



# Mandatory notifications: What you need to know

## How to use this information

December 2019

Anyone can make a voluntary notification about a health practitioner. However, under the National Law, registered health practitioners, employers and education providers must make a mandatory notification in some specific circumstances.

The introduction of new legislative amendments in early 2020 mean there will be some changes to mandatory notification responsibilities for registered health practitioners treating other health practitioners as patients.

The aim of these changes is to give practitioners confidence to seek health care when they need it, without fearing a mandatory notification. A health condition is not enough to trigger a mandatory notification.

This explainer gives you information about what this means for you. It should be used in conjunction with the 'mandatory notifications: what you need to know' resources on the Australian Health Practitioner Regulation Agency (Ahpra) website, see [www.ahpra.gov.au/mandatorynotifications](http://www.ahpra.gov.au/mandatorynotifications).

## New mandatory notification requirements coming in 2020

### How did we get here?

The *Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018 (Qld)* (the Bill) was passed by the Queensland Parliament in February 2019. The changes intend to support registered health practitioners to seek help for a health issue (including mental health issue), while continuing to protect the public.

When the amendments take effect in early 2020, they will apply in all states and territories except Western Australia, where mandatory notification requirements will not change.

## Current mandatory notification requirements

The National Law contains mandatory notification obligations for registered health practitioners, employers and education providers. These obligations aim to protect the public by ensuring that Ahpra and the National Boards are told about practitioners who may be placing the public at serious risk of harm.

The current guidelines are available on the [Ahpra](http://www.ahpra.gov.au) and [National Board](http://www.nationalboards.gov.au) websites.

Currently, registered health practitioners, including treating practitioners, and employers need to notify Ahpra if they reasonably believe another registered health practitioner has behaved in a way that constitutes 'notifiable conduct'. Notifiable conduct is defined in section 140 of the National Law and means a practitioner has:

- practised their health profession while intoxicated by alcohol or drugs ('intoxication')
- engaged in sexual misconduct in connection with the practice of their profession ('sexual misconduct')
- placed the public *at risk of substantial harm* in the practice of their profession because of an impairment ('impairment'), or
- placed the public *at risk of harm* by practising their profession in a way that constitutes a significant departure from accepted professional standards ('practice outside of professional standards').

The National Law also requires registered health practitioners to notify Ahpra if they reasonably believe a student registered under the National Law has an impairment that while undertaking clinical training may place the public at *substantial risk of harm*.

## Differences between states and territories

Western Australia exempts treating practitioners from mandatory notifications when treating a registered health practitioner in Western Australia. However, treating practitioners may make voluntary notifications based on their professional and ethical obligations to notify about matters that may place the public at risk of harm.

## Working together to enable practitioners to seek support for their health and wellbeing

Ahpra and National Boards want to work together with the health professions to help registered health practitioners better understand mandatory notifications and feel confident seeking support for their health and wellbeing.

Remember, a physical or mental health condition rarely needs a mandatory notification, and it is important for practitioners to get health care when they need it.

Making their health a priority and taking care of themselves helps practitioners continue to take care of others.

## What's changing in 2020?

The legislative amendments passed in February 2019 apply to the mandatory notification requirements for *treating practitioners only* – they do not affect the obligations of other registered practitioners, employers or education providers.

The changes only apply to treating practitioners to support practitioners to seek health care for a health issue (including mental health issues), while continuing to protect the public.

This is because the circumstances for treating practitioners to make mandatory notifications are more limited than they are for other groups.

Under these National Law amendments, three of the four types of conduct (impairment, intoxication and practice outside of professional standards), which may lead to a mandatory notification, will have the same threshold for mandatory notifications by treating practitioners.

It is: *substantial risk of harm*. A substantial risk of harm is a very high threshold for reporting risk of harm to the public.

## Types of risks and mandatory notification thresholds for different groups<sup>1</sup>

Impairment	Intoxication	Departure from standards	Sexual misconduct
<b>Treating practitioners</b> must report practitioners who:			
are practising with an impairment, <i>and</i> place the public at substantial risk of harm	are practising while intoxicated by alcohol or drugs and place the public at substantial risk of harm.	are significantly departing from professional standards and place the public at substantial risk of harm.	have engaged in, are engaging in or might engage in sexual misconduct connected to their practice.
<b>Non-treating practitioners</b> must report practitioners who:			
are practising with an impairment and place the public at risk of substantial harm.	practise while intoxicated by alcohol or drugs.	by significantly departing from professional standards and place the public at risk of harm.	engage in sexual misconduct connected to their practice.
<b>Employers of practitioners</b> must report practitioners who:			
are practising with an impairment and place the public at risk of substantial harm.	practise while intoxicated by alcohol or drugs.	by significantly departing from professional standards and place the public at risk of harm	engage in sexual misconduct connected to their practice.

<sup>1</sup> This table is included in the revised [Guidelines for mandatory notifications](#) consulted on during October and November 2019. These may be subject to change as a result. Please refer to the final guidelines once published early in 2020.

## Where to go for more information

### Have a question about mandatory notification requirements?

- If you are a treating practitioner think about consulting a trusted practitioner colleague and watch our videos – Mandatory notifications – a video for treating health practitioners and Mandatory notifications – an overview.
- All registered health practitioners can seek advice from their indemnity insurers and/or professional association.
- Need help for a physical or mental health condition? Treating practitioners and organisations (including practitioner support services and other health and wellbeing support services) are already doing great work to help practitioners access health and wellbeing support. Remember, confidential health support may also be accessed through a practitioner's employer if it offers an employee assistance program.

Find out more by going to [www.ahpra.gov.au/mandatorynotifications](http://www.ahpra.gov.au/mandatorynotifications).