

Mandatory Reporting & Practitioner Well-Being

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Mandatory reporting – the focus needs to be on removing barriers to healthcare practitioners seeking help

Mandatory reporting is currently viewed as a controversial obligation that produces fear that those who disclose their mental health issues will be reported and investigated by health authorities. This can potentially lead to doctors neglecting to seek help regarding their mental health due to a perception that by seeking medical help, they may be damaging their career. Considering the increased rates of suicide, depression, anxiety, and substance use within the healthcare profession, it is important to focus on the need to remove barriers to healthcare practitioners seeking help.

Healthcare professionals experience higher levels of suicide and personal mental health issues compared to their non-medical professional peers. The 2013 National Mental Health Survey of Doctors and Medical Students by beyondblue found that medical students perceive that there are stigmatising attitudes regarding doctors with mental health conditions. According to beyondblue, 40% of students felt that doctors view fellow doctors with mental health disorders as less competent, demonstrating a clear stigmatising attitude regarding links between mental illness and inadequate job performance. The perception that mental illness correlates with poor job performance has potential to lead to the self-silencing of mental health issues due to fear of being reported.

Registered health practitioners are bound to a professional and ethical obligation to protect the health and safety of others. Mandatory reporting is enforced by National Law as a tool to police inappropriate conduct that has potential to cause harm to the public. Under the National Law, registered health practitioners are required to submit a mandatory report to Australian Health Practitioner Regulation Agency (AHPRA) if they have formed a reasonable belief that a fellow health practitioner has behaved in a way that constitutes 'notifiable conduct'.

What is Notifiable Conduct?

AHPRA defines notifiable conduct as:

- Practicing while under the influence of alcohol or drugs
- Sexual misconduct in the practice of the profession
- Placing the public at risk of substantial harm because of an impairment (health issue)
- Placing the public at risk because of significant departure from accepted professional standards

Mandatory reporting is not without merit and benefits. It is a structure aimed at the protection of the public from the risk of harm. However, there is reasonable argument that mandatory reporting enforcements hold potential to stigmatize mental health issues due to fear of being reported and being judged for having mental health issues. This fear is the barrier that we must work to discard.

On Friday 4 August 2017, the Council of Australian Governments (COAG) Health Council meeting of Australia's health ministers unanimously agreed to review mandatory reporting legislation that applies to treating healthcare practitioners in Australia. Health Ministers agreed that protecting the public from harm is of paramount importance as is supporting practitioners to seek treatment

for health issues.

The Australian Health Ministers' Advisory Council (AHMAC) is to recommend a new nationally consistent approach to mandatory reporting, following discussion paper and consultation with consumer and practitioner groups, with a proposal to be considered by COAG Health Council at their November 2017 meeting.

There are limited number of Mandatory Reporting exemptions under the National Law. For example, Western Australia is the only Australian jurisdiction to exempt healthcare practitioners who provide healthcare to other practitioners. Medical Defence Organisations, such as MIPS, are also exempt from AHPRA's mandatory reporting when providing legal advice and support to their members. This means that if you have an issue or concern regarding 'notifiable conduct' you can call our experienced advisors or 24 hour Clinico-Legal Support on 1800 061 113. You can rest assured knowing that all reporting is done in complete confidence.

MIPS is currently involved in a number of industry working committees to develop initiatives that aim to assist the mental and physical well-being of our members. We have also worked with Australian Unity to develop resources including a **private health insurance** offering designed for healthcare practitioners that will not only help members access timely health care but also provide unique initiatives to empower members to maintain their health and wellbeing and address the concern of mandatory reporting.
