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Copied to:

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The Honourable Mark Butler, MP, Minister for Health and Aged Care
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Dear Mr. Fletcher

Re: Urgent Concerns Regarding AHPRA's Conduct, Regulatory Framework, and Scientific Integrity in Healthcare

The Australian Medical Professionals (AMPS) society writes again to express our concerns about the ongoing conduct of the Australian Health Practitioner Regulation Agency (AHPRA) and the medical boards, the apparent weaponisation of the regulatory framework governing healthcare professionals, and the broader issues affecting scientific integrity in healthcare. These concerns are shared by a large number of healthcare professionals across Australia who participated in our “Human Cost of AHPRA” survey and are supported by extensive feedback data, individual testimonies, and the findings of recent Senate inquiries.

AMPS, along with numerous other professional bodies, individual practitioners and the public strongly believe that the current regulatory environment poses a substantial and growing threat to public health, undermines the guiding principles of the National Law, and is rapidly eroding trust in our healthcare system. We are witnessing a crisis of confidence that, if left unaddressed, threatens to fundamentally alter the landscape of Australian healthcare for the worse.

The increasing pressure on medical practitioners in Australia to unquestioningly endorse public health guidelines, in situations where proper individualised informed consent may be compromised, is a clear risk to public protection. We are deeply troubled by the apparent continued censorship and intimidation of medical professionals who raise concerns about potential harms or who advocate patient choice and safety. This situation is not only unethical but also dangerous, as it stifles the very discourse and critical thinking that are essential to the advancement of medical science and the provision of high-quality patient care.

Our concerns are grounded in AHPRA's and the Medical Board's own guidelines on informed consent and good medical practice, as well as legal precedents which emphasise the importance of patient autonomy and the provision of all relevant information to patients. We believe that the current regulatory environment is undermining these principles, creating a healthcare system that is less transparent, less patient-centred, and ultimately less effective.

These concerns are not isolated incidents but reflect widespread dissatisfaction among healthcare professionals. A recent survey conducted by AMPS, titled "Have Your Say On AHPRA," garnered 1,081 responses from healthcare practitioners. The results are alarming and support our concerns:

- Of the 1,018 qualified health practitioners who responded, 52.2% reported having received a notification from AHPRA.
- Among those who had interactions with AHPRA, the average rating of their experience was a mere 1.7 out of 10, with 51.6% rating their experience as 0 out of 10.
- A staggering 78.5% of respondents felt they had been unfairly treated by AHPRA.
- When asked about AHPRA's fairness and transparency in dealing with complaints, 82.6% of 989 respondents answered "No."

These statistics paint a picture of a regulatory body that has lost the trust and confidence of the very professionals it is meant to regulate and support.

We have observed with growing alarm that many of our colleagues who have attempted to fulfil their professional obligations by speaking about potential harms of, for example, misguided, unscientific & ultimately harmful Covid-19 public health messaging, or questioning official guidelines have faced severe repercussions. These have included fitness to practise investigations, loss of employment, and in some cases, referrals to mental health services, seemingly for the "offence" of diverging from official narratives. This pattern of regulatory overreach has created a culture of fear and self-censorship among healthcare professionals, which we believe poses a huge risk to patient safety and public health.

The chilling effect on open scientific discourse and the willingness of medical professionals to report adverse events or raise safety concerns on behalf of their patients cannot be overstated. We are seeing a healthcare system where practitioners are increasingly afraid to speak out, to question, or to innovate - the very qualities that have historically driven medical progress and improved patient outcomes.

The Combating Misinformation and Disinformation Bill will essentially remove practitioners' ability to raise safety issues and participate in public debate for the protection of the public where their clinical judgement and the best available evidence conflict with that of the government. If this bill passes, the government will have deemed that any questioning of their measures could be defined as "serious harm." The government will become what the former NZ Prime Minister said: "the government will continue to be your single source of truth." Any questioning is potentially career-ending.

It's quite astonishing that after the pandemic, when "the science" changed regularly over time with an acknowledgement that we got much wrong, our parliament is debating a Bill where any number of legitimate concerns about public health policy could be branded misinformation by the government or the scientific orthodoxy of the moment.

In the following sections, we will outline in detail the specific issues that have been identified through our research, surveys and consultations with thousands of healthcare professionals. We will also propose a series of actions that we believe are necessary to address these issues and to restore integrity, trust, and effectiveness to our healthcare regulatory system.

1. Presumption of Guilt and Lack of Due Process

The overwhelming sentiment among healthcare professionals is that AHPRA treats practitioners as "guilty until proven innocent." This approach fundamentally contradicts principles of natural justice and is severely undermining confidence in the regulatory system. Practitioners report feeling vulnerable, stressed, and unsupported during investigations, with many considering leaving the profession altogether.

2. Vexatious and Anonymous Complaints

There is widespread concern about AHPRA's handling of vexatious and anonymous complaints. Many practitioners report facing lengthy, stressful investigations based on unfounded or malicious complaints, often with little recourse or consequences for false accusers. This is creating a climate of fear and defensiveness among healthcare professionals, potentially impacting patient care.

3. Timeliness and Transparency of Investigations

Practitioners consistently report protracted investigation timeframes, often lasting months or even years. This prolonged uncertainty causes substantial stress and can have devastating effects on careers, finances and mental health. The lack of adherence by AHPRA to legislative timeframes and clear, consistent communication during investigations further exacerbates these issues.

4. Disproportionate Regulatory Focus

Many respondents feel that AHPRA focuses excessively on minor infractions, thought crimes, or differences of professional opinion, while potentially overlooking more serious issues affecting patient safety and actual harm. This misallocation of resources is seen as detrimental to the overall quality of healthcare. Regulatory action should not be used as a means of enforcing compliance with politically correct ideas.

5. Suppression of Scientific Discourse

There is a unanimous and pervasive concern that AHPRA's approach is stifling open scientific debate, particularly regarding COVID-19 public health measures. Practitioners fear reprisals for expressing views that diverge from official narratives, even when based on evidence and professional judgement. This chilling effect on discourse poses a serious threat to scientific integrity and confidence in public health.

6. Erosion of Informed Consent

Healthcare professionals report feeling constrained in their ability to provide full information to patients, particularly regarding potential risks and alternative treatments. This interference with the doctor-patient relationship undermines the principle of informed consent and patient autonomy.

7. Financial Burden and Perceived Lack of Value

Many practitioners question the value they receive from AHPRA given the high and increasing registration fees. There is a widespread perception that these fees primarily fund an overly bureaucratic system that is punitive and does not effectively serve either practitioners or patients.

8. Mental Health Impact

The stress and anxiety caused by AHPRA's processes, particularly during investigations, are taking a severe toll on practitioners' mental health. The recent revelations of multiple practitioner suicides while under investigation, as well as our survey reports of depression, anxiety, and even suicidal ideation among those under investigation, are alarmingly common.

9. Lack of Clinical Input

There is a strong feeling that AHPRA lacks sufficient input from practising clinicians in its decision-making processes. This disconnect is seen as contributing to unrealistic or impractical regulatory expectations.

10. Undermining Public Confidence

The cumulative effect of these issues is a growing distrust not just in AHPRA, but in the healthcare system as a whole. Practitioners worry that the current regulatory environment is paradoxically reducing patient safety by creating a culture of defensive guideline based medicine.

In light of these serious concerns, we urgently call for the following actions:

1. A comprehensive, independent review of AHPRA's policies, practices, and organisational structure, with a focus on restoring due process, fairness, and the presumption of innocence.
2. Implementation of a more efficient, fair, and transparent complaints process, including measures to prevent vexatious complaints and ensure timely resolutions. This should include a mechanism for quickly dismissing clearly vexatious or unfounded complaints.
3. Development of a more supportive, rehabilitation-focused approach to addressing practitioner issues, rather than the current punitive model.
4. Health Professionals Autonomy: Establishment of clear, transparent guidelines that protect healthcare professionals' right to express evidence-based opinions without fear of retribution, in line with their constitutional rights and professional obligations.
5. A thorough review of registration fees and AHPRA's budget, with a focus on demonstrating value to practitioners and the public.
6. A commitment to treating practitioners with respect and empathy throughout the complaints process, maintaining the presumption of innocence until proven otherwise.
7. Increased representation of currently practising clinicians in AHPRA's governance and decision-making structures.
8. A public commitment to upholding the principles of free speech, intellectual freedom, and encouraging open scientific discourse within the medical community.
9. AHPRA should have no jurisdiction over limiting health professionals' personal, public, or political opinions, nor their right to participate in the public square of ideas where there is no demonstrable harm. Hurt feelings, personal offence, or medical advice patients do not like, should not constitute actual patient harm.
10. Implementation of the Senate inquiry's recommendations to improve timeliness, transparency, and communication in the notifications process, including the establishment of timeframes for aspects of the process and improved data collection to identify causes of delays.

The current situation is untenable and poses a grave threat to the integrity of our healthcare system, the wellbeing of both healthcare professionals and the Australian public, and the fundamental

principles of medical ethics and human rights. We urge you to take immediate action to address these concerns and restore balance to the regulatory framework governing healthcare professionals, while also safeguarding scientific integrity and public trust in our medical institutions.

We would welcome the opportunity to discuss these issues further at a meeting convenient to the board and contribute to developing solutions that protect both public health and the rights of healthcare professionals.

Yours sincerely,

Kara Thomas

Kara Thomas
AMPS Secretary