

Medical Practitioners Registration Amendment Bill 2006

Explanatory Notes

Title of the Bill

Medical Practitioners Registration Amendment Bill 2006

Objectives of the Bill

The objectives of the Bill are to enable prompt implementation of an anticipated national approach to streamline the registration of international medical graduates, and to expedite processes for registration of medical practitioners.

Achievement of the Objectives

The Bill amends the *Medical Practitioners Registration Act 2001* by:

- making the qualification requirements for general registration more flexible to facilitate future changes to the recognition of qualifications held by international medical graduates;
- introducing measures to expedite existing registration processes and;
- addressing minor operational problems with the Act.

Streamlining registration of international medical graduates

In anticipation of future national changes to streamline the registration of international medical graduates, the Bill amends the qualification requirements for registration by giving the Australian Medical Council more flexibility in certifying qualifications for general registration.

The Bill also enables qualifications for general registration to include medical qualifications recognised by a prescribed foreign regulatory authority (eg. the General Medical Council of the United Kingdom) for registration in a class of registration corresponding to general registration (eg. “full registration” by the General Medical Council of the United Kingdom). These amendments will enable prompt implementation of any

future nationally agreed changes to registration of international medical graduates.

Expediting registration processes

The Bill:

- inserts a new requirement for the Medical Board of Queensland (the Board) to act promptly, using simple and flexible processes of registration, provided proper consideration is given to applications and the objects of the Act to protect the public and uphold the standards of practice within the medical profession;
- expands the decisions which the Board may delegate to a Board member, a committee of the Board, the Executive Officer or an appropriately qualified member of staff;
- provides for the membership of the Board to include a person with a high level of expertise in organisational management, customer service or business; and
- requires the Board to notify the Minister if it fails to decide a registration application that complies with the Act within 25 working days after receipt of the application.

Other amendments

The Bill addresses some operational difficulties that have been identified by the Board, with amendments which:

- expand the category of special purpose registration for teaching or research to enable registration for practise of the profession in connection with the teaching or research. This will enable clinical practice in connection with teaching or research activities. If a person is registered in this category to practise in a speciality, they are also deemed to be a specialist registrant.
- enable a person to apply for general, specialist or special purpose registration for short-term registration of up to 5 weeks, for which no application fee or registration fee will apply. The Board will be able to register interstate and overseas practitioners who intend to practise in Queensland for a short period, for example to perform highly specialised surgery.

Alternative Ways of Achieving Policy Objectives

Alternative ways of achieving the policy objectives were considered. However, as the *Medical Practitioners Registration Act 2001* provides for registration processes, delegation of Board decisions and qualifications for registration, amendment of the Act is necessary to give effect to the main policy objectives.

Estimated Cost for Government Implementation

There may be additional administrative costs for the Board in implementation of the proposed amendments.

Consistency with Fundamental Legislative Principles

The Bill is consistent with Fundamental Legislative Principles.

Consultation

The Australian Medical Association (Queensland Branch), the Chair of the Medical Board of Queensland and the Office of Health Practitioner Registration Boards were consulted about the Bill.

Notes on Provisions

Part 1 Preliminary

Clause 1 sets out the short title of the Act as the *Medical Practitioners Registration Amendment Act 2006*.

Clause 2 provides for the provisions of the Act to commence on a date to be fixed by proclamation.

Part 2 Amendment of Medical Practitioners Registration Act 2001

Clause 3 specifies that Part 2 amends the *Medical Practitioners Registration Act 2001*.

Clause 4 inserts a new section 11A which requires the Board, in performing its registration functions, to act promptly and adopt simple and flexible processes. However, this obligation does not override proper consideration of the issues in registration, and must be done in a way that is consistent with the objects in section 7, and the Board's obligation under section 12 of the Act to act independently, impartially and in the public interest.

Clause 5 amends section 14 to enable the Board to delegate decisions to register an applicant for registration, to impose conditions on registration and to remove internship conditions on registration.

Clause 6 amends section 15 to provide that at least one of the members of the Board must have a high level of expertise in organisational management, customer service or business.

Clause 7 amends section 44, which specifies the qualifications required for general registration. In addition to completion of a medical course certified by the Australian Medical Council (AMC) and passing the examination set by the AMC for general registration, the amended provision specifies that the qualifications include if the applicant has been certified by the AMC as having skills, training and knowledge of a standard that is suitable for general registration. The amendment also provides that a regulation can prescribe additional medical qualifications recognised by a prescribed foreign regulatory authority as a qualification for registration in a class of registration corresponding to general registration.

Clause 8 amends section 45 to clarify that the section also applies to applicants for general registration who have qualifications under section 44(1)(c) and (d).

Clause 9 amends section 56 by inserting a provision to clarify that the period of general registration prescribed in a regulation does not apply to short-term registration.

Clause 10 amends section 57 to clarify that the section also applies to applicants for general registration who have qualifications mentioned in section 44(1)(d).

Clause 11 amends section 58 to clarify that the section also applies to applicants for general registration who have qualifications mentioned in section 44(1)(c) and (d).

Clause 12 amends section 62 to clarify that the section also applies to applicants for general registration who have qualifications mentioned in section 44(1)(d).

Clause 13 inserts a new section 69A to clarify that Part 3, Division 4, which deals with renewal of general registration, does not apply to short-term registration.

Clause 14 inserts a new section 77A to clarify that Part 3, Division 5, which deals with restoration of general registration, does not apply to short-term registration.

Clause 15 amends section 119 by inserting a provision to clarify that the period of specialist registration prescribed in a regulation does not apply to short-term registration.

Clause 16 replaces section 134 to enable a person who is registered for the purpose of teaching or research to also be registered for clinical or other practice of the profession in connection with their teaching or research. However, teaching or research must be the primary purpose of registration under section 134.

Clause 17 amends section 143A to clarify that persons registered under the new section 134 to practise the profession in a specialty are deemed to be specialist registrants.

Clause 18 inserts a new section 143B to clarify that Part 3, Division 10, Subdivision 3, which deals with renewal of special purpose registration, does not apply to short-term registration.

Clause 19 inserts a new section 156A which provides that a person may apply for short-term general registration, specialist registration or special purpose registration for a period of up to 5 weeks. The Board may decide to refuse to grant an application for short-term registration if it is not satisfied the applicant has a good reason for registration for the period sought. The provision specifies that registration has effect for the period decided by the Board and may not be renewed or restored.

Clause 19 also inserts a new section 156B which requires the Board to report to the Minister on applications that have not been decided within a prescribed period of 25 business days. The report must state why applications have not been decided and any action that the Board considers may be taken to avoid similar delays. Reports under this provision must not identify applicants.

Clause 20 replaces the heading for Part 11, Division 2.

Clause 21 inserts a new heading for Part 11, Division 3 and specifies that the amendment of the *Medical Practitioners Registration Regulation 2002* (the Regulation) does not affect the Governor in Council's power to further amend the Regulation.

Clause 22 amends Schedule 3 stating that *short-term registration* means registration on an application mentioned in section 156A.

Clause 22 also amends the definition of *renewable registration* to clarify that short-term registration is not a renewable registration.

Part 3 **Amendment of Medical Practitioners Registration Regulation 2002**

Clause 23 specifies that Part 3 amends the Regulation.

Clause 24 amends Schedule 2 of the Regulation so that no application fee or registration fee applies for short-term registration.