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TIME TO ACT - QLD PARLIAMENT CAN MAKE LAWS THAT PROTECT ALL AUSTRALIAN PATIENTS AND DOCTORS

Federal AMA President, Dr Tony Bartone, and AMA Queensland President, Dr Dilip Dhupelia, have written to all members of the Queensland Parliament, urging them to amend draft mandatory reporting legislation so that doctors and medical students have the confidence and support to seek help when they are unwell.

“Today is an historic chance for the Queensland Parliament to take a bipartisan stance and create national laws that will protect doctors and patients, by supporting doctors and medical students to seek the treatment they need, when they need it, without fear of being reported to authorities,” Dr Bartone said.

“Being a doctor is a stressful vocation. We deal with life-and-death situations every day. We are only human, and our work takes its toll.

“When doctors and medical students find themselves needing professional help when they are unwell, often caused by the stressful work they are doing, they can be deterred by national laws that compel their treating doctor to report them to authorities as ‘impaired’.

“This can lead to them fearing that they will spend months, even years, fighting possible sanctions, including losing their registration, for simply seeking the help that their patients ask for, and receive, every day without judgment or repercussions.

“Doctors and medical students must be accorded the same rights as any other patient – to be able to receive confidential, high-quality health care without fear of professional ramifications.

“While the fear of ramifications may be perceived, it still remains a palpable barrier to seeking help for many medical practitioners.

“We are still losing too many colleagues every year because they do not feel confident that they can seek help without risking their careers.

“We need consistent laws across the nation to ensure that all doctors and medical students can feel confident to seek medical help for all conditions.

“The Western Australian Parliament has already acted in a bipartisan way to pass legislation that exempts doctors who are treating other medical practitioners from having to report them to regulatory bodies.

“We support proposed amendments to the current Bill, where doctors would be exempted from reporting their medical practitioner patients, except in cases involving sexual misconduct.

“This proposed approach protects patients and saves doctors.

“Doctors are also patients. They should have the same right to confidential, high-quality medical treatment as their patients have.

“Any barriers to treatment for medical practitioners, real or perceived, must be removed and not hinder the same timely access to care that we as doctors fight for on behalf of our patients.”

Under Council of Australian Governments (COAG) arrangements, if passed, the Queensland *Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018* will become law in all States and Territories except Western Australia.

In Western Australia, doctors who are treating other doctors or medical students for health conditions are exempt from mandatory reporting provisions under national registration legislation.

“The legislation before the Queensland Parliament is a step in the right direction, and is an improvement on the current laws, which may actively discourage doctors from seeking medical treatment,” AMA Queensland President, Dr Dhupelia said.

“But it does not go far enough to ensure that doctors and medical students can seek the treatment that they need, when they need it, without worrying that they will be reported to authorities and possibly lose their right to continue studying or to practise.

“The current laws put patients and doctors at risk. Doctors must be able to seek help, and patients must be confident that their doctors are able to get help when they need it.

“We urge the Queensland Parliament to amend this Bill so that it moves closer to the WA model that has been shown to work.

“In 2017-18 alone, at least four Queensland doctors took their own lives. These deaths may have been prevented had they felt confident that they could seek help without the fear of being de-registered.

“At least one suicidal doctor calls the Queensland Doctors Health Advisory Program (DHAP) every two months, and DHAP receives up to six calls a week from doctors or their family members, as many doctors are too fearful to make the phone call.”

The AMA submission to the Parliamentary Inquiry is at <https://ama.com.au/submission/ama-mandatory-reporting-submission-2018>

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