

25 September 2024

Medical Board of Australia

Consultations

Re: Public Consultation - Health checks for late career doctors

The Consultation Regulation Impact Statement (CRIS) released by the Medical Board of Australia seeks feedback on whether additional safeguards are needed for late career doctors (aged 70 years and older) to manage their health, including whether late career doctors should be required to have regular health checks so they can make informed decisions about their health and practice and manage the related risk to patients.

The Australian Doctors Federation has read the Consultation Regulation Impact Statement (CRIS) and associated documents.

The Australian Doctors Federation maintains that there is no evidence-based case presented by the Medical Board of Australia to introduce any intervention that would justify medical practitioners aged 70 and over undertaking a mandatory medical assessment. The data presented to justify this proposal is based on an unpublished study of notifications, without detailing the nature of the notifications, outcomes of the notifications and seriousness of the notifications. Given none of the data have been made available for scrutiny, it must be considered invalid. Moreover, the data as presented show that over-70 doctors performed better than their younger colleagues in a number of areas and that serious sanctions against older doctors were in fact less than for younger doctors.

Given that it is often experienced senior medical practitioners undertaking medico-legal reporting and assessments in contentious areas of law, where decisions have a bearing on compensation, there is a higher likelihood of such doctors attracting complaints against a decision or finding. There has been no attempt in the evidence presented by the Board to eliminate this bias.

The Australian Doctors Federation has assessed the CRIS and concludes that the CRIS fulfils the WHO definition of ageism.

Ageism refers to the stereotypes (how we think), prejudice (how we feel) and discrimination (how we act) towards others or oneself based on age.

[<https://www.who.int/news-room/questions-and-answers/item/ageing-ageism>]

As a minimum, the Medical Board of Australia needs to present a more detailed analysis of its concerns and if this is accepted by a consensus of the profession, follow on with a randomised controlled trial of any proposed mandatory medical assessment of older doctors.

The Australian Doctors Federation recommends that the Medical Board of Australia considers creating an optional Senior Active step-down registration category for doctors, offering them a pathway to end a professional career whilst the community maintains the benefits of their experience, knowledge and skills.

The Australian Doctors Federation notes that the Medical Board of Australia and AHPRA already enjoy very broad and often poorly accountable powers to request any medical practitioner to undertake a test or assessment of fitness to practise. Furthermore, all medical practitioners already have a duty to report colleagues who they believe could pose a threat to public safety. We are unaware of this mandatory obligation being imposed on any other occupation.

The Australian Doctors Federation notes the discriminatory nature of this proposal in that there is no indication that any other health professionals will be required to have health checks at age 70.

Registered medical practitioners are currently required to abide by the Medical Board's *Good medical practice: a code of conduct for doctors in Australia*; point 11.2 already requires doctors to have their own general practitioners and to maintain their health, particularly in regard to their professional responsibilities. If they have any health condition or impairment, they are required to consult their doctor and follow their doctor's advice.

The Australian Doctors Federation recommends that the current proposal be rejected and abandoned in its entirety, as there is no compelling case for its introduction.

Yours sincerely,

Dr Aniello Iannuzzi, Chair

On behalf of the Australian Doctors Federation executive