



POLICY AND PROCEDURE

DETERMINATION OF AREA OF NEED FOR MEDICAL SERVICES IN QUEENSLAND

1.0 Purpose and scope of policy

1.1 This policy deals with the process and procedure for certifying a class of medical practitioner and location/s as an area of need.

1.2 The purpose of this policy is to:

- i. define the standard for applications for area of need certification received under s135 of the *Medical Practitioners Registration Act 2001*, 'Practice in area of need'; and
- ii. provide employers/authorised agents with information on the Office of the Medical Board (OMB) procedures for completing and submitting area of need applications.

2.0 Introduction and relevant legislation

2.1 When an International Medical Graduate (IMG) is not eligible for general/specialist registration in Queensland, he or she may apply for special purpose registration to practise in a certified 'area of need' position under section 135, subsection (2) of the *Medical Practitioners Registration Act 2001* ('the Act'):

"A person is qualified for special purpose registration to practise the profession in an area of need if the person has a medical qualification and experience the Board considers suitable for practising the profession in the area".

2.2 Before an IMG can be considered eligible for special purpose registration (s135) by the Medical Board of Queensland, the employer must apply to have the class of medical practitioner and location/s certified as area of need.

2.3 An area of need for medical services may be certified by the Minister for Health or his or her delegate. The current delegate is the Executive Officer of the Office of the Medical Board.

The following subsections of section 135 of *Medical Practitioners Registration Act 2001* are provided for clarity:

- (4) The Minister may decide there is an area of need for a medical service (an **area of need decision**) if the Minister considers there are insufficient medical practitioners practising in the State, or a part of the State, to provide the service at a level that meets the needs of people living in the State or the part of the State.
- (6) An area of need decision must include the time for which the decision applies (its **operational time**).
- (7) To remove any doubt, it is declared that
 - (a) an area of need decision may be amended under this section; and
 - (b) an area of need decision may relate to a medical service provided by a stated class of medical practitioners practising in Queensland or a part of Queensland.
- (8) The operational time of an area of need decision may not be more than 4 years.



2.4 This policy is consistent with the Act in that it recognises that medical practitioners with *general/ specialist/ s138 registration* with the Medical Board of Queensland should be given preference over medical practitioners with *special purpose* registration to fill vacancies prior to area of need status being granted.

2.5 The process of granting area of need certification will be managed in an efficient and effective manner according to the principles of natural justice and procedural fairness.

3.0 **Definition of Area of Need**

3.1 An area of need is a location/s in Queensland or a part of Queensland where there are insufficient medical practitioners with *general/ specialist/ s138 registration* to provide a medical service at a level which meets the needs of the community.

3.2 In making an area of need decision, the Minister must have regard to

- (a) whether there are reasonable prospects of medical practitioners being soon engaged to provide the medical service at the health service facilities;
- (b) whether it is reasonably practicable for the medical service to be provided by medical practitioners practising at other health service facilities in that part of Queensland.

3.3 The decision to certify a class of medical practitioner to work in one or more locations under this policy is based on written evidence provided by the employer/authorised agent which demonstrates the need for the position and the efforts made to recruit to the position or provide the medical service in an alternate way.

3.4 Area of need certification applies to both public and private sector positions.

4.0 **Area of Need operational time**

4.1 The employer/authorised agent may apply for area of need certification for an operational time of up to **four (4)** years.

4.2 The operational time will commence from the date a medical practitioner is registered against the approved area of need application.

5.0 **Area of Need number and validity**

5.1 Each approved area of need application will be assigned a unique number - the **AON Number**. This number will be noted on the certification provided to the employer/ authorised agent following approval and will be available to the Medical Board.

5.2 The employer must quote the AON Number in the 'Special Purpose Employer (SPE) Form' supporting an application for special purpose registration. Further details of special purpose registration requirements are available at:

<http://www.medicalboard.qld.gov.au/Registration/Special%20Purpose%20Registration.htm>

5.3 For approved **individual** area of need applications, the AON Number will remain valid for six (6) months from the date the delegate approves the application.

5.4 For approved **multiple** area of need applications for a class of medical practitioner, the AON Number will remain valid for one (1) year from 1 January to 31 December of the year of certification.



5.5 The AON Number will lapse if it has not been matched to an application for special purpose registration within the valid period.

5.6 The unique AON Number cannot be used for more than one special purpose application (except for multiple approvals) and will lapse should a registered practitioner leave the approved position prior to operational time expiry.

6.0 Class of medical practitioner

6.1 An area of need application may be made for one or more classes of medical practitioner working in one or more location/s in Queensland or a part of Queensland. The following classes of medical practitioner are recognised in this policy:

- Junior Medical Officers (JHO, SHO, PHO)
- Senior Medical Officer
- Deemed Specialist
- Medical Superintendent
- Medical Superintendent with Right of Private Practice (MSRPP)
- Medical Officer with Right of Private Practice (MORPP)
- General Practitioner

6.2 Descriptions of each class of medical practitioner can be found at 18.0 of this policy.

7.0 Junior medical officer (JHO, SHO, PHO) positions

7.1 An area of need decision may relate to a medical service provided by a stated class of medical practitioner practising in Queensland or a part of Queensland.

7.2 The class of 'junior medical officer' (JHO, SHO, PHO) as defined in the Act, may be approved an area of need. If such an approval is made, area of need applications for individual junior medical officer positions will **NOT** be required.

7.3 An approved area of need application for a class of medical practitioner will be given an AON Number that may be used on multiple occasions for applications relating to the approved class of medical practitioner.

7.4 Individual area of need applications for junior medical officer positions may still be made on the approved form.

8.0 Area of Need deemed specialists

8.1 Employers/authorised agents applying for deemed specialist area of need positions should also refer to the "*Assessment Process for area of need Specialists - User's Guide 2002 Edition*" published by the Australian Medical Council available at:

<http://www.amc.org.au/forms/AONUsersGuide.pdf>

9.0 Exclusions

9.1 Interns cannot practice in an area of need position as the Medical Board requires applicants to have full registration in the country where they completed their training.

9.2 Area of need special purpose registrants cannot work as a non-certified class of medical practitioner or in a non-certified location (except for senior medical officers and deemed specialists undertaking supervised training approved by the Medical Board).



10.0 Application process

10.1 Only an employer or employer's authorised agent can apply for an area of need certification as per this policy.

10.2 Applications must be made on the approved form available at:

<http://www.medicalboard.qld.gov.au/AON/AoNApplication.html>

10.3 Complete applications should be submitted to:

Email: areaofneedunit@medicalboard.qld.gov.au

Postal Address: Area of Need Unit
The Office of the Medical Board
GPO Box 1667, BRISBANE QLD 4001

Street Address: 11th Floor
Forestry House
160 Mary Street
BRISBANE QLD

Telephone: 07 3225 2503
Facsimile: 07 3225 2519

10.4 On receipt of an area of need application the OMB will:

- Assess the application and supporting documentation;
- Check if position is declared District of Workforce Shortage (where applicable);
- Consult relevant stakeholders (where applicable);
- Request further information (where applicable);
- Recommend to the delegate to approve or refuse the application;
- Forward a notification of the delegate's decision to the applicant; and
- Notify the Medical Board of Queensland of the decision.

10.5 Allow maximum of 21 days from receipt of a complete application for a decision to be made.

10.6 The application will be taken to be withdrawn if further information is not received within 30 days of the request for further information.

11.0 Refusal of application

11.1 If an application is refused by the delegate, the applicant will be notified of the reasons for refusal, and invited to make a submission. Such a submission may include further information in support of the application. On receipt of the applicant's submission, the decision may be reviewed by the delegate.

12.0 Amending Area of Need applications

12.1 Amendments may only be made to an approved area of need certification if the AON Number has not been matched to an application for special purpose registration.

13.0 GENERAL PRACTITIONER - Area of Need application form

13.1 Area of need applications for general practitioner positions must be made on the prescribed application form **FORM:GP:104**.

13.2 The following details must be provided on the area of need application form:

Employer/authorised agent contact details

Employer/authorised agent must provide their name, address and contact details. These details will be used during the assessment of the application. If available, email will be used to notify employer/authorised agent of the decision and to forward the certification notice.

Operational time requested

The employer/authorised agent may request an operational time of up to 4 years. The operational time will commence from the date of special purpose registration.

General Practice activity - GROUP

Definition of group practice: “The registrant must only practice when a general registrant or FRACGP holder is present in the practice”.

For all group general practice positions, the employer/authorised agent must nominate one or more of the following activity types:

- Group only
- After Hours Deputising Service (Australian Government Approved)
- After Hours only activity (weekdays between 6pm and 8am, weekends and public holidays)
- Aboriginal Medical Service

General Practice activity - SOLO

Definition of solo practice: “Solo general practice is defined as independent practice by a registrant, as part of their employment, when no general registrant or FRACGP holder is present within the practice (whether full time, part time or the occasional shift).

This includes any after hours practice that is undertaken when no general registrant or FRACGP holder is present within the practice”.

For all solo general practice positions, the employer/authorised agent must nominate one or more of the following activity types:

- Solo only
- Bona-fide Locum
- After Hours Deputising Service (Australian Government Approved)
After Hours only activity (weekdays between 6pm and 8am, weekends and public holidays)
- Aboriginal Medical Service

Primary employing practice

Provide the name and address of the practice where the position will primarily be based.

Secondary practice locations:

Provide the names and addresses of all other locations in which this position may be required to practice.



NB: Each secondary location **MUST** be supported by evidence that it is also an Area of Need - see **15.0** below for 'Evidence required to support Area of Need application'.

Employer/authorised agent declaration

Employer/authorised agent must sign the application declaring that the details contained in the application are true and correct.

Upon approval of the application, the AON Number will remain valid for a period of 6 months from the date the delegate approves the application.

Area of Need Certification

This section will be completed by the Minister's delegate - Executive Officer, OMB.

An AON Number will be allocated upon approval of the application.

A copy of the 'Area of Need Certification', including the AON Number, will be forwarded to the employer/authorised agent and will be available to the Medical Board.

NB: The AON Number must be quoted on the Special Purpose Employer (SPE) Form which supports an application for special purpose registration

14.0 PUBLIC/PRIVATE HOSPITAL POSITIONS - Area of Need application form

14.1 Area of need applications for Public/Private Hospital (NOT general practitioner) positions must be made on the prescribed application form **FORM:PPH:105**.

14.2 The following details must be provided on the area of need application form:

Employer/authorised agent contact details

Employer/authorised agent must provide their name, address and contact details. These details will be used during the assessment of the application. If available, email will be used to notify employer/authorised agent of the decision and to forward the certification notice.

Operational time requested

The employer/authorised agent may request an operational time of up to 4 years. The operational time will commence from the date of special purpose registration.

Position

The employer/authorised agent must nominate one only of the following positions:

- **Junior Medical Officer (NOT required when multiple certification is approved)**
- **Senior Medical Officer (specialty where appropriate)**
- **Deemed Specialist (specialty where appropriate)**
- **Medical Superintendent**
- **Medical Superintendent with Right of Private Practice (MSRPP)**
- **Medical Officer with Right of Private Practice (MORPP)**

Primary employing facility

Provide the name and address of the employing facility for this position.



Secondary practice locations

Provide the names and addresses of all other locations in which this position may be required to practice.

- Each secondary location **MUST** be supported by evidence that it is an Area of Need.
- Applicant must work at the same level and in the same speciality as the position requested - not a higher position in these locations.
- **DO NOT** include Rural Relief locations - USE NOTIFICATION OF TRANSFER FORM 202 following a period of assessment.

Employer/authorised agent declaration

Employer/authorised agent must sign the application declaring that the details contained in the application are true and correct.

For individual applications, the AON Number will remain valid for a period of 6 months from the date the delegate approves the application.

The employer/authorised agent must sign the application declaring that the details contained in the application are true and correct.

NB: For Queensland Health facilities the employer/authorised agent will be the Executive Director Medical Services/Medical Superintendent of the primary employing health facility.

Area of Need Certification

This section will be completed by the Minister's delegate - Executive Officer, Office of the Medical Board.

An AON Number will be allocated upon approval of the application.

A copy of the 'Area of Need Certification', including the AON Number, will be forwarded to the employer/authorised agent and will be available to the Medical Board.

15.0 Evidence required to support Area of Need application

The decision to certify a position as Area of Need is based on written evidence provided by the employer/authorised agent which demonstrates the need for the position and the efforts made to recruit to the position or provide the service in alternate ways.

The following evidence **MUST** be provided with all fresh Area of Need applications:

Q1. Confirmation of District of Workforce Shortage status.

An employer/authorised agent applying for a private sector position or public position with rights of private practice e.g. GP, private specialist, MORPP and MSRPP **must** provide evidence that the position is in an approved District of Workforce Shortage (DWS) before an area of need can be approved. This evidence may include:

- (i) Copy of Department of Health and Ageing's (DoHA) webpage '*Advice of Districts of Workforce Shortage for General Practitioners*' indicating the position is in a DWS: <http://www.health.gov.au/internet/wcms/publishing.nsf/Content/health-workforce-otdtprelimsum.htm>



- (ii) Copy of 'Preliminary Assessment of District of Workforce Shortage' from the Department of Health and Ageing.

NB: A DWS approval is **NOT** required when applying for the following positions:

- Public Health Service positions (except MSRPP & MORPP)
- Bona-fide Locum Services (GP)
- Approved Medical Deputizing Services (GP)
- After Hours (GP)
- Aboriginal Medical Services (GP)

Q2. Why is this position needed?

Information must be provided regarding overall staff numbers and vacancy rates following recruitment processes (for specialist positions include shortages in number of Visiting Medical Officers and private specialists in the specialty for the specific location).

Q3. What is the impact on service delivery if the position is left unfilled?

- (i) How will this vacancy impact upon the delivery of medical services to the community?
- (ii) Describe any immediate adverse impacts on health services such as: closure of service, extreme work hours, unsafe practice.

Q4. What are the factors preventing medical practitioners in the private and public sectors from filling this position?

What factors do you believe prevent successful recruitment of a general/specialist registrant to this position? E.g. geographic location, economic factors, lack of supply, conditions of employment.

Q5. Are there alternative options for providing this service? e.g. outreach services, patient transit.

- (i) Can the position be filled through a secondment/rotation/locum of medical Practitioners with general/specialist registration?
- (ii) Can services reasonably be provided in another location?
- (iii) Can services reasonably be provided through specialist or outreach services?

Q6. Evidence of genuine labour market testing in the previous twelve months (except: After Hours - GP, Approved Deputizing Services and Bona-Fide Locum positions).

- (i) Provide evidence and outcomes of staff recruitment and advertising strategies for the vacant position. Position vacancies need to be advertised for a minimum period of four (4) to six (6) weeks during the previous 12 months. Advertising should be undertaken in a range of formats and could include:

- National newspapers
- Employer/recruitment agency websites
- Medical College websites, journals
- Direct mail outs

Advertisements need to reflect fully the location/s, required qualifications, skills, duties, salary and other benefits of the position and be designed to attract a maximum response. The purpose of advertising the position is to recruit available medical practitioner with General, Specialist, s138 Registration.



- (ii) The employer/authorised agent must supply the following evidence:
- Copies of job advertisements (within last 12 months) with dates and names of publications used (e.g. Australian Newspaper, 1/1/2006 to 12/2/2006)
 - The number of general/specialist registrants that applied for the position
 - An explanation about the lack of success of the recruitment activity.

Q7. Stakeholder consultation to confirm need for area of need position?

Explanation of any formal consultation undertaken with the relevant College, local GPs, Divisions of GP, Health Workforce QLD and other relevant stakeholders regarding their support for the area of need application and any options available to fill the position with a General, Specialist or s138 registrant.

Q8. Job description / statement of duties for this position.

Provide a copy of a detailed job description or statement of duties which includes the following requirements of the position:

- Qualifications required
- Competencies and duties to be performed
- Supervision structure
- Orientation and Training offered
- Accountabilities and Reporting structure

16.0 Renewal of Area of Need Certification

16.1 A fresh area of need certification application must be made a minimum of **6 weeks** before the **END** of the operational time for a particular area of need position.

17.0 Description of classes of medical practitioner for the purpose of this policy

17.1 General Practitioner

- General Practitioner is a medical practitioner who provides primary continuing comprehensive whole-patient medical care to individuals, families and their communities (RACGP definition).
- General Practitioners may work in a 'group' practice or operate 'solo'

17.2 General Practitioner - GROUP

- A general practitioner working in a group setting must only practice when a general registrant or FRACGP holder is present in the practice

17.3 General Practitioner - SOLO

- A general practitioner working solo may practice independently and does not require a general registrant or FRACGP holder present in the practice.

17.4 Junior Medical Officer (JMO)

- Means one of the following positions at a health service facility, listed in ascending order of seniority
 - (a) junior house officer;
 - (b) senior house officer;
 - (c) principal house officer.



17.5 Junior House Officer (JHO)

- Medical practitioners performing the duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the first year after unconditional registration.

17.6 Senior House Officer (SHO)

- Medical practitioners performing the duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the second, or a subsequent year after unconditional registration.
- These positions are generally rotational positions and not fixed to any particular speciality.

17.7 Principal House Officer (PHO)

- Medical practitioners performing the duties and responsibilities that are usually the duties and responsibilities of a registrar, but is not undertaking postgraduate study or training in medicine.
- In small rural hospitals PHOs may be employed to provide general medical services not specific to a particular specialty.

17.8 Medical Superintendent / Executive Director of Medical Services

- Medical practitioner whose predominant employment involves undertaking the usual medical management and administrative duties and responsibilities of such a position, however titled in a health service facility. A practitioner may also seek recognition as a "Deemed Specialist" in Medical Administration.

17.9 Deemed Specialists

- Medical practitioners designated as specialists have undertaken training in a particular specialty and have completed the requirements of registration in the speciality.
- International Medical Graduates seeking to be appointed to a specialist position should have sought registration as a "Deemed Specialist". This requires support from the relevant Specialist College that the individual has sufficient training and experience to be appointed as a specialist in the *area of need* position subject to the supervisory arrangements of the relevant College and the Medical Board of Queensland.

18.0 Medical Officer with the Right of Private Practice (MORPP) and Medical Superintendent with the Right of Private Practice (MSRPP)

- MORPP means a medical practitioner appointed as such, to perform clinical duties in accordance with the Award - Public Hospitals, Queensland for MSRPP and MORPP. The MORPP will also be engaged in the private practice of medicine.
- MSRPP means a medical practitioner appointed to perform administrative and clinical duties in accordance with the Award - Public Hospitals, Queensland for MSRPP and MORPP. The MSRPP is also engaged in the private practice of medicine.

18.1 Senior Medical Officers (SMO)

- Senior Medical Officer positions are generally permanent positions. SMOs can only be appointed:
 - To work generally (non-specialist); or
 - Individuals who are not qualified in a specialty, but working in a specialty **under the supervision** of a specialist; or



- May be qualified overseas in the specialty (but are not deemed specialists in Queensland) and therefore function with greater autonomy but remain **under the supervision** of a specialist.

19.0 Description of Area of Need activity for the purpose of this policy

19.1 Aboriginal Medical Service

- The term Aboriginal Medical Service is used here as a generic term and includes services provided to Aboriginal Communities funded by the Australian and Queensland Governments.
- The Australian Government recognises that Aboriginal Medical Services are areas of workforce shortage. Therefore a Preliminary Assessment of *District of Workforce Shortage* is not required.

19.2 After Hours - GP

- A medical practitioner employed by a private practice to provide after hours home consultations or after hours clinic-based consultations between 6pm and 8am week-day, weekends and public holidays.
- The Australian Government recognises that 'after hours' medical services are areas of workforce shortage. Therefore a Preliminary Assessment of *District of Workforce Shortage* is not required.

19.3 Approved Medical Deputizing Service

- A medical practitioner accepted by the Australian Government to work for an accredited service provider on an *Approved Medical Deputizing Service (AMDS) Program* established under Section 3GA of the *Health Insurance Act 1973* in order to improve public access to after hours home visit services.
- The Australian Government recognises that 'after hours' medical services are areas of workforce shortage. Therefore a Preliminary Assessment of *District of Workforce Shortage* is not required.

19.4 Bona-Fide Locum Services

- Bona-fide locums replace permanent medical practitioners temporarily absent from a practice. These absences usually occur at times of recreational, study, sickness, parental or other leave.
- The location and timing of these locums is rarely predictable in advance.
- Health Workforce Queensland Locum Services provide subsidized locum relief for doctors in rural and remote areas of Queensland (RRMAs 4-7) for recreation, sick, continued medical education and emergency leave.
- A placement for an absence due to the development of a new practice or vacancy in an existing practice is not a bona-fide locum position under this policy.

20.0 Policy Review

20.1 This policy will be regularly reviewed, with amendments to occur as required.

21.0 Implementation Date

This policy will come into effect on **16 April 2007**