

Mandatory Reporting for Healthcare Professionals



Reading time:
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Last Modified on 07/05/2024 1:24 pm AEST

Section 140 of the current National Law requires that a registered health practitioner must notify the Board if, in the course of practising their profession, they form a reasonable belief that another registered healthcare practitioner has behaved in a way that constitutes notifiable conduct.

Following a review of the obligations when treating other healthcare practitioners for medical conditions, including mental health issues, legislation was passed by the Queensland parliament and subsequently in February 2020 [AHPRA released revised guidelines on mandatory notifications](#)

The revised guidelines set out:

- What concerns must be reported
- Who must make a notification
- How a notification is to be made
- Protections for practitioners when making a mandatory notification

What is mandatory reporting?

Mandatory reporting refers to the 'notifiable conduct' that registered healthcare practitioners, employers and education providers are required to make by law. Notifiable conduct is defined as when a practitioner has:

- practised the profession while intoxicated by alcohol or drugs, or
- engaged in sexual misconduct in connection with their profession, or
- placed the public at risk of substantial harm in their practice because they have an impairment, or
- placed the public at risk of harm during their practice because of a significant departure from professional standards.

When should I make a report? Key changes

The threshold to trigger a mandatory notification has always been high. The key changes contained in 141A to 141C of the National Law are a higher threshold for mandatory reporting of impairments such as mental health issues, and a holistic assessment of risk. Under the amendments, a report to AHPRA will be required only where a treating practitioner forms a reasonable belief about another registered health practitioner or student who 'is placing the public at substantial risk of harm'.

While the current obligations mandate reporting where there is 'a risk of substantial harm', the amended provisions raise the threshold to 'a substantial risk of harm' arising from impairment, intoxication, or practise outside of accepted professional standards. Moreover, 'notifiable conduct' is amended to refer to practitioners who 'are placing' the public at risk, where the current obligations refer to practitioners who 'have placed' the public at risk. That is, the amendments raise the current threshold from a focus on past risk of substantial harm, to current or future substantial risk of any harm. There is otherwise no change to the mandatory obligations to report another registered health practitioner who has behaved in a way that constitutes 'notifiable conduct'.

From AHPRA's perspective mandatory reports are a serious step to prevent the public from being placed at risk of harm.

Who does mandatory reporting apply too?

The Guidelines for Mandatory Notifications published by AHPRA are common to all registered health practitioners to the conduct or impairment of all practitioners. The guidelines are relevant to practitioners, employers and education providers

Why mandatory reporting?

AHPRA national law objectives are to provide protection to the public by ensuring that only suitably trained and qualified

healthcare practitioners who are practising in a competent and ethical manner are registered.

Statistics

In 2017/18 there were 343 mandatory notifications and in 2018/19, 470. Only 83 related to impairment and 2/3 ended with no regulatory action. Whilst there are ongoing concerns that mandatory reporting may hinder practitioners seeking healthcare, the recent amendments represent a step in the right direction by raising the threshold and, hopefully, encouraging treating practitioners to consider the ongoing risk to the public in the context of treatment compliance.

How and where do I make a mandatory report?

It is recommended that you submit to AHPRA as soon as practical once you form a 'reasonable belief' that a practitioner has engaged in notifiable conduct.

Notify AHPRA by:

- Calling 1300 419 495
- Completing a [notification form](#) and submitting it online or by post
- In person at an AHPRA office

Notifications can be made verbally or in writing.

Exceptions

- WA - treating practitioners are not required to make mandatory notifications about health practitioner patients or clients.
- QLD (in certain circumstances) – where providing a health service to a colleague and public not at risk - otherwise report to OHO.
- MIPS clinico-legal advisers (or any MIPS staff who are registered practitioners) are also exempt in their capacity while assisting members as they are acting as your personal legal representative.
- MIPS will not report your notifiable conduct.

Where can I access information about mandatory reporting?

As mentioned, MIPS clinico-legal advisers are exempt from mandatory reporting and encourage all practitioners who have concerns about a colleague to contact us for 24hr Clinico-Legal Support on 1800 061 113.

References:

- [Guidelines for mandatory reporting](#)
- Watch the [webinar on Mandatory Reporting](#)
 - earn 1hr CPD (RACGP and ACRRM accredited)
- Meridian Lawyers article: [Do the recent changes go far enough?](#)

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