

Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022

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Submitted by: Queenslanders with Disability Network Ltd (QDN)
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31 May 2022

Committee Secretary
Health and Environment Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Committee Secretary

Re QDN’s submission to the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022

Queenslanders with Disability Network (QDN) is pleased to provide this response to the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022.

QDN is an organisation of, for, and with people with disability. The organisation’s motto is “nothing about us without us”. QDN operates a state-wide network of over 2,000 members with a diverse range of disability types and supporters who provide information, feedback and views from a consumer perspective to inform systemic disability policy and disability advocacy.

QDN understands the National Registration and Accreditation Scheme (NRAS) was established in 2010 so there would be one scheme for registered health professionals in Australia. QDN understands that in Queensland, the NRAS or National Scheme works in a co-regulatory environment with the state’s Health Practitioner Regulation National Law

QDN is aware the proposed Bill amends the Health Practitioner Regulation National Law (National Law), as agreed by Australian Health Ministers on 18 February 2022. The Bill implements a range of reforms which aim to update and improve the co-regulation of Queensland’s healthcare workforce.

QDN understands the main objectives are to:

- strengthen public safety and confidence in the provision of health services
- improve the governance of the National Registration and Accreditation Scheme for health professionals (National Scheme)
- enhance the effectiveness and efficiency of the scheme.



QDN welcomes key reforms in the Bill which include:

- refocusing the objectives and guiding principles of the National Law to make public safety and confidence paramount considerations, and to recognise the National Scheme’s role in ensuring the development of a culturally safe and respectful health workforce for Aboriginal and Torres Strait Islander Peoples
- introducing a power for national regulators to issue interim prohibition orders to prohibit or restrict unregistered practitioners from providing health services or using protected titles, similar to the power already given to the Health Ombudsman in Queensland
- introducing a power for the Health Ombudsman and national regulators to issue public statements about persons whose conduct poses a serious risk to public health and safety
- removing barriers to information sharing to protect the public and enable more efficient and appropriate resolution of notifications
- improving processes by which National Boards make registration decisions and manage health, conduct and performance issues.

QDN gives in principle support to the reforms in this draft legislation. QDN welcomes practices that increase transparency of health providers and allows health consumers access to information that puts them in the driver’s seat when choosing the best medical practitioner to meet their needs. QDN acknowledges the proposed reforms go a long way to improving consumer confidence so that people can make informed choices about their health needs.

Traditionally, people with disability have experienced many challenges in getting their health needs met as the health system remains largely inaccessible. For example, it is commonly understood that:

- When people with disability access health care, they often experience stigma and discrimination, and receive poor quality services.
- There is an urgent need to scale up disability inclusion in all levels of the health system, particularly primary health care.
- People with disability are disproportionately affected during the COVID-19 pandemic.

QDN offers a range of strategies to ensure the health needs of people with disability are better met:

- Ensuring that people with disability are represented on government boards and panels responsible for making public health decisions, “nothing about us, without us” – this will ensure the needs of people with disability remain front and centre in the health sector.
- Ensuring health services and products go through a co-design process with people with disability from the design stage through to evaluation to ensure they are inclusive of people with disability.



- Ensuring health practitioners undergo training to work with people with diverse disabilities.

QDN is in support, generally, of the proposed amendments to the Health Practitioner Regulation National Law and Other Legislation, as contained in the National Law Amendment Bill 2022. QDN supports the aims of the Amendment Bill to ensure effective operation in Queensland, given the co-regulatory environment with the National Registration and Accreditation Scheme (NRAS). It is important that the amendment work to enhance the effective operation of the scheme between the two regulatory entities (Office of the Health Ombudsman (OHO) and National Agency), to ensure the safety of health services provided by both regulated and unregulated health professions. To ensure the scheme remains up-to-date and fit for purpose, the timely collaboration of the OHO and National Scheme is essential for the effective administration of complaints and notifications.

QDN is in support of refocusing the guiding principles and objectives to strengthen the focus on public safety and confidence in health services – to, in effect, bring the National Law and National Scheme into alignment with guiding principles and regulatory decision-making across all entities and across all decisions about accreditation and registration standards, registration decisions and decisions to take health, conduct or performance action against a practitioner. QDN welcomes the National Law Amendment’s acknowledgement to recognise the National Scheme’s role in ensuring the development of a culturally competent, safe and respectful health workforce that is responsive to Aboriginal and Torres Strait Islander Peoples and their health and that contributes to the elimination of racism in the provision of health care services.

QDN commends the recent roll-out of the Shared Code of Conduct under the National Scheme and recommends that the National Law amendments make specific inclusion and application of this code to the unregulated health workforce, as this would help to achieve the guiding principles and objectives of the National Law. Though the Shared Code of Conduct currently applies to twelve of the sixteen regulated health care professions, it introduces reflective practice guidance and conduct principles that are pivotal to achieving culturally safe and respectful health care provision.

People with disability will also benefit from the application of the shared code of conduct across the unregulated and regulated health workforce they depend upon each day. People with disability can be subjected to the assumptions and prejudices of practitioners who have not come to reflect upon health care provision from a human rights perspective, including the right to make decisions about health care and be fully supported to do so. This can adversely affect health outcomes for people with disability.

QDN notes the Statement of Compatibility with the Human Rights Act 2019 by the Minister for Health and Ambulance Services and agrees the identification of human rights is most relevant,



particularly *'rights related to the standard of health services provided by health practitioners (notably the right to life, the right to security of the person, and the right to health services)'*. QDN asks that the Minister consider application of this provision to persons with disability who may be experiencing domestic and family violence or coercive control at the hands of their carers and informal supporters, given the recent consultation on proposed legislation making such abuse unlawful in Queensland.

QDN believes all health practitioners who work with people with disability must undergo specific accredited training to equip them to work effectively with people with disability. This training should be co-designed and lead by people with disability. This legislation would cover any worker who is not covered by existing legislation or regulation if they work with people with disability.

Finally, QDN notes the National Law amendment is consistent with fundamental legislative principles to the degree it is possible while minimising the impact of potential departures through the framing of the amended bill. QDN notes the importance of balancing the rights and liberties of individuals where the conduct, performance or health of a practitioner imposes a high and serious risk to those receiving health care. QDN recognises that many of the health care workforce have been particularly impacted by the COVID pandemic, particularly the relentless and distressing demand of their work and work environments. QDN is aware that many have experienced moral injury, mental and physical distress. We support amendments to enhance the efficiency and effectiveness of the National Scheme, including flexibility in timeframes for commencing registrations, increased use of undertakings, increasing the responsiveness of show cause processes, and clarifying the process for changing or removing conditions on endorsements of registration. QDN also supports the new section to give regulators limited discretion to not refer matters to the responsible tribunal. This would allow the National Boards under the National Scheme to regulate within the profession, where peer practitioners and community members may exercise sensitivity and discretion to address matters through remedies that support the practitioner in returning to safe and effective practice.

However, though we feel it is important that the National Law and National Scheme respect and protect our health workforce, we also feel it is important to ensure that the public are informed of instances where a practitioner is no longer in the position to provide safe and effective care. People with disability need information and regulatory protection as they may not always be in the position to speak up for themselves in circumstances where a health care relationship has become unsafe or inappropriate.

Notifications of risk and public statements work to help people with disability mitigate or avoid such relationships, particularly if made accessible to, and understandable for, all people with disability. QDN supports the introduction of giving power to national regulators to increase and strengthen regulatory responses to risks to the public, including interim prohibition orders,



restrictions on a practitioner’s provision of health services, and in providing further flexibility for tribunals to tailor their decisions to the individual circumstances giving rise to an order.

QDN supports the amendments that improve information sharing to protect the public, including reporting of scheduled medicine offences and disclosures of information about serious risks posed by unregistered persons who are being investigated or prosecuted for holding themselves out as registered practitioners or using protected titles. QDN supports amendments that help to enforce advertising laws, including the prohibition of testimonials.

Please contact me for more information on this submission and my contact details are listed below.

Yours faithfully

A handwritten signature in black ink that reads 'Paige Armstrong'. The signature is written in a cursive style.

Paige Armstrong
Chief Executive Officer
Queenslanders with Disability Network Ltd (QDN)