

## Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023

<b>Submission No:</b>	1
<b>Submitted by:</b>	Medical Indemnity Protection Society
<b>Publication:</b>	Making the submission and your name public
<b>Attachments:</b>	See attachment
<b>Submitter Comments:</b>	

1 May 2023



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

1800 061 113  
info@mips.com.au  
PO Box 24240  
Melbourne Vic 3001  
  
mips.com.au

Dear Committee Secretary,

**Re: Inquiry into the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023**

Thank you for identifying MIPS as a potential stakeholder for the Health and Environment Committee's inquiry into the *Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023* (Qld) ("the Bill"). MIPS is a member-based medical defence organisation that provides professional indemnity insurance to over 47,000 members, including approximately 1500 medical practitioners who would be considered members of a "surgical class" under the Bill.

MIPS supports the proposals contained within the Bill that seek to restrict the use of the title "surgeon" to medical practitioners who currently hold specialist registration in recognised specialties of obstetrics and gynaecology, ophthalmology, or surgery. These proposals are consistent with community expectations and are likely to improve awareness among the public about safe standards and appropriate qualifications. In MIPS' experience, claims and complaints against its members relating to cosmetic surgery result frequently arise cosmetic outcomes that do not meet patient expectations. MIPS shares the hopes of the Queensland Government that the Bill, if enacted in its current form, would translate into better patient outcomes, and a reduction in the number of claims and complaints against practitioners.

MIPS also supports the proposed amendments to Section 196(4)(c) of the National Law that clarify that a tribunal may impose restrictions on the provision of health services by a health practitioner whose registration has been cancelled by the tribunal, or who was no longer registered at the time of the hearing. This prevents practitioners whose registration has been cancelled from engaging in unregulated health services that may continue to expose the public to a risk of harm.

MIPS notes that the restriction on the use of the title "surgeon" only applies in relation to medical practitioners. Registered podiatrists who hold specialist registration in podiatric surgery are entitled to refer to themselves as "podiatric surgeons", while dental practitioners who hold specialist registration oral surgery can call themselves "oral surgeons". While section 113 of the National Law already prohibits use of the title "surgeon" in other circumstances by non-medical practitioners, the Explanatory note suggests that some dentists may still be able to use the informal title "dental surgeon" in their practice. The Bill and/or the Explanatory note could therefore be clearer that dental practitioners cannot use the title "cosmetic surgeon". This would avoid doubt.

Another omission from the Bill and the Explanatory notes is reference to how medical practitioners employed in the Australian Defence Forces might be impacted. Some medical practitioners employed by the Australian Defence Forces carry titles like "Surgeon General", "Surgeon Commander", "Lieutenant Surgeon" or "Staff Surgeon". Under the Bill, it appears that these titles would be restricted. Is there a plan for this class of medical practitioner to be prescribed as a surgical class by regulations made by the Ministerial Council? Or has the

Health and Environment Committee consulted with the relevant Commonwealth Department about how these titles might be impacted by the Bill?

Moreover, if the Bill is passed in its current form, MIPS notes that the Medical Board of Australia's "Guidelines for registered medical practitioners who advertise cosmetic surgery" should ideally be updated to ensure medical practitioners who perform cosmetic surgery, but who are not members of a surgical class, are aware that use of the title 'surgeon' is protected. The guidelines do not currently stipulate this and that would be a significant omission.

Please do not hesitate to contact me if you require any further information. I can be contacted on [REDACTED] or [REDACTED].

Yours sincerely

[REDACTED]

Dr Owen Bradfield  
Chief Medical Officer, MIPS  
cc: Natasha Anning, Chief Executive Officer, MIPS