

3 July 2024

Medical Board of Australia

**By email: [SIMGPathwaysReview@ahpra.gov.au](mailto:SIMGPathwaysReview@ahpra.gov.au)**

**Avant submission to the consultation on the draft revised 'Registration standard: specialist registration'**

Thank you for the opportunity to provide a response to the consultation on the draft revised 'Registration standard: specialist registration'.

Our submission is attached.

Please contact me or Georgie Haysom on the details below if you require any further information or clarification of the matters raised in the submissions.

Yours sincerely



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## Avant submission to the consultation on the draft revised Registration standard: specialist registration

### Stakeholder details

Initial questions
<p><i>To help us better understand your situation and the context of your feedback please provide us with some details about you. These details will not be published in any summary of the collated feedback from this consultation.</i></p>
<p><b>Question A</b></p> <p>Are you completing this submission on behalf of an organisation or as an individual?</p> <p><b>Your answer:</b></p> <p><input checked="" type="checkbox"/> Organisation Name of organisation: Avant Mutual Contact email: georgie.haysom@avant.org.au</p> <p><input type="checkbox"/> Myself Name: <a href="#">Click or tap here to enter text.</a> Contact email: <a href="#">Click or tap here to enter text.</a></p>
<p><b>Question B</b></p> <p>If you are completing this submission as an individual, are you:</p> <p><input type="checkbox"/> A registered health practitioner? Profession: <a href="#">Click or tap here to enter text.</a></p> <p><input type="checkbox"/> A member of the public?</p> <p><input type="checkbox"/> Other: <a href="#">Click or tap here to enter text.</a></p>
<p><b>Question C</b></p> <p>Would you like your submission to be published?</p> <p><input checked="" type="checkbox"/> Yes, publish my submission <b>with</b> my name/organisation name</p> <p><input type="checkbox"/> Yes, publish my submission <b>without</b> my name/ organisation name</p> <p><input type="checkbox"/> No – <b>do not</b> publish my submission</p>

## General comments

Avant is a member-owned doctors' organisation and Australia's largest medical indemnity insurer, committed to supporting a sustainable health system that provides quality care to the Australian community. Avant provides professional indemnity insurance and legal advice and assistance to more than 85,000 healthcare practitioners and students around Australia (more than half of Australia's doctors). Our members are from all medical specialities and career stages and from every state and territory in Australia.

We aim to promote quality, safety and professionalism in medical practice through advocacy, research and medico-legal education. Our medico-legal education supports and informs our members, with a view to improving patient care and reducing medico-legal risk. We also assist members in civil litigation, professional conduct matters, coronial matters and a range of other matters. Our Medico-legal Advisory Service provides support and advice to members and insured medical practices when they encounter medico-legal issues.

Avant views workforce development as an important long-term commitment, requiring significant investment to support a sustainable healthcare workforce and ensure quality patient outcomes. While we recognise the benefits of increasing the medical workforce, we believe the proposed expedited specialist pathway is only one part of the suite of necessary initiatives. The expedited specialist pathway needs to be implemented clearly and carefully to minimise the impact on patient safety and quality of healthcare. Without appropriate requirements and safeguards, the new expedited pathway may increase risk which would have implications for medical indemnity insurance in Australia.

Avant's members include international medical graduates, who have some specific needs which importantly include education about the Australian healthcare landscape and its unique requirements (see our website page [International medical graduates](#)). Our experience indicates civil claims and regulatory complaints involving international medical graduates are influenced by factors such as the level of education about and the support received when working within the Australian healthcare system.

Our key points include:

- Information about how the Board determines which qualifications are approved for the expedited pathway must be clearly articulated and communicated.
- There must be a clear framework for the supervision requirements under the proposed pathway, including respective responsibilities and criteria.
- The requirement for Australian-specific orientation and education needs further detail and must include core competencies (outlined below) and be delivered consistency by approved education providers or through approved courses.

## Avant's responses to the consultation questions

### 1. Is the content and structure of the draft revised specialist registration standard helpful, clear, relevant and workable?

There are areas that require further information to ensure effective implantation of the draft revised specialist registration standards. These are detailed in our response to question 2.

### 2. Is there any content that needs to be changed, added or deleted in the draft revised specialist registration standard?

We have identified a number of areas that would need further information or clarification prior to the introduction of the proposed expedited specialist registration pathway.

#### Requirements

##### Approved qualifications

Further detail is needed regarding the process by which the Medical Board would determine what qualifications are 'substantially equivalent, or based on similar competencies'. This should address the criteria relied on and the processes undertaken to determine what qualifications are ultimately included on that list.

In our view, the determination of these qualifications should be undertaken thoroughly and rigorously, considering the curriculum, training and assessment undertaken. Due regard also needs to be given to what is required in both basic medical degrees and specialist qualifications, as both are essential components of medical specialist education.

We also note that Recommendation 13 from the [Independent review of Australia's regulatory settings relating to overseas health practitioners](#) (the Kruk review) was "Transition all or part of the comparability assessments from specialist medical colleges to the Australian Medical Council if expectations are not met within agreed timelines." The consultation paper refers to the Medical Board seeking 'input from the Australian Medical Council and specialist medical colleges', which suggests the Board's proposed role goes over and above the recommendation from the Kruk review. The AMC is currently responsible for approving the suitability of qualifications, and this should remain the case even under the expedited pathways given the Kruk review's recommendation.

If this is not the case, then the detail regarding criteria and processes must be clarified in the standard, and must be made publicly available.

##### Supervision

The consultation paper states that the 'short-term supervision requirements' may affect employers. This will also impact the workload of the individual medical practitioners required to provide supervision.

However, the draft revised specialist registration standard, aside from mentioning a period of 'six months of satisfactory supervised practice', is silent on the nature of supervision required under these proposed changes. Is this based on the current [Medical Board of Australia - Supervised practice for international medical graduates guidelines](#)? If so, those guidelines would need to be reviewed and

amended given they have been in place since January 2016 and reference the role of the colleges. If these guidelines are not going to be the basis of the proposed supervision framework, the details of the required supervision need to be articulated.

Several other matters need also require further clarification including:

1. **Responsibility for patient care:** Clarification is needed on which practitioner will have responsibility for patient care during the period of supervision – whether it is the supervisor, the practitioner under supervision or a shared responsibility. The Board will need to clearly articulate these responsibilities. The nature of this arrangement has indemnity insurance implications for medical indemnity providers and for state-based government insurers for healthcare provided through the public healthcare system.
2. **Supervisor obligations:** Given the absence of the specialist medical colleges in the proposed expedited pathway, it is important that the role of supervisors and their obligations are specified in the registration standard.

#### Orientation and education

The draft revised specialist registration standard includes a requirement that medical practitioners must complete a 'Board approved orientation to the Australian healthcare system and cultural safety education'. This falls under section 57(1)(e) of the National Law which provides eligibility for specialist registration if an individual meets 'any other requirements for registration stated in an approved registration standard for the specialty'.

We support the inclusion of a requirement for information and education for SIMGs about the Australian healthcare system, including cultural safety, and the proposal that this orientation will be comprehensive. The draft revised specialist registration standard refers to this being 'Board approved' but does not provide detail of the requirements to be met. This should be a specific and consistent package of education resources and the requirements should be articulated in the specialist registration standard.

We recommend that comprehensive education/orientation should at least include information about:

- Ahpra and Medical Board professional codes and guidelines (for example, the Medical Board's Code of Conduct and other professional guidelines such as in relation to telehealth, advertising and boundaries)
- Registration requirements, including continuing professional development and professional indemnity insurance
- Medicare requirements, including eligibility, billing processes, compliance
- Private healthcare, including referrals, private billing and hospital admissions
- Prescribing, including Pharmaceutical Benefits Scheme requirements when prescribing drugs of dependence and real time prescription monitoring
- Privacy, including the Australian legal framework, and confidentiality obligations
- Communication (with patients and with colleagues)
- Medical record keeping
- Clinical conditions specific to the Australian environment (for example in general practice, skin cancers, snake and spider bites and otitis externa) as well as general clinical conditions that

may impact specific groups of patients in Australia (for example, indigenous health), separate from education about cultural safety.

In our significant experience providing education to all Avant members, these are key areas of knowledge that support practitioners' understanding of the requirements of practising medicine in Australia.

In Avant's view, this education should be delivered by appropriate education entities if it is to be considered comprehensive. It would not be appropriate for this to be delivered in an 'ad hoc' or individual way as part of the supervision requirements, as this would undermine the Board's ability to have clear and consistent expectations and requirements for those being registered through the expedited pathway.

In its approval of the required orientation, the Board needs to carefully consider how it will assess and approve the appropriateness of education providers and how applicants will be assessed upon completing this education.

**3. Are there any impacts for patients and consumers, particularly vulnerable members of the community that have not been considered in the draft revised specialist registration standard?**

N/A

**4. Are there any impacts for Aboriginal and Torres Strait Islander Peoples that have not been considered in the draft revised specialist registration standard?**

N/A

**5. Are there any other regulatory impacts or costs that have not been identified that the Board needs to consider?**

N/A

**6. Do you have any other comments on the draft revised specialist registration standard?**

Avant acknowledges the compressed timeframe for this consultation. In light of the substantive issues that we have raised in our submission, we would welcome the opportunity for direct engagement with the Board to clarify any of the issues and provide further input as the draft revised specialist registration standard is finalised.

Once finalised, the review period for the standard should be no more than three years, so its outcomes and any consequences of the changes it recommends can be promptly reviewed and acted upon.

Avant Mutual  
3 July 2024