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By Email: hcdsdfvpc@parliament.qld.gov.au
To the Research Director
Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee
Parliament House
George Street
Brisbane QLD 4000

**Re: Doctors' Health Advisory Service (Queensland) Submission
to the
Inquiry into the Performance of the Queensland Health Ombudsman's Functions**

We would like to thank the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for providing the opportunity to contribute to the Inquiry into the Performance of the Queensland Health Ombudsman's Functions. The Doctors' Health Advisory Service (Qld), (DHAS(Q)) has been providing peer support, advice, and mentorship for Queensland doctors and medical students for over thirty years. We also contribute to leading research into doctors' health through our membership of the Australasian Doctors Health Network. DHAS(Q) has also been awarded a contract from Doctors Health Services Pty Ltd, a partnership between the Medical Board of Australia and the Australian Medical Association, to deliver the Queensland Doctors' Health Programme. We are therefore uniquely placed to provide comment on the impact of the medical regulatory regime on the health of medical practitioners.

At the outset, we would like to acknowledge the importance of the national regulatory regime, including the Queensland Office of the Health Ombudsman, in providing a valuable safeguard to the public from unsafe practitioners. However, we wish to raise significant concerns around the current processes and their impact on individual medical practitioners.

There is a considerable volume of literature on the impact that notification to a regulatory body can have on a medical practitionerⁱ. This can include acute distress, anxiety, and suicidal ideationⁱⁱ. In addition, the stigma of having a notification made against them and the perceived threat to their career can drive these practitioners away from support services and dramatically increase their vulnerability to significant health impacts. Additionally, many practitioners experience significant stress from the knowledge that a patient was driven to make a notification against them as a result of a deficiency, whether actual or perceived, in their practice.

Whilst we acknowledge, and accept, that the first priority of a medical regulatory regime must be to protect the public, there must be recognition that the medical practitioner, as the subject of the complaint, will also require significant support. Failure to do so, especially where the complaint is vexatious or trivial, can cause catastrophic damage to the medical practitionerⁱⁱⁱ.

The medical practitioner should also be able access support from their peers, their personal health providers, and their legal support team without fear or recrimination.^{iv}

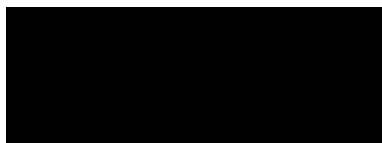
To minimise the devastation to the individual medical practitioner as a result of the current regulatory system we believe it is important that the following elements are met in all assessments and investigations;

1. That the doctor is appropriately supported throughout their engagement with the medical regulator, from the initial notification that the doctor is under investigation and ongoing throughout the process; and
2. That the assessment and/or investigation be undertaken in a fair and transparent manner; and
3. That the assessment and/or investigation is undertaken in an efficient and timely manner, without unnecessary procedural delay as this causes considerable distress.

We feel that the Queensland Office of the Health Ombudsman has a responsibility to ensure that each of these elements is present for each case. We note that providing these elements would engender confidence in the current arrangements from both the profession and the public and would, most likely, result in more collaborative outcomes enabling the delivery of safe care for the community as a result of this improved trust in the system.

The DHAS(Q) would consider it highly desirable that the Queensland Health Ombudsman regularly engage with experts in the field of doctors' health to ensure its processes meet the elements discussed above. This is a matter of safety as the doctors involved are at considerable risk. We would be pleased to offer our expertise to ensure the Queensland Office of the Health Ombudsman and the Inquiry are aware of the long term health issues that can result from prolonged regulatory and medico-legal events and their impact on the individual practitioners.

Yours Sincerely,



Dr Frank New
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ⁱ Bourne T, Wynants L, Peters M, et al. The impact of complaints procedures on the welfare, health and clinical practise of 7926 doctors in the UK: a cross-sectional survey. *BMJ Open* 2015;4:e006687. doi:10.1136/bmjopen-2014-006687

ⁱⁱ Brooks S, Chalder T, Gerada C. Doctors vulnerable to psychological distress and addictions: Treatment from the Practitioner Health Programme. *J Ment Health* 2001; 20:e2. doi:10.3109/09638237.2011.556168

ⁱⁱⁱ Nash L, Tennant C, Walton M. The psychological impact of complaints and negligence suits on doctors. *Australian Psychiatry* 2004; Vol 12, No3

^{iv} Brooks SK, Del Busso L, Chalder T, et al. 'You feel you've been bad, not ill': Sick doctors' experiences of interactions with the General Medical Council. *BMJ Open* 2014;4:e005537. doi:10.1136/bmjopen-2014-005537