



THE UNIVERSITY  
of ADELAIDE

## Legal Compliance Education and Awareness



CRICOS PROVIDER 00123M

# Health Practitioner Regulation National Law (South Australia) Act 2010

(South Australian)

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## What does the Health Practitioner Regulation National Law (HPRNL) Act do?

- Enables the implementation of a national registration & accreditation scheme for Health Practitioners & students across all States & Territories
- **Health Practitioners** are:
  - chiropractors
  - dental practitioners
  - medical practitioners
  - nurses & midwives
  - optometrists
  - osteopaths
  - pharmacists
  - physiotherapists
  - podiatrists
  - psychologists
  - Aboriginal & Torres Strait Islander health practitioners
  - Chinese medicine practitioners
  - medical radiation practitioners
  - occupational therapists

## What does the Health Practitioner Regulation National Law (HPRNL) Act do? (cont.)

- Establishes the [Australian Health Practitioner Regulation Agency \(AHPRA\)](#) to implement the national scheme
- Establishes National Boards for the health professions
- Establishes a Health Practitioners Tribunal to be the responsible Tribunal of the State for the purpose of the law
- Imposes standards of conduct & requirements for notification of conduct issues
- Places restrictions on the way the provision of health services can be advertised
- Regulates the provision of pharmacy services & pharmacy depots
- Regulates the supply of optical appliances

# How does the Act apply to the University?

- Students undertaking programs leading to health profession qualifications are required to be registered
- Staff who practise as health practitioners for the University must be appropriately registered, including those practising in:
  - Psychology Clinics
  - Adelaide Unicare
  - Colgate Australian Clinical Dental Research Centre
- Other University staff may be registered health practitioners for the purposes of teaching, as well as in their personal capacity, including staff in the following Schools:
  - Nursing
  - Psychology
  - Pharmacy
  - Medicine
  - Dentistry

# What does AHPRA do?

- Supports the [National Boards](#) in their primary role of protecting the public
- Manages the registration processes for health practitioners & students
- Establishes [offices](#) in each State & Territory where the public can [make notifications](#) about a registered health practitioner or student
- Manages investigations into the [professional conduct, performance or health](#) of registered health practitioners
- Publishes national [registers of practitioners](#) accessible by the public
- Supports the National Boards in the development of registration standards, codes & guidelines
- Provides advice to Ministerial Council about the administration of the national registration & accreditation scheme

# The Role of a National Board

- Each health profession that is part of the [National Registration & Accreditation Scheme](#) is represented by a [National Board](#)
- The primary roles of a Board are to:
  - set registration standards & policies that all registered health practitioners must meet
  - register practitioners & students
- National Boards have the power to establish State Boards to:
  - provide effective & timely response to health practitioners & other persons in the State
  - handle registrations & complaints
  - provide a single point of contact for practitioners, students & the public within the relevant State or Territory
- Individual Boards set both registration fees payable annually & penalties or disciplinary action for unacceptable behaviour

# Student Registration

- The National Board is provided with authority to request the University to provide particulars of students enrolled within relevant program
  - **As this authority is established by statute, the University will not be in breach of privacy restrictions if it releases the students' details**
- Student Administrative Services & the Faculty of Health Sciences Office must collaborate to provide the details to AHPRA
- The **University must notify AHPRA** if a student ceases enrolment
- The **National Board must notify the University** once a University of Adelaide student is registered & if a student's registration is suspended or a condition is imposed

# Mandatory reporting obligations

- Any registered health practitioner (RHP) must notify the National Board if, in the course of practising their profession, they believe that another RHP has behaved in a way that constitutes 'notifiable conduct'
- **Notifiable conduct** is defined as when a RHP has:
  - practised the profession while intoxicated by alcohol or drugs
  - engaged in sexual misconduct in connection with their profession
  - placed the public at risk of substantial harm in their practice because they have an impairment
  - placed the public at risk of harm during their practice because of a significant departure from professional standards
- RHP's must also report to their National Board any registered student who, because of impairment, places the public at substantial risk of harm during their clinical training



# Registered Health Practitioners' Duty to Disclose

- A RHP must report within 7 days & declare in their annual statement to the National Board if they:
  - have an impairment
  - have failed to meet the Board's decency of practice standard
  - have not completed the continuing professional development requirements set out in the Board's standard
  - have not complied with the Board's requirements in relation to professional indemnity insurance
  - have had any criminal charges, convictions or findings of guilt laid against them during the previous registration period
  - have had their practice rights or billing privileges withdrawn or restricted during the previous registration period
  - have been the subject of any complaints to other bodies
- Any changes in the RHP's name, principal place of practice or address for correspondence must also be notified

# University obligations under the Act

## **Obligations involving staff**

- The University must ensure that any staff employed to provide health services in University operated clinics are appropriately registered
- The University must notify AHPRA of any notifiable conduct displayed by a registered health practitioner, employed to provide health services in a University operated clinic

## **Obligations involving students**

- The University must inform any clinical placement provider at which the student may be currently undertaking a placement, if a student's registration is suspended or a condition is imposed
- The University &/or placement provider must notify AHPRA if it believes a student enrolled in an approved program has an impairment that, in the course of the clinical training component, may place the public at substantial risk of harm
- The University must, within 60 days, notify the National board if a student completes or ceases to be enrolled in an approved program

# What can happen if I don't comply?

## **Individual Consequences:**

- Any registered practitioner who fails to comply with registration requirements or report notifiable conduct may be the subject of disciplinary action by their National Board
  - This may range from a personal fine to removal of registration

## **University Consequences:**

- Fines of up to \$60,000 for holding out persons as being registered health practitioners if they are not actually registered
- Name & shame for non-cooperation with National Boards in relation to student registrations
  - Damage to the University's reputation
  - Attraction & retention of staff & students is compromised

# Additional Resources

- [Laura Giarretto](#), Legal Counsel
  - 8313 7669 (Legal & Risk)
  - 8313 3394 (Faculty of Health Sciences – Thursday only)
- [Health Practitioner Regulation National Law \(South Australia\) Act 2010](#)
- [Health Practitioner Regulation National Law \(South Australia\) Regulations 2010](#)
- [Australian Health Practitioner Regulation Agency \(AHPRA\)](#)



# Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Health Practitioner Regulation National Law Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact your National Board if you are unsure of your personal obligations as a registered health practitioner.