

Declaration of an Area of Need for Medical Services in Queensland

Department of Health Policy and Procedure

1. Purpose and scope of policy and procedure

This Policy and Procedure describes the application process for declaring a position an Area of Need in Queensland and defines the standard of applications for an Area of Need declaration under Section 67 – ‘Limited registration for Area of Need’ of the *Health Practitioners Regulation National Law Act 2009 (Qld)* (the Act).

When an International Medical Graduate (IMG) is not qualified for general or specialist registration in Australia, they may apply to the Australian Health Practitioners Regulation Agency (AHPRA) for limited registration to practice in an Area of Need position under Section 67 of the Act.

Before the IMG can be considered eligible for limited registration for Area of Need by AHPRA, the IMG’s prospective employer must apply to have the position declared an Area of Need.

2. Definition

An Area of Need position is declared by the Queensland Minister for Health (the Minister) or his authorised delegate(s). The State of Queensland has not been declared Area of Need by the Minister therefore applications for Area of Need positions are assessed and declared on a case by case basis.

The Minister has delegated his powers to declare a position an Area of Need in Queensland. These authorised delegates are the:

- Chief Health Officer and Deputy Director-General Prevention Division, Department of Health (Queensland) (DoH)
- Senior Director, Office of the Chief Health Officer and Deputy Director-General Prevention Division, DoH.

3. Application form

Applications must be made on the current Area of Need application form which is available on the website: <https://www.health.qld.gov.au/employment/overseas/area-of-need>.

There are three types of Area of Need application forms:

- General Practice (all general practitioner positions)
- Hospital/Private Specialty (all private and public hospital positions excluding public Junior Medical Officer positions)
- Junior Medical Officer (all DoH and the Hospital and Health Services (HHS) Junior Medical Officer positions including Junior House Officer, Senior House Officer and Principal House Officer).

Only an employer or an employer’s authorised agent (the Applicant) may make an Area of Need application.

For the DoH and the HHS, the Executive Director Medical Services (EDMS) or the Medical Superintendent of the primary employing health facility is considered to be the Applicant.

Each declared Area of Need may be allocated to one individual IMG. An IMG cannot hold multiple Area of Need declarations at the same time.

Please note: If an Applicant seeks multiple Area of Need declarations at the same time for the same position type, the Applicant may provide one application and state in the cover letter or email how many Area of Need declarations are sought.

An Area of Need declaration is valid for one registered practitioner only and cannot be reallocated or transferred thereafter.

New applications will be reviewed by the Area of Need Officer within five business days of receipt to assess the application for completeness. Once the Applicant submits a final complete application, the Delegate will provide a decision within ten business days.

4. Distribution Priority Area (DPA) and District of Workforce Shortage (DWS) status

All locations, including all secondary locations (refer to section 7 of the policy and procedure for area of need), must be located within a Distribution Priority Area (DPA) (for general practice positions) or a District of Workforce Shortage (DWS) (for specialty positions excluding specialty general practice), or meet 1 of the 5 exemption categories

- public health service positions, except medical superintendent with right of private practice (MSRPP) and medical officer with right of private practice (MORPP)
- bona-fide locum services, registered general practice locum medical service, short term relief only
- approved medical deputising service, accredited as a medical deputising service
- after hours only service, general practice weekdays between 6pm and 8am, weekends and public holidays only
- Aboriginal and Torres Strait Islander primary health care service (Commonwealth funded).

The applicant must provide the following evidence of DPA or DWS, or indicate which exemption category applies:

- general practice applicants can find and print their location(s) (physical address of the practice) from the Department of Health (Federal) Health Workforce Locator tool using the 'DPA filter': <https://www.health.gov.au/resources/apps-and-tools/health-workforce-locator>

- private hospital specialty position applicants for the following specialties can find and print their location(s) (physical address of the facility) from the DoH (Federal) Health Workforce Locator tool <https://www.health.gov.au/resources/apps-and-tools/health-workforce-locator> using the 'DWS for Specialists filter':
 - anaesthetics
 - cardiology
 - diagnostic radiology
 - general surgery
 - obstetrics and gynaecology
 - ophthalmology
 - medical oncology
 - psychiatry.
- All other private hospital specialty position applicants with specialties that are not listed above, please contact the DoH (Federal) and provide written advice that the specialty in requested location(s) is declared a DWS. The DoH (Federal) can be contacted by email: 19AB@health.gov.au.

5. Advertising

The applicant must provide evidence of comprehensive advertising for a minimum of four weeks within the past twelve months. A copy of the advertisement is required.

Please note: 'within the past twelve months' is defined as within twelve months of the application's receipt by the Area of Need Unit. The advertising posting date and closing date must be clearly shown on the advertisement.

Advertising must:

- be wide ranging to attract a maximum audience
- not be gender specific
- not refer to:
 - Vocationally Registered (VR) or Non-VR (for general practice positions)
 - International Medical Graduate (IMG)
 - Overseas Trained Doctor (OTD)
 - Distribution Priority Area (DPA)
 - District of Workforce Shortage (DWS)
 - Area of Need (AoN)
- be advertised in Australian or New Zealand based mediums. Please note: advertising provided from international mediums or Australian or New Zealand based mediums designed to attract IMGs will not be accepted
- advertising must also state location(s) listed on the application form.

Acceptable advertising mediums include but are not limited to:

- National job search websites
- National newspapers
- Medical recruitment websites
- Medical College websites.

6. Australian and New Zealand medical practitioner

The Applicant must provide details of all Australian and New Zealand trained medical practitioners (the practitioner) who applied for the position.

The practitioner will only be considered not suitable if:

- the practitioner did not meet the mandatory requirements detailed in the position description (a copy of the position description used will be required to be supplied);
- the practitioner has a pre-employment screen which precludes employment (e.g. criminal or disciplinary history);
- the practitioner is unable to be credentialed by the applicable Credentialing and Defining Scope of Clinical Practice Committee (Credentialing Committee)
(Please note: practitioners that meet the mandatory requirements detailed in the position description and do not have a pre-employment screen which precludes employment are to be processed through the Credentialing Committee and a written copy of the outcome from the Credentialing Committee delegate must be supplied);
- The practitioner who applied for the position subsequently withdrew interest (a written copy of the practitioner's withdrawal of interest must be supplied.)

7. Secondary location(s)

Where an application includes secondary location(s) the Applicant must either:

- state the secondary location(s) are owned by the same employer as the primary location, or
- provide a letter of support from the secondary location(s) listed in the application, where the employer differs from that of the primary location.
(Please note: for public health service positions, this refers to a different HHS than that of the primary location. The letter of support must state that the separate employing entity is willing to be included in the Area of Need application.)

8. Junior Medical Officer positions

For public hospital Junior Medical Officer positions, in addition to the aforementioned advertising requirements; the following is also required:

- evidence that the position has been advertised in the most recent Resident Medical Officer Campaign (RMO Campaign), and
- evidence of attempts to recruit through the RMO Campaign by providing written confirmation from the EDMS or Medical Superintendent of the primary employing location stating that all eligible medical practitioners were contacted and offered the position.

9. Hospital/Private specialty applications

The employer or employer's authorised agent must nominate only one of the following positions:

- Junior Medical Officer (i.e. private facility position)
- Senior Medical Officer (nominate specialty if applicable)
- Area of Need Specialist position (nominate specialty)
- Medical Superintendent
- Medical Superintendent with Right of Private Practice (MSRPP), or
- Medical Officer with Right of Private Practice (MORPP).

Requested medical specialties must be in accordance with terminology listed in the Medical Board of Australia's list of specialties, fields of speciality practice and related specialist titles available at website:

<https://www.medicalboard.gov.au/registration/types/specialist-registration/medical-specialties-and-specialty-fields.aspx>.

10. Critical medical vacancy

For public health service positions, the EDMS or Medical Superintendent of the primary employing location must provide written advice that the position is classified as a critical vacancy.

11. Letter of support – Specialist positions only

A letter of support must be provided from the relevant medical college for specialty position Area of Need applications.

Please note: The Area of Need Unit has a standing agreement with the Royal Australasian College of Surgeons (RACS). As required, the Area of Need Unit will provide the completed Area of Need application to the RACS for consideration and to seek the RACS support. Should RACS not support the Area of Need application, the Applicant will be advised.

12. Area of Need number

An approved Area of Need declaration will be assigned a unique Area of Need number. This number will be provided on the Area of Need declaration letter which will be emailed to the Applicant and AHPRA.

It is the responsibility of the Applicant to keep a copy of the Area of Need letter on record.

An IMG registered against an Area of Need declaration may only practice in the position type and at the location(s) approved on Area of Need declaration letter.

13. Area of Need validity

Where an Area of Need application is approved, the Applicant is granted twelve months from the date the authorised delegate approves the application to register an IMG against the Area of Need number with AHPRA.

If the Applicant is unable to register an IMG during this period, the Applicant may apply for a validity period extension. The Applicant can apply for the extension by sending an email to areaofneed@health.qld.gov.au including the reason(s) for the extension request. Further information and/or documentation may be requested by the Area of Need Unit or authorised delegate to support the request for extension. An extension may be granted for a further period of one year and will be granted only once.

14. Area of Need operational period

The operational period for an Area of Need General Practice or Hospital/Private Specialty position is four years.

The operational period for a Junior Medical Officer is one year.

The operational period commences on the date the IMG is registered against the approved Area of Need number with AHPRA.

The Applicant may apply for an extension of the operational period by sending an email to areaofneed@health.qld.gov.au including the reason(s) for the extension request. Further information and/or documentation may be requested by the Area of Need Unit or authorised delegate to support the request for extension. An extension may be granted for a further period of two years and will be granted only once.

15. Amendment to an approved Area of Need declaration

A request can be made to amend an approved Area of Need declaration.

The Applicant may request an amendment to an existing Area of Need declaration by sending an email to areaofneed@health.qld.gov.au including what amendment(s) are required (e.g. add or remove listed locations), the Area of Need declaration number which requires amendment and reason(s) for amendment. The Applicant requesting the amendment must be from the same employer/authorised agent that requested the original Area of Need application.

Further information or supporting documentation (including, but not limited to, evidence of advertising and DPA or DWS status) may be required.

The employer/authorised agent must provide a copy of the amended Area of Need declaration to AHPRA..

16. Refusal of an application

Should an Area of Need application be refused by the authorised delegate, the Applicant will be advised of the decision in writing including the reasons which determined the decision.

If the Applicant is dissatisfied with the decision, the Applicant has the right to appeal the decision within twenty business days of the date of the decision. To appeal a refused Area of Need declaration, the Applicant must email Areaofneed@health.qld.gov.au stating that they request an appeal of the decision and provide any reason(s) they wish the reviewing authorised delegate to consider.

A letter will be provided from the Area of Need Unit to the Applicant by email advising the Applicant that the request for appeal has been received and that the Applicant has a further ten business days to furnish any further information the Applicant wishes the reviewing authorised delegate to consider before making a final decision.

After the further information is provided or if no further information is forthcoming within the ten business days, the reviewing authorised delegate will review all information provided and make a decision to either uphold the original decision or set aside the original decision and grant an Area of Need declaration.

The reviewing authorised delegate will provide an outcome in writing within twenty business days. This twenty business days period commences after the aforementioned ten business day period has ceased.

The authorised delegate reviewing the refused decision will be of higher authority than that of the original decision maker.

The decision made by the reviewing authorised delegate for the appeal is the final decision.

17. Implementation date

This policy is effective as of 1 July 2019.