



National Health
Practitioner
Ombudsman

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Practitioner Ombudsman**

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Monday 11 October 2021

Senate Community Affairs References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senate Community Affairs References Committee

Questions on notice

I thank the Committee for the opportunity to provide information in relation to its 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.

I attach my office's response to the questions on notice following the hearing on Wednesday 22 September 2021.

I welcome any further questions or queries from the Committee.

Yours sincerely

Richelle McCausland

National Health Practitioner Ombudsman
National Health Practitioner Privacy Commissioner

Question one

Senator FAWCETT: In a section of your submission talking about supervised practice you make the observation that there are more complaints from the profession of psychology than doctors and others, and you say that's inconsistent with the overall trends. Could you talk to the committee as to why you think that is the case? Are there any factors that you can identify?

Ms McCausland: I think that might be a factor of the way that training is undertaken, in that particular profession, where there is more supervised practice. But I could go and have a look more closely at that particular data and take the question on notice, if you would like.

The office of the National Health Practitioner Ombudsman (NHPO)'s submission to the inquiry provided a snapshot of complaints the office received that related to supervised practice between September 2020 and March 2021.

During this period, the NHPO identified approximately 20 complaints that related to supervised practice. The office observed that it received more complaints about supervised practice from practitioners in the psychology profession than the medical and nursing professions. This was inconsistent with overarching complaint trends because the NHPO generally receives more complaints about the medical and nursing professions than the psychology profession.

The NHPO notes that due to the small number of complaints received, it is difficult to draw broader conclusions about why this trend was observed. However, the NHPO notes that there appear to be more supervision requirements to attain general registration as a psychologist compared with other professions. To become a psychologist, applicants must undertake an internship during which the practitioner is provisionally registered and has a supervisor approved by the Psychology Board of Australia. In comparison, for example, there is no requirement for a period of supervised practice before general registration can be obtained by a graduate in the nursing and midwifery professions.

The Australian Health Practitioner Regulation Agency's (Ahpra) 2019–20 annual report data suggests that the psychology profession has a higher proportion of registrants with provisional registration when compared with other professions.¹ This could lead to more complaints about supervised practice flowing on to the NHPO in relation to the psychology profession.

However, the NHPO would like to provide the Committee with information about the complaints related to supervised practice it has received since it drafted the submission to the inquiry. This data suggests that the trend observed by the NHPO in September 2020 to March 2021 is not reflected in the office's data for the full financial year.

During 2020–21 the NHPO received 36 complaints related to supervised practice, including nine complaints related to each of the medical, nursing and psychology professions (see Table 1). The psychology profession is therefore not as overrepresented in this data as

¹ Ahpra, Annual report 2019–20, November 2020. Accessed October 2021: <https://www.ahpra.gov.au/Publications/Annual-reports/Annual-Report-2020.aspx>

during the reporting period of September 2020 to March 2021. This suggests that the NHPO may receive more complaints from applicants related to the psychology profession at specific times of the year. For example, this may be due to timeframes around satisfying relevant internship requirements.

Table 1: Complaints related to supervised practice by profession

Profession	Number of complaints
Medical	9
Nursing	9
Psychology	9
Occupational Therapy	2
Paramedicine	2
Pharmacy	2
Chinese Medicine	1
Dental	1
Physiotherapy	1

Question two

Senator GREEN: To the ombudsman: in your submission, under term of reference (d), you talk about the additional requirements for overseas qualified health practitioners and some of the complaints that AHPRA receives related to requirements for overseas qualified health practitioners. I was really interested in the data you provided us, which has a breakdown of the ELSR standard related complaints and who that relates to. Of those complaints, 72 per cent relate to nursing. Have you got data that you can provide the committee as to where those nurses are located? Are they in aged care, hospitals or other areas of health?

Ms McCausland: That's an interesting question around the data we can provide. In terms of the data we collect from complainants, we could share information about the location in terms of the state or jurisdiction they are located in. But in terms of their employment, around where they are employed, that's not information we have on hand.

Senator GREEN: Is that because you don't collect that information? Would we have to ask AHPRA for the breakdown? Seventy-two per cent is a very large portion of those complaints. I'm interested to understand whether they're predominantly in the aged-care system, hospitals or other areas.

Ms McCausland: The other thing that is important to think about in that context is: this is people seeking registration, so they might not yet have a role that's confirmed. I could perhaps liaise with AHPRA and see if we could provide some clarity around that information; I can take that as a question on notice.

Senator GREEN: Great. Thank you.

It is a requirement for nurses and midwives to be registered by the Nursing and Midwifery Board of Australia (the NMBA) to practise their professions in Australia. The complaints the NHPO receives related to the NMBA's English Language Skills Registration Standard (the NMBA Standard) from nursing or midwifery applicants are therefore generally made by those who are not yet employed as a nurse or midwife. These applicants are generally seeking to meet the necessary registration requirements so they can secure employment.

In 2020–21 the NHPO identified the English Language Registration Standard as an issue 25 times. Most of these issues were identified in relation to the NMBA Standard (19).

A qualitative analysis of these matters found that there was generally no mention of employment or employment opportunities by the complainant. However, some complainants did mention this information, including:

- two complainants who mentioned that they were working in other roles at a nursing home
- two complainants who mentioned they were working as nursing assistants
- one complainant who had been shortlisted for a position as a midwife in a remote region.