

Administration of Registration and Notifications by the Australian Health Practitioner Regulation Agency and related entities under the Health Practitioner Regulation National Law

Australian Psychological Society | April 2021



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We acknowledge the Traditional Custodians of the lands and seas on which we work and live, and pay our respects to Elders, past, present and emerging, for they hold the dreams of Indigenous Australia.

Introduction

The Australian Psychological Society (APS) is the peak body for psychologists in Australia representing over 27,000 members. Our psychologists are required to be registered with the Australian Health Practitioner Regulation Agency (AHPRA), and to abide by their standards to deliver psychological services to Australians in a range of settings.

The APS welcomes the opportunity to respond to the The Senate Community Affairs References Committee inquiry into the administration of registration and notifications by the Australian Health Practitioner Regulation Agency and related entities, under the Health Practitioner Regulation National Law.

Summary

The APS supports current inquiries into regulation of administration of AHPRA and other entities, as we anticipate that this will help to improve regulatory processes and systems for psychologists, so delivering safer, high quality psychological care under the government's current mental health reform agenda.

While our member psychologists enjoy being part of a world-class health care system, one which ensures quality and consistency, there are significant areas of concern with some of AHPRA's existing registration and notification processes. We applaud the government for their timely review of this critical area of healthcare regulation, as we believe that there is genuine opportunity for transformational change of its administration.

In summary we recommend the government considers:

- Shortening and streamlining registration and notification processes.
- Overcoming prohibitive costs of supervision and implementing a government subsidised supervision and incentive scheme for those participant intern psychologists who agree to work in regional and rural locations for a defined period.
- Seeking solutions for better alignment of skills assessment between Australian and overseas qualifications, to minimise the loss of well-trained psychologists from the under-resourced mental health workforce.
- Prioritising registration processes for postgraduate psychology students and interns, and allowing provisional psychologists to provide Medicare-funded services under the supervision of Board approved supervisors, to increase both postgraduate student placement and internship opportunities.
- Providing reasonable and stated timelines for investigations, and any subsequent registration conditions, and equity in processes across states and territories.

Current standards for registration

a. The current standards for registration of health practitioners by the Australian Health Practitioner Regulation Agency (AHPRA) and the National Boards under the Health Practitioner Regulation National Law (National Law);

The APS supports and endorses the current standards for registration of psychologists. However, we note that unlike other professions, psychological Areas of Practice Endorsement (AoPE) relate to qualification and expertise gained in training pathways, without direct correlation with areas of practice. This has the potential to create confusion for both the public, and other non-psychological professionals. For example, non-psychologists often use the word “clinical” to describe psychologists working in a clinical setting (or in “clinical practice”), which can be confused with the “clinical” AoPE. ([NHWDS survey data](#) shows that 88% of psychologists are clinicians, however only a quarter of psychologists are endorsed to hold the title of ‘clinical psychologist’ according to current [Psychology Board of Australia Registration Statistics](#).) Further clarity around the use of terms would reduce confusion when seeking referral to psychologists without an AoPE e.g. “psychologist in clinical practice”.

Further, the current standards for registration need to be reviewed in light of the evolving changes to the training and accreditation pathways for psychologists in Australia - including the phasing out of the 4+2 registration pathway, the growing number of 5+1 Masters programs, and post-graduate AoPE bridging programs.

Recommendations:

- Clarity, education and greater awareness is required regarding the use of protected titles.
- Regular review of the standards for registration is required to reflect the changing landscape of training of psychologists in Australia.

Concerns about practice and conduct

b. The role of AHPRA, the National Boards, and other relevant organisations, in addressing concerns about the practice and conduct of registered health practitioners;

AHPRA, as the assessing and investigating body of practice and conduct notifications, should clearly identify specific issues to be responded to by the psychologist at the first stage of assessment. The notifier may remain anonymous at this stage *without* significant impact on fairness to the health practitioner.

AHPRA assessments and investigations should operate under clear standing orders and directions of the relevant National Boards as the primary authority in overseeing relevant health streams. Any differences between the National Boards and AHPRA on regulatory matters, should not be dealt with during an investigation, but rather through separate channels of resolution.

If a notification requires further investigation following assessment, full details and particulars of the notification, and its impact, or potential impact on the public, should be provided to the health practitioner. At this stage psychologists under investigation should be provided with information about the notifier and the specific practice and/or conduct under consideration. This will enable the psychologist to respond fully and obtain necessary consents and authorities. Allowing the notifier to remain anonymous during this stage of the investigation has the potential to negatively impact on the fairness of the process for the psychologist.

Recommendations:

- Identify issues to be responded to by psychologist at first assessment stage.
- Differences between AHPRA and National Boards should be dealt with outside the context of investigations.
- Inform psychologists about the identity of the notifier once it is determined that a notification will proceed.

Arrangements for practitioners subject to supervised practice

c. The adequacy and suitability of arrangements for health practitioners subject to supervised practice as part of the registration process or due to a notification;

Supervision as part of registration can be cost-prohibitive and hard to secure. There is a lack of available supervisors, in part due to the onerous nature of the task and the excessive administration requirements of supervision. This makes it challenging for psychologists to progress from provisional to full registration, and furthermore discourages many from completing the extra requirements for areas of practice endorsement.

Long delays often occur for provisionally registered psychologists to become fully registered due to infrequent Board meetings and a backlog in case-loads. In addition, confusing administrative forms and stated 'wait times' being missed, contribute to further delays which can cause stress, frustration and financial impacts.

It is also difficult for practitioners who are required to undertake conditional supervision due to a notification to find experienced supervisors who are willing to provide this kind of supervision. This is especially true for practitioners with an AoPE and those who have many years of experience. This issue is compounded by the short timeframe for psychologists to source a supervisor following a notification.

The APS recognises the value in supervision following a notification as protection of the public is paramount. Generally, this works well with sufficient detail about the notification and clarity around areas to be addressed being provided. However, on occasion supervision requirements can be (unintentionally) punitive. While prioritising protecting the public, balance is required between enforcing the notification and potential serious disruption to the psychologist's, work, life and professional standing. Supervision is also extremely costly at a time when earning capacity may be limited.

In addition, consultation between AHPRA and accredited supervisors could be incorporated into the requirements for mandatory supervision of practitioners under notification. This would help to ensure that supervisors are aware of the risks posed to the public in relation to supervised practice.

Recommendations:

- Implement a government-subsidised supervision scheme whereby participant intern psychologists agree to work in regional and remote locations for a defined period. The APS is ready to help with implementation of such a scheme, with appropriate funding.
- Provide support for AHPRA to process registration applications in an efficient and timely manner.
- Review supervision requirements for psychologists following a notification to ensure that they balance public safety with acceptable levels of disruption to practitioners.

Overseas qualified health practitioner registration

d. The application of additional requirements for overseas-qualified health practitioners seeking to become registered in their profession in Australia;

The APS has been the National Assessing Authority for the Department of Home Affairs since 2000. Previously, the APS assessment was used for migration, registration and university entry purposes. In June 2016, AHPRA made the decision to conduct their own qualifications assessment for all registration purposes (provisional and general). This caused significant impact on individual applicants, as they are now required to have their qualifications assessed by the APS for migration purposes, with another assessment completed by AHPRA for registration purposes. This has also resulted in additional stress and financial burden to overseas psychologists.

Furthermore, it has also caused confusion regarding the difference between assessments for migration purposes versus assessment for registration to practice. Additional confusion is caused when the APS and AHPRA provide different assessment results.

The lack of alignment between overseas and Australian competencies at different levels of training leads to challenges associated with the assessment of overseas qualifications and decisions around eligibility for general and/or AoPE registration.

Feedback from overseas-qualified psychologists seeking registration in Australia is that the process is extremely lengthy and onerous. Some overseas-qualified psychologists report that they have become registered in New Zealand, prior to registering in Australia, as this enables them to make use of the Trans-Tasman Mutual Recognition Agreement. Reportedly, the New Zealand's processes are far less onerous and time-consuming.

Recommendations:

- Provide ongoing education and clarity about the dual assessment process for migrant psychologists.
- Seek solutions for appropriate skills assessment alignment between Australian and overseas qualifications to minimise the loss of well-trained psychologists from the under resourced mental health workforce.

Role of universities in registration of students

e. The role of universities and other education providers in the registration of students undertaking an approved program of study or clinical training in a health profession;

There is some inconsistency regarding when students undertaking an approved program of study are required to be registered. Some universities do not permit students to commence study until registration is approved. Other universities allow students to commence their studies without registration, but not their placements.

Inefficient registration processes can lead to delays for postgraduate students commencing studies and/or starting placements. This has the potential to jeopardise the studies and professional futures of trainee psychologists.

It can be difficult to find placements for postgraduate students, and for graduates to secure internships. In some cases, this is due to provisional registration status.

Recommendations:

- The APS calls for greater consistency between universities regarding regulations around provisional registration requirements for postgraduate students.
- Prioritising registration processes for postgraduate psychology students and interns.
- Allow provisional psychologists to provide Medicare services under the supervision of a Board approved supervisor to increase both postgraduate student placement and internship opportunities.

Support available when subject to notifications

f. Access, availability and adequacy of supports available to health practitioners subject to AHPRA notifications or other related professional investigations;

The notification and investigation process can cause significant stress for psychologists. One in five (complex matters) can take over a year to complete which may negatively affect a practitioner's mental health. The AHPRA website encourages psychologists under review to seek support from their networks, professional bodies, indemnity insurers or other resources.

Recommendations:

- While the APS does not see AHPRA's role as providing emotional support to psychologists under investigation we call for improved transparency and timeliness of the notification and conditional process to help to reduce their stress.

Timeliness of AHPRA's investigations

g. The timeliness of AHPRA's investigation of notifications, including any delays in handling, assessment and decision-making, and responsiveness to notifiers;

The role of AHPRA in undertaking investigations of notifications is difficult and due diligence must be observed. However, according to the AHPRA website, over half of notifications take longer than 3 months to close. This is a long period of time, and may cause high levels of stress for practitioners under investigation. In addition, there may be a direct impact on the practitioner's financial stability during this period. APS members advise there can also be marked inconsistencies in process and timeframes between jurisdictions, from states where matters are handled by State Commissions, as opposed to those where practitioners must deal with AHPRA directly.

Consideration both during the assessment and investigation stages, should be given to interviewing the notifier and the health practitioner, in addition to gathering written material. Such interviews could occur remotely and be voluntary, but if undertaken could assist the assessment and investigation process to reach an earlier conclusion.

Recommendations:

- Draw-up clear, reasonable timelines at the commencement of an investigation, with any deviations only being permitted with valid reasons and with all parties being kept informed at relevant times during the process.
- Implement interviews as a usual procedural practice in investigations to expedite the process for both notifier and psychologist.

Conflict of interest

h. Management of conflict of interest and professional differences between AHPRA, National Boards and health practitioners in the investigation and outcomes of notifications;

The Psychology Board of Australia and State Boards needs to reflect the diversity of the profession to ensure that all psychologists are represented and treated without bias when decisions about whether "reasonable practice" and "reasonable standards" are being applied to psychologists when under investigation.

Provided timelines are reasonable and maintained, there should be no reason to change the investigating officer. However, if circumstances dictate a change due to a conflict of interest, then all parties should be alerted to the change and steps implemented to ensure that the process continues as commenced.

Investigators should be required to remain impartial and not appear to either the notifier or psychologist to be simply accepting one party's perspective over the other.

In a profession where senior practitioners increasingly operate in private practice settings, care should be taken to ensure that the remuneration paid to Board members, council members, and contracted psychologists in investigatory roles, is commensurate and competitive with current market fees for psychologists with seniority in the profession and expertise in their field. This will help to ensure that Board members are appropriately experienced.

Recommendations:

- Ensure that the representatives on national and state Boards reflect the diversity of the profession of psychology (including their experience and seniority) for the purposes of investigation of notifications.
- Make provision to ensure the same investigating officers manage investigations of notifications end-to-end.
- Investigations need to be focussed, and appear to be focussed, on the risk to the public rather than responding to the notification.

Role of independent decision-makers

i. **The role of independent decision-makers, including state and territory tribunals and courts, in determining the outcomes of certain notifications under the National Law;**

To ensure independent evaluation of complaints, there is a need for greater transparency in Psychology Board of Australia processes to clearly outline at which point independent decision-makers are involved in determining the outcomes of notifications. APS members report unreasonable differences between states in how people are investigated and treated.

Recommendation:

- For the sake of equity, national consistency is required across investigations by state and territory.

Mechanisms of appeal

j. **Mechanisms of appeal available to health practitioners where regulatory decisions are made about their practice as a result of a notification;**

The cost of appealing against rulings relating to psychologist's registration and right to practice can be prohibitive. In addition, the time taken to appeal to a separate tribunal may be extremely stressful and lead to a further loss of earnings.

Current information on the AHPRA website lacks clarity on whether appeals can be made based on procedural fairness.

Recommendations:

- Provide additional information on the AHPRA website regarding the appeal process, to include potential costs and case studies.
- Clarify the terms on which an appeal can be based on procedural fairness.

Finally

Any other related matters;

- AHPRA charge psychologists a registration fee upfront. However, confirmation of registration can take several weeks. As a result, psychologists may suffer loss of opportunity and income which need to be addressed.
- The administration of notifications may be strengthened if AHPRA recognised that some psychologists are more likely to receive complaints than others. For example, psychologists working in forensic settings who provide evaluations within a legal context. Parties are often adversarial and, therefore, may be more inclined to make complaints to regulatory bodies, e.g. a consumer who may feel unfairly impacted by a legal outcome irrespective of the psychologist's ethical or professional conduct.