

Proposed arrangements for handling complaints, and dealing with performance, health and conduct matters

Submission

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Note

This is a personal submission, and does not reflect views of the University of Queensland or the Australasian Bioethics Association.

GENERAL COMMENT

In this submission, I make specific comments only on those proposals with which I have some issue, and those which are indicated as having alternative options. I agree with all proposals not discussed in this submission.

SPECIFIC COMMENTS

2.1.1 I support the use of "notification" and "notifier".

2.1.3 I support the use of "notifications assessment committee".

2.1.15 I support the use of “not of good character”.

4.4 I support options 1(b): All registrants – extended obligations, and 2(b): Employers – extended obligations, in regard to practitioners.

In regard to students, student registrants and mandatory reporting, I submit the following:

- (a) students ought not be registered with boards;
- (b) practitioners and educational bodies ought not be required to notify boards of matters such as those provided;
- (c) students ought not be required to notify boards of matters such as those provided.

Some current health professional boards register students and some do not. The arguments for registering students include the importance of responding to impairments and behaviour issues amongst students, and the importance of boards having knowledge of these matters in regard to future registrants.

The evidence for benefits as a result of student registration is thin, if not non-existent. Moreover, the fact that investigations conducted by boards usually take considerable time is a strong reason supporting (a) – (c) above. As the discussion paper itself indicates (p28), specification of time frames for investigations is problematic, with delays at times being beyond the control of the board.

Health professional students’ status is complex. They are both “junior” members of their profession, although they have no direct legal responsibilities for patients, and they are university students, learning the theory and practice of their profession. Part of their education should be familiarization with the registration, support, standard setting and disciplinary processes in their profession. But their education should not be interfered with by protracted investigations into performance, impairment or conduct matters, and universities have a legitimate interest in their support, remediation, progress and discipline, primarily from an educational point of view.

I submit that it is in health professional students’ interests to have, as part of their education and training:

- (i) processes which mirror the complaints, support and disciplinary procedures in their profession, but where
- (ii) "complaints" are made in the sense of notifications of the need of assistance, be this in the area of health, conduct or performance, and where
- (iii) the primary focus is on support, education, feedback and remediation, but where
- (iv) there is also an assessment function, which is the equivalent of the disciplinary function of boards and tribunals, but where the "sanction" is academic.

Details of such a process are available from a recent publication describing the Personal & Professional Development Support and Assessment Processes at the University of Queensland.

See M Parker, H Luke, J Zhang, D Wilkinson, I Ozolins & R Peterson. The "Pyramid of Professionalism": Seven years experience with an integrated program of teaching, developing and assessing professionalism among medical students. (2008) 83 *Academic Medicine* 733-741.

4.7.1 I support the primary proposal.

5.6 I support option 2.

7.1.2 I support option 2.

9.1.1 I support option 1.

9.3 I support option 3(a). The preferred option 4(b) is questionable, because registrants may tend to prefer legally qualified accompanying persons, who, despite restrictions, may tend to approach things legalistically.

9.8 I support option 1.

10.5.2 Some of the items in this list, for example dot-points 5-7, are those which elsewhere are restricted to the tribunal. It is unclear why the board would be empowered to make determinations in these areas.

11.6.1 I support option 3. This combines requirements consistent with competition policy with the retention of a higher level of professional standards and support for collegiality.