

Disclosure Obligations



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Your disclosure obligations under the National Law – vigilance required!

The *Health Practitioner Regulation National Law* (the **National Law**) introduces a number of new obligations on you, the registered dental practitioner, to disclose and report certain circumstances and events to the Dental Board of Australia (**DBA**). A lot of interest has understandably focused on the new mandatory obligations placed on registered health practitioners, employers and education providers to report, in certain circumstances, “*notifiable conduct*” as defined under s140 of the National Law.

This article does not address those mandatory reporting obligations, but rather, highlights the other important parts of the National Law which clearly require you to disclose information to the DBA.

Renewing your registration

An application for renewal must be accompanied by an annual statement. In your annual statement you **must** declare that:

- you do not have an impairment (as defined);
- you have met applicable recency of practice requirements;
- you have completed the requisite continuing professional development;
- you have not practised in the previous period of registration without appropriate professional indemnity insurance arrangements (as defined) being in place; and
- you will not practise unless appropriate professional indemnity insurance arrangements are in place.

You **must** also disclose the following in your annual statement:

- details of any change in your criminal history that occurred during the preceding period of registration (criminal history is defined to include every conviction for an offence, every plea of guilty or finding of guilt by a court for an offence whether or not a conviction is recorded and every charge made against you for an offence);
- if your right to practise at a hospital (or another facility at which health services are provided) is withdrawn or restricted during the preceding period of registration because of your conduct, professional performance or health (details of the withdrawal or restriction must be provided);
- if your Medicare billing privileges are withdrawn or restricted during the preceding period of registration because of your conduct, professional performance or health, (details of the withdrawal or restriction of the privileges must be provided);
- details of any complaint made about you to a registration authority (as defined) or another entity having functions relating to professional services provided by health practitioners or the regulation of health practitioners (this includes bodies such as State and Territory Health Complaint Commissions); and
- any other information required by an approved registration standard relevant to your profession.

Reporting during the year

There are also certain circumstances and events which must be notified to the DBA upon occurrence or awareness.

Within 7 days of becoming aware of any of the following events, you must notify the DBA of the event in writing:

- being charged with an offence punishable by 12 months imprisonment or more;
- being convicted of or the subject of a finding of guilt for an offence punishable by imprisonment;
- appropriate professional indemnity insurance arrangements no longer being in place;
- your right to practise at a hospital (or another facility at which health services are provided) is withdrawn or restricted because of your conduct, professional performance or health;
- your Medicare billing privileges are withdrawn or restricted because of your conduct, professional performance or health;
- your authority under a law of a State or Territory to administer, obtain, possess, prescribe, sell, supply or use a scheduled medicine or class of scheduled medicines is cancelled or restricted;
- a complaint is made about you to one of the following:
 - the chief executive officer under the *Medicare Australia Act 1973* of the Commonwealth;
 - an entity performing functions under the *Health Insurance Act 1973* of the Commonwealth;
 - the Secretary within the meaning of the *National Health Act 1953* of the Commonwealth;
 - the Secretary to the Department in which the *Migration Act 1958* of the Commonwealth is administered;
 - another Commonwealth, State or Territory entity having functions relating to professional services provided by health practitioners or the regulation of health practitioners;
- Your registration under the law of another country is suspended, cancelled or made subject to a condition or restriction.

Within 30 days of any of the following changes happening, you must give written notice to the DBA of the change and any evidence providing proof of the change:

- a change in your principal place of practice (as defined);
- a change in the address the DBA should use to correspond with you; and/or
- a change in your name.

Failure to notify the DBA of any of these events within the relevant time frame may constitute behaviour for which health, conduct or performance action may be taken.

So, it is important to be aware of your obligation to report the above circumstances and events to the DBA. Failure you do so will place you at risk of disciplinary action and for this reason we recommend that you share this article with your colleagues at your next staff meeting and start thinking about simple ways to ensure that the above mandatory requirements are not overlooked.

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