



Not recommending Scope of Clinical Practice for a clinician

The Credentialing and Scope of Clinical Practice Committee (the Committee) responsible for credentialing and defining the scope of clinical practice (SoCP) must always comply with all legal requirements including common and relevant State, Territory and Commonwealth legislation.

In order to safeguard the integrity of recommendations that the Committee propose, the Committee must act in a manner that would not put their decision-making process under question. In order to achieve this, the Committee should adhere to the following:

- *Equity* and *merit* must form the basis of all phases of the processes of credentialing and defining the scope of clinical practice.
- Principles of *natural justice* and *procedural fairness*:
 - Rule against bias
 - Right to a fair hearing which includes
 - prior notice,
 - fair opportunity to answer and
 - opportunity to present their own case

This is especially true when a Committee is considering a recommendation to not approve SoCP and is related to the competence and/or performance of the practitioner. The Committee must also determine that the matter is not a Human Resources one.

Hospital and Health Services (HHS) may suspend (temporarily or permanently, in part or in full) a medical practitioner's right to provide specific clinical services, procedures or other interventions, or the overall right to practice within the HHS if there are concerns about the competence and/or performance of the medical practitioner. Suspension in part or in full of the right to practice within an HHS, particularly in response to concerns about the competence and/or performance of a medical practitioner, has the *potential to cause extreme detriment to the medical practitioner's clinical practice and/or reputation*, and should only be contemplated in exceptional circumstances.

The practitioner must be afforded an adequate opportunity to respond to all information, materials and allegations put before the committee and document comprehensively the reasons for any decisions made.

Following are three tables to assist the Committee in the decision-making process:

Table One:

Anti-Discrimination Act 1991 (QLD)		
The Committee cannot discriminate on the basis of any of the following attributes:		
sex	breastfeeding	religious belief or religious activity
relationship status	age	political belief or activity
pregnancy	race	trade union activity
parental status	impairment	lawful sexual activity
gender identity	sexuality	family responsibilities
and association with, or relation to, a person identified on the basis of any of the above attributes.		

Table Two:

Judicial Review Act 1991 (QLD)
Should a response be requested to be provided under this Act, all decision makers and committee members should ensure that:
Delegations are current
Procedural fairness and natural justice practices are followed at all steps of the process
Each step in a decision or recommendation is carefully documented, and that the file notes taken in the decision-making process do not contain irrelevant considerations
Outgoing correspondence contains the name of the decision maker
Correspondence produced about a decision, after a decision is made, does not vary or contradict the decision

Table Three:

Human Rights Act 2019 (QLD)
Part 2 Division 4 - Obligations on public entities
It is unlawful for a public entity -
(a) to act or make a decision in a way that is not compatible with human rights; or
(b) in making a decision, to fail to give proper consideration to a human right relevant to the decision
Part 4 Division 1 - Functions and powers of the commission and commissioner under this Act
61 Functions
(c) to review public entities' policies, programs, procedures, practices and services in relation to their compatibility with human rights

References:

Australian Council for Safety and Quality in Healthcare (ACSQHC): Standard for Credentialing and Defining the Scope of Clinical Practice – July 2004

Queensland Health – Health Service Directive (QH-HSD-034: 2014, updated 2017): Credentialing and defining the scope of clinical practice

Queensland Health – Department of Health Guideline (QH-GLS-1-1:2017): Credentialing and defining the scope of clinical practice for medical practitioners and dentists: a best practice guideline

Judicial Review Act 1991 (QLD)

Anti-Discrimination Act 1991 (QLD)

Human Rights Act 2019 9QLD)