



NSW MEDICAL BOARD

EXPLANATORY NOTES REGARDING REGISTRATION RENEWAL

1. YOUR RENEWAL DOCUMENTS

Your renewal documents consist of:

- Renewal application with Annual Return and Professional Indemnity Insurance declaration on reverse. This must be completed in entirety by the registrant or other with Power of Attorney (evidence of Power of Attorney must be provided). Incomplete applications will be returned and the registration process delayed.
- Workforce questionnaire (collected on behalf of the AIHW). Participation is not compulsory, but the statistics drawn from this national survey are of considerable utility to the profession and government.

Please complete and return these documents in the supplied envelope together with payment of the annual registration fee. Your registration card and receipt will be sent to your registered address as soon as possible.

The Medical Practice Act requires the removal from the register of the name of any practitioner who fails to pay on time. It is illegal to practice in NSW if unregistered.

Privacy

The Board is required by law to keep a Register of Medical Practitioners in New South Wales. The Register must be made publicly available. The purpose of a Register is to ensure that administrators, health consumers and other medical practitioners can be assured that a practitioner is a registered medical practitioner. The Register consists of the practitioner's name, qualifications, registered address and registration status. Your name and registered address is part of the public register and is made available to the public. You may provide an address of your choosing, but we can maintain **only one address**. You should ensure that it is an address through which the Board can communicate with you for such purposes as annual renewals and newsletters.

If you believe your safety or well being could be affected by publication of this information, you should advise the Board in writing of your reasons, requesting that your details be suppressed.

2. NON-PRACTISING REGISTRATION

If you do not intend to practise medicine in NSW during the entire 12 months from your renewal date but wish to remain on the register, you may apply for Non-Practising Registration.

Non-practising registrants are required to complete all the registration renewal documentation, but are exempt from continuing professional education and professional indemnity insurance requirements. No medical practice of any kind may be undertaken by registrants in this category, **including writing scripts or referrals**. The Provider Number section of the Health Insurance Commission is advised of your change of status.

Please note:

To return to active registration, non-practising registrants will have to re-apply for registration. The applicant will have to satisfy the Board regarding fitness to resume practice and may be required to provide evidence of CME undertaken to maintain knowledge and skills and of physical and mental health.

Non-practising registrants receive Board correspondence such as Newsletters and annual renewal papers.

A \$50 annual administration fee is payable for Non-Practising registration.

If you wish to move to Non-Practising Registration, please indicate on the first page of the renewal notice and your registration status will be altered from your due date for renewal.

3. REGISTRATION FOR LIMITED PRESCRIBING AND REFERRAL

Practitioners who have retired or who have left clinical practice, but wish to remain registered in order to undertake strictly limited prescribing and referral may select this category of registration. An annual administration fee of \$50 is payable for Limited Prescribing and Referral registration.

Registration will be subject conditions as indicated in the explanatory notes under the Professional Indemnity Insurance exemption (x) Limited Prescribing and Referral.

The following summarises the conditions of registration:

- registration is limited to providing without fee or reward, renewal of a prescription provided by another medical practitioner (who is in active practice) and referrals
- cannot initiate treatment (including prescribing) or serve as the primary care provider for self or others except in emergency situations
- details of professional development activities relating to the prescribing of therapeutic substances **must** be included with annual returns to the Medical Board
- cannot undertake part time practice or locum work

- if the practitioner wishes to transfer to active practice at a later date they will have to demonstrate suitability for re-registration
- as per the Board's Policy regarding medical practitioners treating relatives and self, all medical practitioners should have their own, independent General Practitioner

If you wish to move to Limited Prescribing and Referral registration, please indicate on the first page of the renewal notice and your registration status will be amended from your due date for renewal.

4. COMPLETION OF YOUR ANNUAL RETURN & PROFESSIONAL INDEMNITY INSURANCE DECLARATION

General

- **If you believe that you may be required to make a positive declaration in relation to questions concerning your health, disciplinary decisions in other jurisdictions, or criminal convictions, it is recommended that you contact your medical defence organisation for assistance.**
- If you answered "yes" to any of questions 1-7 you are required to provide further details, including details of any penalties imposed for offences.
- Please note that the Board will be conducting random audits of practitioners to verify statements made in their Annual Return and Professional Indemnity Insurance declaration
- Your registered address is available for public inspection (see section on the first page titled Privacy). A PO Box is ideal to ensure you receive your required mail as well as providing a secure contact address.

Questions 1 to 7

Criminal convictions, findings and sex/violence offences

- Parking tickets, and minor traffic offences are excluded offences, and are **not required to be disclosed**.
- The following more serious traffic offences **must be disclosed**:
 - a) furious or reckless driving, or driving in a manner dangerous to the public
 - b) negligent driving, with a fine of greater than \$200, or imprisonment
 - c) refusing to produce licence, to state name and address, or stating a false name or address
 - d) driving under the influence of alcohol or any other drug
 - e) driving whilst unlicensed
 - f) failing to stop after an accident
 - g) presence of prescribed concentration of alcohol
 - h) menacing driving
 - i) any offence leading to disqualification from driving
- **All** criminal convictions and findings, with the exception of parking offences and minor traffic offences, must be notified as outlined below. A practitioner charged with a sex or violence offence alleged to have occurred in the course of practice must notify the Board.
- A '**criminal finding**' is defined as:
 - a) a finding that an offence has been proved without proceeding to a conviction.
 - b) a finding that an offence has been proved and the discharging of, or the making of an order releasing, the offender conditionally on entering into a good behaviour bond for a specified period or on other conditions determined by the court.
- A '**sex or violence offence**' is defined as an offence involving sexual activity, acts of indecency, child pornography, physical violence or the threat of physical violence.
- A '**sex/violence criminal finding**' is defined as a criminal finding for a sex or violence offence.

Significant Illness

The Board does not consider that practitioners with self limiting, or well managed illness need to self notify unless the illness could be considered to detrimentally affect their capacity to practise safely.

The Board's Blood Borne Virus policy (www.nswmb.org.au) states that doctors with positive BBV status should not undertake exposure prone procedures. The likelihood of positive BBV status detrimentally affecting capacity to practise will substantially depend upon whether such procedures are a foreseeable part of the doctor's practice.

If you have concerns about answering this question, it is recommended that you contact your medical defence organisation.

If the Board is already aware of your health status, there is no need to make a further declaration.

Questions 8 to 10

Continuing Professional Development

It is the Board's view that all medical practitioners should participate in continuing professional development, relevant to their area of practice and at a level at least equivalent to that of the relevant College program.

You are required to advise the Board of details of any participation in CPD. The Board accepts as satisfactory evidence of CPD **either** a copy of your College documentation or a one page summary of your CPD activities for the return period. The Board recognises that College documentation will not necessarily cover the exact period referred to in the annual return and will accept a copy of your most recent College CPD/MOPS documentation.

The Board does not require evidence of CPD from practitioners who do not intend to undertake any form of medical practice. However, CPD is considered to be important and relevant to practitioners in non-clinical, part-time or occasional practice.

Junior Medical Officers and College trainees must complete the annual return, noting their level of training and, where appropriate, the relevant College. No CPD documentation is required.

If you have not done any CPD, you should say so in your annual return. Failure to participate in CPD will not impede your registration, but the question must be answered.

"Retired" practitioners who are exempt from holding Professional Indemnity Insurance in the category of limited prescribing and referrals are required to undertake professional education activities relating to the prescribing of therapeutic substances. Please see details below regarding exempt categories for Professional Indemnity Insurance.

PROFESSIONAL INDEMNITY INSURANCE (PII) DECLARATION

General

- The Health Care Liability Act requires you to be covered by Approved Professional Indemnity Insurance, or to fit within an exempt category if you practise medicine in NSW within the meaning of the Act. This includes writing scripts and referrals.
- The intent of the Act as indicated in the Second Reading Speech is to ensure that members of the public have access to proper compensation for personal injury claims arising from the provision of hospital or medical care.
- The Board's view is that a registered medical practitioner working in an area with no patient contact and no risk of personal injury claim against that practitioner is not practising medicine for the purposes of the Health Care Liability Act.

Approved Insurer

Approved Professional Indemnity Insurance providers will issue you with a Certificate of Insurance - **do not include** this with your return. You should retain this Certificate as you may be required to provide the Board with a copy in the event of an audit.

Please indicate on the renewal form the name of your provider (eg UMP, MIPS etc) and your member code issued by the provider.

Exempt Categories

Exempt categories are defined in the Act as follows. Please tick the appropriate box on the form. You are not required to include supporting documentation.

i) Employees of Public Health Organisations

A medical practitioner who is an employee of a public health organisation, but only to the extent that the medical practitioner practises as such an employee. A **public health organisation** is defined as an Area Health Service, a scheduled statutory corporation, or a scheduled affiliated health organisation.

Public hospital employees such as interns and staff specialists fall within this category.

(ii) Non Practising

A person whose registration as a medical practitioner is, in accordance with section 9 of the Medical Practice Act 1992, subject to the condition that the person does not practise medicine (must hold non-practising registration).

(iii) Practice outside NSW

A medical practitioner who practises medicine primarily outside New South Wales and who is covered by professional indemnity insurance of any kind.

(iv) Indemnified Employee

A medical practitioner who practises medicine in the course of being:

- (i) employed by another person, or
- (ii) engaged by another person under some contractual arrangement.

This exemption applies only in relation to a medical practitioner:

- (a) to the extent that the medical practitioner is practising medicine as an employee of, or contractor to, the other person, **and**
- (b) to the extent that the medical practitioner is indemnified, under an insurance policy issued to the other person, for civil liability arising out of the provision of, or failure to provide, health care by the medical practitioner, **and**
- (c) if the other person is not the medical practitioner's practice company.

For the purposes of subclause (b): **insurance policy issued to the other person** includes arrangements established or entered into by the State to cover civil liability arising out of the provision of, or failure to provide, health care by a public health organisation or its employees, agents or contractors.

(v) Pre-existing non-approved insurance arrangements

A medical practitioner is exempt from the approved insurance requirement if:

- (a) the medical practitioner, while practising as such, was covered by professional indemnity insurance of any kind immediately before 1 January 2002, **and**
- (b) the insurer who provides that insurance was providing the insurance to the medical practitioner for a continuous period of at least 4 weeks leading up to 1 January 2002, **and**
- (c) the insurer does not provide, or ceases to provide, approved professional indemnity insurance during the period between 1 January 2002 and 1 July 2002 and continues not to provide approved professional indemnity insurance after 1 July 2002, **and**
- (d) the medical practitioner, while practising as such, continues (without any break in the cover) to be covered by professional indemnity insurance provided by that same insurer.

(vi) Not providing health care/opinions

A medical practitioner whose medical practice does not include the provision of health care or medical opinion in respect of the physical or mental health of a person.

Health care is defined as 'any care, treatment, advice, service or goods provided in respect of the physical or mental health of a person.'

(vii) Government indemnity

A medical practitioner who, while practising medicine, is covered by an indemnity arrangement established or entered into by the State or the Commonwealth to cover civil liability.

(viii) Statutory exemption from liability

A medical practitioner who, while practising medicine in accordance with a function conferred or imposed by or under any State or Commonwealth Act or regulation, does not, under that Act or regulation, incur any personal liability.

(ix) Interim - Cessation of insurer's business

If a medical practitioner ceases to be covered by approved professional indemnity insurance as a consequence of the cessation of business of the insurer who provided the insurance, the medical practitioner is, in accordance with section 19 (4) (b) of the Act, exempt from the approved insurance requirement but only **for a period of no more than 3 months** (or such longer period as may be prescribed) immediately following the date on which the medical practitioner ceased to be so covered.

(x) Limited prescribing and referral

A medical practitioner with practising registration may:

- (a) Without fee or reward **refer** a person to another medical practitioner for the purpose of providing health care, and / or
- (b) Without fee or reward write a **repeat prescription**, provided that:
 - The practitioner has undertaken professional education activities relating to the prescribing of therapeutic substances in the preceeding 12 months,
 - the prescription is a repeat of a prescription issued within the previous six months by another practitioner who is in active practice, and
 - the prescription does not relate to a drug of addiction,or
 - the prescription is provided to a person who requires temporary relief or first aid, pending attendance by that person upon another practitioner who is in active practice.

The regulation also exempts practitioners who render assistance on a voluntary basis in an emergency.

Not intending to practise

Tick this box if you do not intend to practise medicine in the next 12 months. The Board's view is that a registered medical practitioner working in an area with no patient contact and no risk of personal injury claim against that practitioner is not practising medicine for the purposes of the Health Care Liability Act.

Examples would include researchers and academics in non-clinical positions

Other

Please provide details if you consider that you do not fit any of the PII categories described. You **may not** practise medicine in NSW if you do not hold Approved PII, or fit within an exempt category.

5. ANNUAL WORKFORCE QUESTIONNAIRE

You are encouraged to complete and return the Questionnaire, using the specialty and sub-specialty codes. This information is collected by all Australian Boards for the Australian Institute of Health and Welfare, and is used for data projection and workforce planning purposes.