

COMMISSION OF INQUIRY NO. 1 OF 2005
MEDICAL BOARD OF QUEENSLAND

This is the annexure marked "**MDG-28**" mentioned and referred to in the Statement of **MICHAEL STEVEN DEMY-GEROE** dated this 17th day of May 2005.

Adopted by Doc
at meeting of 9.5.50

Pre-registration Interview of Applicants for Registration

1. Background

The Medical Board of Queensland administers the legislation regulating the practice of medicine in Queensland. A principal function of the Board is the registration of suitably qualified persons as medical practitioners.

The *Medical Act 1939* places a clear obligation upon the Board to satisfy itself that an applicant for registration is both competent to practise medicine and of good character:-

"19A. The Board may register a person as a medical practitioner only if it is satisfied that the person -

(a) is competent to practise medicine; and

(b) is of good character."

The Act defines *competent to practise medicine* in the following terms:-

"4A. A person is competent to practise medicine only if the person -

(a) has sufficient physical capacity, mental capacity and skill to practise medicine; and

(b) has sufficient communication skills for the practice of medicine, including an adequate command of the English language."

From its establishment in 1860, the Medical Board of Queensland has required that all applicants for registration attend for interview either before the full Board or by an authorised Board member. More recently, in limited circumstances and to lessen inconvenience to registrants and the employing hospitals, responsibility for interview has been delegated to senior medical superintendents in Townsville and Cairns.

2. The Interview

The pre-registration interview:-

- complements the assessment of the Application for Registration by the Registration Advisory Committee (if the application is one which must be considered by the committee), the curriculum vitae, the Certificate of Good Standing and the certified copies of relevant degrees/diplomas.
- is regarded by the Board as a means of assessing communication skills and applicants' clinical competence including their qualifications and experience, especially experience relative to the type of practice for which registration is sought.

- provides the Board member with the opportunity to discuss with the registrant specific responsibilities of practitioners registered in Queensland regarding ongoing registration and maintenance of the annual practising certificate, and where appropriate, that registration is dependent on retention of a specified appointment.

3. Function of the Medical Board of Queensland

The interview provides an opportunity to explain the functions of the Board and the legislation affecting medical practice.

In conversation the Board member has the opportunity to discuss with the practitioners:

- obligations under The Health (Drugs and Poisons) Regulation 1996 highlighting in the booklet "What Doctors Need to Know" the sections relative to prescribing controlled drugs.
- the mechanisms for complaints against doctors. (brochure available)
- the position statement of health professional boards on sexual relationships between health practitioners and their patients. (brochure available)
- the applicant's past history regarding complaints, litigation or disciplinary offences.

4. General Advice

Some general advice about clinical practice may be given.

Simple questioning reveals whether or not the practitioner has indemnity insurance for practice in Queensland and the importance of having a clear understanding of what the employing authority regards as its responsibility. Practitioners without indemnity cover are encouraged to make contact with the established insurers in this field.

The importance of Income Protection Insurance can be introduced to the interview and the applicant advised to take the precaution of having a means of support in case of accident or illness.

Since practitioners who are not Australian citizens or permanent residents would be ineligible for treatment under Medicare, discussion about health insurance might be relevant.

The Doctor's Health Advisory Service can be introduced and the support which that organisation provides to doctors experiencing health problems briefly described.

5. Potential Outcomes

The interviewer may:-

- determine that the applicant is suitable for registration, and proceed to authorise registration;

- refer the application back to the Board for further consideration of any issue arising from the interview. Issues of concern might be:-
 - the applicant's experience is limited and inappropriate to the requirements of the position for which registration is sought;
 - certain conditions should be imposed to address a deficiency, eg "restricted from taking responsibility for patient care on grounds of deficient English language skills".

Medical Board of Queensland

INTERVIEW REQUIREMENT FOR APPLICANTS FOR REGISTRATION

A consideration of the objectives of the current registration interview process in the context of the legislation, evolving registrant assessment procedures, and practicality.

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July 2003

Interview Requirement for Applicants for Registration

Background

From its establishment, the Medical Board of Queensland has required applicants for registration to attend for interview either before the full Board, the Secretary / Registrar of the Board, an authorised Board member, or another person acting on the Board's behalf.

The purpose of the interview appears to have varied over time and may well have had its origins in a necessary courtesy visit to the senior members of the profession by a new arrival which also provided an occasion to present original documents for sighting. It seems unlikely that the early interviews constituted an actual assessment for registration purposes. Eventually however the interview became the final assessment or registration requirement, aimed at providing confirmation of the applicant's fitness to practise the profession in terms of English language proficiency and relevant experience. In its May 2000 guidelines for Pre-registration Interviews of Applicants for Registration, the Board described the interview requirement as:-

- “complement[ing] the assessment of the application for registration by the Registration Advisory Committee (if the application is one which must be considered by the committee), the applicant's curriculum vitae, certificate of good standing, and certified copies of relevant degrees / diplomas;
- [being] regarded by the Board as a means of assessing applicants' communication skills and clinical competence, including their qualifications and experience, especially experience relative to the type of practice for which registration is sought;
- [providing] the Board member with the opportunity to discuss with the registrant specific responsibilities of practitioners registered in Queensland regarding ongoing registration and maintenance of the annual practicing certificate, and where appropriate, that registration is dependent on retention of a specified appointment.”

The pre-registration interview requirement has become increasingly criticised, on grounds that it allegedly fails to achieve any worthwhile objective, and that it often creates substantial difficulties for both registrants and employers. Since the opening of international airports in north Queensland, and the availability of direct flights from Sydney and Melbourne to regional centres in Queensland, registrants intending to take up appointments who have not yet satisfied the interview requirement, frequently find they must subsequently travel to Brisbane to be interviewed.

The Board has indicated that the current policy on interviewing applicants for registration should be reviewed. Before progressing this matter, it is however important to consider the objectives or outcomes sought from an interview requirement in the context of the legislation, registration assessment procedures, and practicality.

The current interview process

In principle, all applicants for registration in Queensland are required to be interviewed by an authorised Board member. Practitioners who obtain registration by way of mutual recognition, however, are exempted from the interview requirement. Additionally, special purpose applicants who have been registered in Queensland within the preceding period of 12 months are also exempted, as are general registration applicants who had been registered in Queensland in the previous three year period.

Special purpose registration applicants recruited overseas in the Queensland Health annual recruitment process, were formerly interviewed by a medical superintendent or senior departmental officer participating in the recruitment visit, and were taken as having satisfied the interview requirement. Most new medical graduates applying for internship general registration are addressed by the Board's Chairperson at the annual registration breakfast, and are likewise not required to undergo a further interview.

Since most other general registration applicants utilise the mutual recognition pathway, the remaining applicants who require an interview are usually overseas-trained special purpose applicants, most of whom seek registration in the area of need category. As many of these doctors would engage directly in clinical practice, often with limited supervision or guidance, the interview process has provided an opportunity to discuss their relevant experience, explain some important matters relative to medical practice in this country, and note any obvious substandard English language ability.

Until early last year, some regional medical superintendents were authorised to conduct interviews on the Board's behalf, for registrants appointed to those centres. However, as medical superintendents often also represented the employer of the doctors, it was recognised that there could be a perceived conflict of interest in continuing such an arrangement.

At the conclusion of the interview, the authorised person must sign a form certifying that the registrant has been interviewed, and is suitable for registration. Registration commences forthwith. In the first six months of this year, 415 interviews of registrants were conducted.

How effective is the interview process

There are several difficulties inherent in the pre-registration interview process, as currently applied, as an assessment tool for fitness to practise and English language proficiency.

Firstly, if the objective of the interview is to complement the assessment of the applicant's suitability for the position for which registration is sought, in particular the applicant's communication skills and relevant experience, it might be expected that the interview could affect the outcome of the application. However, this is not the case. In nearly all interviews involving special purpose applicants, registration has

already been approved by the Board, subject to completion of outstanding registration requirements, often while the applicant was still overseas. This is because most such applicants are reluctant to risk travelling to Australia without a Board decision or commitment regarding their registration. Also, granting of visas is often only considered by Australian overseas missions if registration is already approved or guaranteed. The outstanding registration requirement in most cases is only the interview.

According to informally obtained legal advice, if a registrant interview conducted in such circumstances should raise concerns, the Board having already made a decision to approve an application for registration would then be *functus officio* and would not be able to revisit its earlier decision, unless it could be held that the Board had not performed its statutory function because of an administrative error. Administrative error in the appraisal process would not usually be the case.

It would consequently be necessary for the Board to embark on a separate process under the *Health Practitioners (Professional Standards) Act 1999*, to deal with any situation where concerns as to a registrant's suitability emerged from the interview. This would be so despite the Board's practice of approving registrations subject to completion of registration requirements. Indeed, the practice of approving applications subject to further requirements being satisfied would amount to a *de facto* condition being placed on the registration, which should properly be imposed in accordance with the requirements of the Act.

Secondly, there is no express statutory basis for the interview requirement. The authority for requiring an applicant to present for an interview only arises from the obligation upon the Board to determine the eligibility of a person seeking registration by ensuring appropriate qualifications are held, and that the person is otherwise fit to practise the profession. There is no prescribed process for the Board to satisfy itself in these respects so an interview would certainly be relevant to assist the Board in making its determination. An interview conducted on this basis would however need to take place before a decision is reached on the application.

Additionally, authorised Board members conducting an interview where a potential outcome is a finding that the applicant's English language skills are substandard, risk being challenged on their qualifications to make such an assessment. This could represent a difficulty, regardless of how an interview requirement might be implemented.

It is clear that the only way the interview could affect the outcome of an application for registration would be for the interview to precede the decision on the application. Practical considerations would however weigh against introduction of a genuine pre-registration interview as part of the assessment process.

Developments in the assessment process

Since the Board last reviewed its interview policy, more rigorous assessment processes for applications for special purpose registration have been introduced, or are being considered:

- Two years ago, the Board introduced a requirement that applicants seeking special purpose registration to fill area of need vacancies would henceforth be required to submit a summary of experience in a form, which would then be matched with a position description form submitted by the prospective employer. The information thus obtained, in conjunction with other information, has enabled the Board to more accurately assess an applicant's particular suitability relative to the requirements of an identified area of need vacancy.
- The Board now requires a performance report to be submitted with any subsequent application for special purpose registration in respect of a previously approved area of need or supervised training activity. This requirement has recently been further enhanced by adoption of a standard format for such reporting.
- The Board proposes to introduce a requirement that, subject to certain exemptions, all area of need special purpose applicants will be required to provide evidence of their English language competency as a supporting document with their application. They would accordingly be required to have completed the IELTS examination, and have achieved an overall band score of 7 or higher, with a minimum score of 6.5 in any component. This proposal is presently in the consultation stage, but is expected to be implemented from 1 January 2004.
- The Board has approved the development of an information pack for new registrants. Such information would include a range of materials relevant to medical practice in this state, and would cover all of the induction elements covered in the current interview process. It is anticipated the information pack will be finalised for introduction by 1 January 2004.

Conclusion

As an assessment tool, the interview requirement in its present form does not achieve the objective of screening applicants for registration to ensure only those who are fit to practise, in terms of possession of relevant skills and English language competency, are registered by the Board. Moreover, it is difficult to conceive how the interview process could be modified or amended in a way that would provide a practical, consistent, and fair process which could influence the outcome of an application, having regard to the nature of the main target group, special purpose registrants.

The current interview process in fact retains the characteristics of the antecedent courtesy visit. The opportunity to direct a new registrant's attention to important matters relative to medical practice in this State might well be the only worthwhile outcome of the current interview process.

It is noted that a significant amount of time is devoted by Board members to conducting interviews. It has also been proposed that the assistance of senior members of the profession in Townsville and Cairns could be sought to conduct interviews in those centres or that video conferencing facilities be utilised. If it is

accepted that the interview adds no value to the assessment of applications, and is of little benefit after registration is approved, it would be quite unfair to continue to ask Board members, and any other persons who might be authorised to conduct interviews, to commit their time in this way, nor should alternative means of conducting interviews be pursued.

The conclusion which has been reached in the course of examining this issue is that the interview component of current registration requirements should be discontinued. In view of the likely introduction next year of English language proficiency standards for those applicants wishing to fill area of need vacancies, whose native or first language is not English, a major reason for conducting the interview will have been removed. The development of an information pack for new registrants would further overcome any need for a Board representative to personally meet with registrants.

These proposed developments together with the existing enhanced assessment processes for applications for special purpose registration will achieve the stated objectives put forward for the current interview process, which demonstrably falls short in meeting those objectives.

Recommendation

It is recommended that:

1. the current requirement for interview of applicants for registration be discontinued.
2. the practice of approving applications subject to certain outstanding requirements being fulfilled, be discontinued. In cases where further information or a document remains outstanding, the provisions of Section 46 of the Act be applied, or consideration be given to waiving the necessity to produce the outstanding information or document.
3. the development of an information pack for distribution to new registrants be progressed as a matter of priority.
4. hospital medical superintendents and directors of recruitment agencies be asked to submit their induction programs for new registrants to the Board for endorsement.