

Health, Communities, Disability Services and Domestic and Family Violence Prevention Comr

From: Louise Nash [REDACTED]
Sent: Sunday, 25 November 2018 3:39 PM
To: Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee
Subject: 010 Input into mandatory reporting national law
Attachments: journal-of-law-and-ethics-article-data.pdf

[REDACTED] [REDACTED]

Dear Queensland parliamentary inquiry into the National Law re mandatory reporting for health professionals.

I support change to this law such that a treating health professional does not have to mandatorily report a patient health professional if they are not fit to practice due to ill health.

However, the treating health practitioner would still have an ethical duty to report them if they were continuing to practice and were a danger to the public. This ethical duty continues above all, but the law as it stands I believe may stop some health practitioners seeking help.

If a patient health practitioner seeks the advice of a treating health practitioner, it is likely they can work out a plan for treatment that includes time off work. However, if the unwell health practitioner will not seek help due to fear of mandatory reporting, they are indeed a greater risk to the public and themselves.

I am of this opinion due to the concern that medical students and junior doctors have early in their career that seeking help could impact on their registration

(Beyond Blue, National Mental Health Survey of Doctors and Medical Students 2013, http://www.beyondblue.org.au/docs/default-source/default-document-library/bl1132-report---nmhdmss-full-report_web)^B

even though it may be highly unlikely that the treating health practitioner would need to report them. I do not oppose the other aspects of the law, only the treating health practitioner need to report.

As stated already, an ethical obligation remains to protect the public - but the law as it stands may keep people from seeking treatment.

I also advise you that NSW Ministry of Health supports a change to the law, and I quote the NSW Health JMO wellbeing and support plan 2017:

"Mandatory reporting changes

Action amendments to the mandatory reporting legislation to exempt treating practitioners from the mandatory reporting notification requirements in cases of impairment. Mandatory reporting is currently seen as a barrier to sta seeking treatment when they are experiencing mental health issues as they are concerned that the treating practitioner will report them to the NSW Medical Council under the mandatory reporting legislation, and the subsequent impact this may have on their career prospects."

I am a co-author on the attached paper on the National Law published in 2014. It was written with lawyers expert in the field and two doctors with expertise in doctors' health (Dr Kay and me).

Goiran, N., Kay, M., Nash, L., & Haysom, G. (2014). Mandatory reporting of health professionals: the case for a Western Australian style exemption for all Australian practitioners. *Journal of Law and Medicine*, 22, 209-220

I hope you will consider this publication. I have not looked at the data on numbers of mandatory reports since the time of this publication.

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