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IS IT OK TO DOB?

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The new Australian mandatory reporting regime makes it necessary for all health professionals to make reports in relation to the conduct of other health professionals in particular circumstances. However, recent research confirms that doctors are clearly reluctant to do so.

The research report (JAMA 2010 - 304:187-193 Physicians' Perceptions, Preparedness for Reporting, and Experiences Related to Impaired and Incompetent Colleagues) found a high level of commitment for the reporting of physicians who were significantly impaired or incompetent to practice. However, only 69% indicated that they would be prepared to take action to deal with impaired colleagues in medical practice. 64% reported being prepared to appropriately deal with incompetent colleagues.

Of significant interest was the fact that 17% of physicians indicated that they had personal knowledge of a doctor who was, or may have been, incompetent to practice in their hospital, group or practice. In those situations, only two thirds had actually made a report to the relevant registration or disciplinary authority.

The research suggests that some of the reasons for not reporting was the belief that someone else was "taking care of the problem" (19%); or that nothing would happen if a report was actually made (15%). Some had a fear of retribution (12%) and some believed that it was not their responsibility (10%).

The research was conducted in circumstances where mandatory reporting did not impose an obligation on the physicians to report impairment or incompetence.

That situation now changes in Australia where a report is required to be made by a health professional where there is a reasonable belief that "notifiable conduct has occurred". Notifiable conduct is where a registered health practitioner:

- practises while intoxicated.
- engages in sexual misconduct in connection with practice.
- places the public at risk or harm in his or her practice in a way that constitutes a significant departure from accepted professional standards.

The new national legislation provides protection for notifiers from defamation and civil or criminal process where a mandatory report is made in good faith.

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