem to my attention on 1/3/2011. At this point I ceased working, cancelling booked appointments at short notice. Some patients had complex and urgent needs that I wished to follow up. My registration has since been reinstated and the lapse in registration has been backdated. I have also received a formal apology from AHPRA. However, multiple inefficiencies resulted in this situation and I am grateful that the APRA registration process is being looked into.

I will now explain the situation in detail:

I have been a registered medical practitioner in NSW since 1979, renewing my registration annually without problems and receiving written confirmation of that registration in a timely manner. It is important, I believe, to have ready access to such documentation, as to practise medicine unregistered, even a 'Good Samaritan' act, is a criminal offence. Unregistered

medical practice is also not covered by professional indemnity insurance and does not attract any Medicare or health insurance rebates.

In December, 2010, I received the paperwork for my re-registration from AHPRA and completed it, posting it back on 20/12/2010. On 14/1/2011, realizing that the due date for my registration (12/1/2011) had passed, I contacted AHPRA to find out if I could still practise medicine legally and to confirm that they had received my application. I was reassured on both counts and received the following two e-mails :

From: NSW-ECC [REDACTED]
Date: Fri, Jan 14, 2011 at 3:41 PM
Subject: RE: New South Wales - Registration Enquiries
To: [REDACTED]

Dear Dr Gaffney,

Most applications for renewals are processed reasonably quickly. It is important to note that part of the application process for renewals involves a criminal history check, which AHPRA organises but which another organisation conducts. As long as your renewal is completed on line or sent to AHPRA before the end of the grace period (one month after your registration is due to expire) it will be accepted.

Please also note there may be a delay between your payment being processed and your updated details appearing on the Register. Under the National Law, registrants are able to continue practising whilst their renewal application is being processed. Therefore registrants may be correctly displayed as 'Registered', but have a registration expiry date that has passed.

Regards,
The Customer Service Team
AHPRA Enquiry Contact Centre

From: [REDACTED]
Date: Mon, Jan 17, 2011 at 4:59 PM
Subject: AHPRA - Receipt of Application
To: [REDACTED]

This email is to confirm that your application to renew your registration has been received by the Australian Health Practitioner Registration Agency (AHPRA).

Due to the number of renewal applications being processed at present, it may take some time for AHPRA to finalise your registration. Your ability to practise is not affected by this expected processing time. Under the Health Practitioner Regulation National Law, your renewal application has been lodged on time and your registration continues until the renewal application is finalised.

When your renewal has been finalised, you will receive written confirmation from AHPRA. In the meantime, if you need to confirm your registration status, you can search the public register at <http://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx> Only the names of registered practitioners are displayed. The search page confirms that under the National Law, registrants are able to continue to practise whilst their renewal application is being processed. Therefore registrants may be correctly displayed as 'Registered', but have a registration expiry date that has passed.

Please do not respond to this auto-generated email.

I took no further action, being aware from discussion with other health practitioners that AHPRA may take many months to send written confirmation of re-registration. On 1/3/2011, staff at the medical practice at which I work received a phone-call from a clerk at the local Medicare office to notify us that a Medicare claim for one of my patients, whom I had seen in late February, could not be processed because I had been deregistered. The staff member contacted me, but as I was out of the office doing home and hostel visits that afternoon, I did not follow it up till the next morning when our senior office staff member contacted AHPRA and confirmed that I was indeed deregistered. Patients with appointments for that week were contacted to make other arrangements. Some patients were able to see other doctors in our practice and others were able to take appointments at a later date. There were some patients who had complex and urgent needs that I wished to follow up. I also am responsible for the care of nearly 60 residents of aged care facilities in [REDACTED]. Normally, if the nursing home or hostel staff have any concerns with these residents, they contact me directly, day or night, seven days a week. Being unregistered I was unable to give any direction on the care of these patients.

I did not have any difficulty contacting AHPRA staff by telephone, and I found the advice they gave me supportive and helpful. I spoke to [REDACTED], [REDACTED] and [REDACTED] over the course of the next few days. I submitted a "Fast Track Renewal Application Form" and was advised that this most likely would take 48 hours to process. It would have been preferable to deal with the same person each time on the telephone, but [REDACTED] sent me an e-mail to apologise for not following through with processing my fast track application as she was away sick on the day after first talking to me. Both [REDACTED] and [REDACTED] advised me to submit the fast track application by fax or e-mail as well as by post. It was not in a format which I could e-mail, however. They also advised me that I should write on the fax cover note a request for backdating of my registration to cover the period of my deregistration. Backdating of registration is not automatic in the situation of deregistration and would only be considered on receipt of a request in writing and under certain circumstances like my own and would take longer than 48 hours to process. On 2/3/2011 with the cover note as advised, I faxed the fast track renewal application to AHPRA twice, for the attention of both [REDACTED] and [REDACTED], whom I understand were in different offices. No one was able to tell me the date on which my medical registration had lapsed. [REDACTED] suggested it may have been 13/1/2011.

On 3/3/2011 I contacted AHPRA to find out how the application process was going. [REDACTED] advised me that it was being processed and that I would be notified by e-mail immediately my re-registration was confirmed. I advised him that I was hoping to be able to keep some appointments in the afternoon and he suggested that I check my e-mails every couple of hours. I was keen to get back to work, especially as one of my nursing home patients had

become critically ill. Thankfully, another doctor in our practice was able to visit her and give suitable instructions to the nursing home staff as to her care. [REDACTED] also advised me regarding the process of backdating of registration, but he was unable to give me a time-frame in which it would be processed.

On the morning of 4/4/2011 I checked the on-line public register of medical practitioners and noted that I now was back on the register had a new number, confirming that I had been reregistered. However, the detail of the expiry of registration still said 12/2/2011, but that was a common flaw of the on line register as noted in one of the e-mails above. My nursing home patient had died, so I was able to prepare her death certificate. Neither her family nor the nursing home staff had any complaints about her medical care, and her death had been expected. I was able to contact the Emergency Department of the [REDACTED] Base Hospital that I would be able to carry out my normal shift on a Friday evening. However, I did not receive the promised e-mail confirming my re-registration till after 5pm that evening. The following is that e-mail:

From: [REDACTED]
Date: Fri, Mar 4, 2011 at 5:52 PM
Subject: AHPRA Renewal
To: [REDACTED]
Dear Dr Gaffney,

I refer to your previous communication with my colleagues and advise that the renewal of your registration has now been completed. Your updated details should be visible on the online register later this evening and you will receive a certificate and receipt in due course. My apologies for any inconvenience this issue has caused you.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Australian Health Practitioner Regulation Agency

G.P.O. Box 9958 | Sydney NSW 2001 | www.ahpra.gov.au

Also on 4/3/2011 I received a letter from Medicare stating that my registration had lapsed on 18/2/2011. This was the first and only formal notification of my de-registration that I received.

I arranged to see several of the patients whom I was concerned about on 5/3/2011. Medicare claims at this point could not be processed as Medicare had not been notified by AHPRA that my registration had been reinstated. Medicare has since been notified.

The following week, our senior office staff member contacted AHPRA to check on the progress of the backdating of my re-registration. She was informed that a request for this would have to be sent in writing! There was no reference to the two faxed requests that had already been sent. A further fax requesting backdating of registration was sent and this has now been processed.

In the meantime, I am aware of only one patient who has complained to our practice of inconvenience as a result of the lapse in my registration. He was referred by me to a specialist and was unable to claim Medicare rebate for the consultation as the referral was done when I was deregistered. This has now been rectified.

I received a phone call from [REDACTED], AHPRA NSW [REDACTED], on 23/3/2011 to apologise for the lapsing of my registration. She explained that it was due to human error. I accept that human error contributed to the problem, but the overall inefficiency of AHPRA's system allowed a human error to result in my deregistration. [REDACTED] explained that I was not notified of pending deregistration as AHPRA did not have my e-mail address or mobile phone number on file. The NSW Medical Registration body had not collected this information. You will note that I had been sent two e-mails from AHPRA in January. I understand that more methods of contacting health professionals of impending deregistration will be utilized from now on. Yesterday I received a certificate of my current registration in the post, and the on-line register of health practitioners now correctly states my registration details. The following is the e-mail I received from [REDACTED]:

From: [REDACTED]
Date: Wed, Mar 23, 2011 at 10:52 AM
Subject: Registration issues
To: [REDACTED]

Dr Gaffney

Thank you for your time on the telephone this morning. I appreciate you confirming for me the issues in your contact with AHPRA. I confirm my apology for the human error within our office which led to your registration lapsing and for the very significant consequences of that error for you, your practice and your patients.

I also confirm that advice was provided to Medicare Australia on 9 March 2011 that your registration had been lapsed in error and had been reinstated without any gap in registration dates. I trust this will enable you and your patients to follow up any outstanding matters with Medicare.

Whilst I sincerely hope your future contacts with AHPRA enable seamless continuation of your registration, you should not hesitate to contact me if you wish to discuss this or any other matter.

regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

Australian Health Practitioner Regulation Agency

G.P.O. Box 9958 Sydney NSW 2001 | www.ahpra.gov.au

Thank-you for your attention to this submission,

Sincerely,

Sandra Gaffney