

Statement

14 March 2012

Medical Registration – What does it mean? Who should be registered?

Purpose

This statement provides advice to help individuals with medical qualifications to decide whether or not they should be registered. It also provides advice about non-practising registration.

Why the Medical Board of Australia is publishing this information

The 10 National Boards have defined “practice” in a number of their registration standards as:

***Practice** means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.*

The definition was intended to be broad and inclusive. It allows individuals with qualifications as a health practitioner to be registered if they are using their skills and knowledge as a health practitioner, regardless of whether they are providing direct patient care. Registered health practitioners can use the protected title related to their profession and must comply with their National Board’s approved registration standards.

A number of the National Boards have consulted on whether the definition used in the registration standards should be changed. After considering the responses to the consultation, the Boards have decided not to amend the definition but to issue advice to help individuals decide whether or not they should be registered.

All of the registration standards which incorporate the definition will be reviewed in 2013 and the question of the definition may be revisited at that time.

Many qualified health practitioners who use their skills and knowledge in a range of activities outside direct patient care may not need to be registered. This statement clarifies the expectations and approach of the Medical Board of Australia. It is based on the National Law and the level of risk to the public that the “practice” poses.

The National Law and Medical Practitioners

Medical practitioners are registered under the Health Practitioner National Law (National Law) as in force in each state and territory. The National Law limits the use of certain titles. The protected titles for medicine are “medical practitioner” and “medical specialist” and each of the medical specialties recognised under the National Law has its own protected title. (See attachment 1 for a list of protected titles for medical specialists.) “Doctor” is not a protected title. Other than a few notable exceptions (that apply to restricted dental acts, prescription of optical appliances and manipulation of the cervical spine) the National Law does not define the activities that require registration as a

particular health practitioner. That is, it is not a breach of the National Law for a medical practitioner to use their knowledge and skills relating to the medical profession without being registered, if the individual does not breach the sections of the National Law related to the protection of title or to the specific practice protections.

Under the National Law, a person must be a registered health practitioner if they:

1. use the title “registered health practitioner” with or without any other words (s. 116(a))
2. take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate, that the person is a health practitioner or is authorised or qualified to practise in a health profession (s. 116(b))
3. claim to be registered under the National Law or hold themselves out registered under the National Law (s. 116(c))
4. claim to be qualified to practise as a health practitioner (s. 116(d))
5. undertake a restricted act (which are specific dental acts, prescription of optical appliances and manipulation of the cervical spine).

The online national Register of Practitioners allows the public to identify who is a registered health practitioner. Practitioners who are registered must meet the registration standards set by the relevant National Board. The public can therefore be confident that a registered practitioner meets the relevant requirements for professional indemnity insurance, continuing professional development and recency of practice.

The Medical Board’s advice on who should be registered

The Medical Board of Australia provides the following advice, based on the objectives of the National Law, to guide practitioners’ decisions about whether or not they should be registered. Any practitioner who is qualified and meets the applicable registration standards may apply for registration.

As the primary purpose of registration is to protect the public, medical practitioners should be registered if they have any direct clinical contact with patients or provide treatment or opinion about individuals. As well, other state and commonwealth legislation provides that registration is required to enable prescribing and in order for a patient to be eligible for a Medicare benefit for a medical service.

For roles beyond direct patient care, the Medical Board of Australia advises practitioners to be registered when:

1. their work impacts on safe, effective delivery of health care to individuals and/or
2. they are directing or supervising or advising other health practitioners about the health care of an individual(s) and/or
3. their employer and/or their employer’s professional indemnity insurer requires a person in that role to be registered and/or
4. professional peers and the community would expect a person in that role to comply with the Board’s registration standards for professional indemnity insurance, continuing professional development and recency of practice and/or
5. they are required to be registered under any law to undertake any specific activity.

Roles for which current practising registration may not be necessary

The following examples have been selected based on common queries raised with the National Board. They are not exhaustive. Each individual practitioner will need to decide whether or not they should be registered, based on their individual circumstances and with reference to the criteria listed above.

The Medical Board of Australia advises that practitioners engaging in the following activities do not necessarily require any registration or may choose to hold non-practising registration:

1. An examiner or assessor of medical students or medical graduates, when the student or graduate is not treating patients as part of the assessment, provided that the organisation on whose behalf they are acting believes that current practising registration is not necessary for the scope of activity
2. A tutor or teacher working in settings that involve simulated patients or settings in which there are no patients present, provided that the organisation on whose behalf they are acting believes that current practising registration is not necessary for the scope of activity
3. A researcher whose work does not include any human subjects and whose research facility does not require them to be registered
4. A person who speaks publicly about a health or medical related topic and who will not be giving any individual patient advice
5. A person serving on a board or committee or accreditation body, when their appointment is not dependent on their status as a “registered medical practitioner”
6. A person who may be using skills and knowledge gained from an approved qualification but is not using a protected title, nor claiming or holding themselves out to be registered, such as a person in an advisory or policy role
7. A medical practitioner who is registered overseas and is visiting for any role not involved in providing treatment or opinion about the physical or mental health of any individuals

Non-practising registration

This type of registration is open to people who are not practising. It allows a person to remain on the register and to continue to use the protected title “medical practitioner”. Anyone with non-practising registration must not provide medical treatment or opinion about the physical or mental health of an individual. They are not able to prescribe or to formally refer to other health practitioners. People with this type of registration remain subject to the Medical Board’s jurisdiction in relation to their professional conduct. They are not required to take any steps to meet the Board’s registration standards in relation to professional indemnity insurance, continuing professional development or recency of practice as these standards specifically exclude those with non-practising registration.

The Medical Board of Australia advises that it would be appropriate for those with non-practising registration to engage in the activities listed as not requiring registration, but not those activities listed as requiring registration.

Further advice

The Medical Board recognises that some of the activities identified as not necessarily requiring registration fall within the broad definition of practice used in the registration standards. However, as these activities do not contravene the National Law, the Board would not have any grounds to take action against an individual whose scope of activity did not amount to ‘holding out’ or using a protected title.

The Board recognises and values the continuing contribution that many doctors who are no longer providing medical care make to the community and the profession through teaching and other roles.

The Board also recognises that unregistered practitioners may find themselves in a circumstance when it is appropriate for them to provide assistance in an emergency. In such a circumstance, the Board recognises that the practitioner will, and should, provide the best care that they can. The Board would not have any grounds to take action against someone for rendering medical assistance in an emergency unless they were holding out that they were registered.

If you require further assistance to help you decide whether or not you need to be registered, consult your employer, professional indemnity insurer or other legal adviser.

Medical Board of Australia

List of specialties, fields of specialty practice, and related specialist titles

Authority

This standard has been approved by the Australian Health Workforce Ministerial Council on 31 March 2010 pursuant to the *Health Practitioner Regulation National Law (2009)* (the National Law) with approval taking effect from 1 July 2010.

Specialty	Fields of specialty practice	Specialist titles
Addiction medicine	—	Specialist in addiction medicine
Anaesthesia	—	Specialist anaesthetist
Dermatology	—	Specialist dermatologist
Emergency medicine	—	Specialist emergency physician
General practice	—	Specialist general practitioner
Intensive care medicine	—	Specialist intensive care physician
Medical administration	—	Specialist medical administrator
Obstetrics and gynaecology		Specialist obstetrician and gynaecologist
	Gynaecological oncology	Specialist gynaecological oncologist
	Maternal–fetal medicine	Specialist in maternal–fetal medicine
	Obstetrics and gynaecological ultrasound	Specialist in obstetrics and gynaecological ultrasound
	Reproductive endocrinology and infertility	Specialist in reproductive endocrinology and infertility
	Urogynaecology	Specialist urogynaecologist
Occupational and environmental medicine	—	Specialist occupational and environmental physician
Ophthalmology	—	Specialist ophthalmologist
Paediatrics and child health		Specialist paediatrician
	Clinical genetics	Specialist paediatric clinical geneticist
	Community child health	Specialist in community child health
	General paediatrics	Specialist general paediatrician
	Neonatal and perinatal medicine	Specialist neonatologist
	Paediatric cardiology	Specialist paediatric cardiologist
	Paediatric clinical pharmacology	Specialist paediatric clinical pharmacologist
	Paediatric emergency medicine	Specialist paediatric emergency physician
	Paediatric endocrinology	Specialist paediatric endocrinologist
	Paediatric gastroenterology and hepatology	Specialist paediatric gastroenterologist and hepatologist
	Paediatric haematology	Specialist paediatric haematologist
	Paediatric immunology and allergy	Specialist paediatric immunologist and allergist
	Paediatric infectious diseases	Specialist paediatric infectious diseases physician
	Paediatric intensive care medicine	Specialist paediatric intensive care physician
	Paediatric medical oncology	Specialist paediatric medical oncologist
	Paediatric nephrology	Specialist paediatric nephrologist
	Paediatric neurology	Specialist paediatric neurologist
	Paediatric nuclear medicine	Specialist paediatric nuclear medicine physician
	Paediatric palliative medicine	Specialist paediatric palliative medicine physician
	Paediatric rehabilitation medicine	Specialist paediatric rehabilitation physician
Paediatric respiratory and sleep medicine	Specialist paediatric respiratory and sleep medicine physician	
Paediatric rheumatology	Specialist paediatric rheumatologist	
Pain medicine	—	Specialist pain medicine physician



Palliative medicine		Specialist palliative medicine physician
Pathology		Specialist pathologist
	General pathology	Specialist general pathologist
	Anatomical pathology (including cytopathology)	Specialist anatomical pathologist
	Chemical pathology	Specialist chemical pathologist
	Haematology	Specialist haematologist
	Immunology	Specialist immunologist
	Microbiology	Specialist microbiologist
	Forensic pathology	Specialist forensic pathologist
Physician		Specialist physician
	Cardiology	Specialist cardiologist
	Clinical genetics	Specialist clinical geneticist
	Clinical pharmacology	Specialist clinical pharmacologist
	Endocrinology	Specialist endocrinologist
	Gastroenterology and hepatology	Specialist gastroenterologist and hepatologist
	General medicine	Specialist general physician
	Geriatric medicine	Specialist geriatrician
	Haematology	Specialist haematologist
	Immunology and allergy	Specialist immunologist and allergist
	Infectious diseases	Specialist infectious diseases physician
	Medical oncology	Specialist medical oncologist
	Nephrology	Specialist nephrologist
	Neurology	Specialist neurologist
	Nuclear medicine	Specialist nuclear medicine physician
	Respiratory and sleep medicine	Specialist respiratory and sleep medicine physician
Rheumatology	Specialist rheumatologist	
Psychiatry	—	Specialist psychiatrist
Public health medicine	—	Specialist public health physician
Radiation oncology	—	Specialist radiation oncologist
Radiology	Diagnostic radiology	Specialist radiologist
	Diagnostic ultrasound	Specialist radiologist
	Nuclear medicine	Specialist in nuclear medicine
Rehabilitation medicine	—	Specialist rehabilitation physician
Sexual health medicine	—	Specialist sexual health physician
Sport and exercise medicine	—	Specialist sport and exercise physician



Surgery		Specialist surgeon
	Cardio-thoracic surgery	Specialist cardio-thoracic surgeon
	General surgery	Specialist general surgeon
	Neurosurgery	Specialist neurosurgeon
	Orthopaedic surgery	Specialist orthopaedic surgeon
	Otolaryngology – head and neck surgery	Specialist otolaryngologist - head and neck surgeon
	Oral and maxillofacial surgery	Specialist oral and maxillofacial surgeon
	Paediatric surgery	Specialist paediatric surgeon
	Plastic surgery	Specialist plastic surgeon
	Urology	Specialist urologist
	Vascular surgery	Specialist vascular surgeon

