

**Question on notice no. 9**

**Portfolio question number: Ahpra-078**

**2023-24 Supplementary Budget estimates**

**Community Affairs Committee, Australian Health Practitioner Regulation Agency Portfolio**

**Senator Alexander Antic:** asked the Australian Health Practitioner Regulation Agency on 26 October 2023—

- (1. Could AHPRA please provide details on the number of medical practitioners currently suspended under Section 156 of the National Law (as of 1 October 2023) .
2. For each practitioner, please provide the reason for suspension and duration of suspension to date.

**Answer —**

Please see attached.

# Senate Committee: Community Affairs Committee

## QUESTION ON NOTICE

### Supplementary Budget Estimates 2023-2024

**Question Subject:** Medical practitioner – IA suspensions as at 1 October 2023

**Type of Question:** Written

**Senator:** Alex Antic

#### Questions:

1. Could AHPRA please provide details on the number of medical practitioners currently suspended under Section 156 of the National Law (as of 1 October 2023).
2. For each practitioner, please provide the reason for suspension and duration of suspension to date.

#### Answer

Section 156 of the Health Practitioner Regulation National Law as in force in each state and territory (the National Law) enables a National Board to take immediate action in relation to a registered health practitioner in particular circumstances.

As at 1 October 2023, there were 97 medical practitioners with open matters suspended by a National Board under the *immediate action* provisions of the National Law.

Of those, 35 medical practitioners have been referred to a Tribunal for consideration of professional misconduct. This means the final duration of suspension is largely outside of the control of Ahpra and is largely dependent on Tribunal timeframes for decision.

Of the remaining 62 medical practitioners who are suspended with open matters being managed by Ahpra:

- 27.4% have been suspended for less than 6 months
- 14.5% have been for between 6 months and 1 year
- 24.2% have been suspended for between 1 and 2 years
- 27.4 % have been suspended between 2 and 3 years
- 6.5 % have been suspended between 3 and 4.2 years.

The median time of suspension for these practitioners is 507 calendar days, with a range from 5 days to 1,559 days.

Around half of the 62 suspended medical practitioners (50%) were the subject of criminal or other proceedings, or convictions during the period of the notification. The investigation of these matters could not be progressed by Ahpra or a National Board because, for example, doing so could inappropriately interfere with enquiries being made by police or other, open legal proceedings. The timeframes for these external processes are outside our control and added, on average, an additional 207 days (around 16 months) for those matters where our regulatory processes could not be progressed.

Confidentiality provisions in the Health Practitioner Regulation National Law prevent us from disclosing protected information or commenting on individual matters unless that information is publicly available such as conditions on the [public register of practitioners](#) or an outcome of a tribunal hearing. This includes disclosing whether a practitioner is being investigated or any other regulatory action that may be on foot.

The range of issues brought to our attention that led to immediate action being taken include:

- Aggressive behaviour
- Boundary violation
- Breach of condition/undertaking
- Breach of infection control procedure or standards
- Cognitive impairment
- Cosmetic surgery, procedure or treatment
- Criminal offences
- Discrimination
- Dishonesty offences
- Drugs and poisons offences
- Inadequate or inappropriate follow up or review following treatment
- Inadequate or inappropriate monitoring
- Inadequate or inappropriate procedure
- Inadequate or inappropriate treatment
- Inappropriate discharge or transfer
- Inappropriate disclosure of patient information
- Inappropriate sexual comments
- Inappropriate sexual contact
- Inappropriate sexual relationship
- Inappropriate, unlawful or inaccurate dispensing or prescribing of medication
- Medicare offence
- Mental illness
- Misuse, abuse or addiction – Drugs
- Other inappropriate relationship (non-sexual)
- Providing care beyond scope of practice
- Sexism, harassment and/or violence (peer-peer)
- Sexism, harassment and/or violence (practitioner-patient)
- Sexual offence
- Threats, bullying, harassment, reprisal or intimidation
- Advice with no proper clinical basis/contrary to accepted medical practice, coupled with:
  - Breach of condition/ undertaking
  - Health record - inadequate or inaccurate or misleading; Health record – inappropriate maintenance or disposal; Inappropriate, unlawful or inaccurate prescribing; Medical Certificate - inaccurate, backdated, invalid or improper
  - Inadequate or inappropriate treatment; Inappropriate administration - Medication; Inappropriate supply – Medication
- Violence/Physical Assault