

## 1. Readmission to Membership Policy

- 1.1 Policy number: CO-E-008.0
- 1.2 Category: Council
- 1.3 Approval date: June 2015
- 1.4 Revision date: June 2018
- 1.5 Unit responsible Office of the President and CEO

## 2. Policy declaration

The RACGP Constitution does not tolerate the suspension or deregistration of its members, and for the duration of that suspension or deregistration, affected individuals must be removed from RACGP membership.

**This policy is approved by Council and authorised by the CEO.**

## 3. Background

### 3.1 Context and scope

- A. Part 4.2 of the Constitution contains automatic membership termination provisions, which apply when the member resigns or dies, or where they are suspended from practice or have their name removed from the Register (except in cases of resignation).
- B. Upon expiry of a Suspended Practitioner's suspension they may be readmitted to membership by Council determination, which may be conditional or subject to the payment of further fees.
- C. There is no Constitutional right for Deregistered Practitioners to be considered for readmission.

### 3.2 Objectives

This Policy outlines the considerations to assess whether and how former members should be readmitted to the RACGP membership following their suspension / deregistration from practice.

### 3.3 Scope

This Policy applies to Suspended Practitioners and Deregistered Practitioners.

## 4. Definitions

For the purposes of this Policy:

- A. "**Deregistered Practitioner**" means former RACGP members whose membership was terminated for reasons of having their names removed from the Register.
- B. "**Policy**" means this Readmission to Membership Policy.
- C. "**Register**" means the register of any medical or professional authority recognised by the Council, including that of the Australian Health Practitioner Regulation Agency.
- D. "**Review Panel**" means a panel convened by each Faculty Board Executive.
- E. "**Suspended Practitioner**" means former RACGP members whose membership was terminated for reasons of suspension from practice pursuant to Part 4.2 of the Constitution.

- F. All references in this Policy are to the Policy itself, unless otherwise indicated.
- G. Other terms used in this Policy have the meaning given to them in Part 11.9 of the Constitution.
- H. In the event of any inconsistency between this Policy and the Constitution, the Constitution prevails.

## 5. Policy considerations

### 5.1 Policy basis

- A. The RACGP acknowledges the range of reasons medical practitioners may be suspended from practice or deregistered.
- B. The RACGP acknowledges Suspended Practitioners were RACGP members and wishes to remain supportive, but that the needs of the RACGP must also be balanced.
- C. The RACGP acknowledges the benefits to Suspended Practitioners of retaining an RACGP connection, and of maintaining their education and continual professional development, and the QI&CPD Program is ideal for this purpose.
- D. The RACGP acknowledges upon expiry of Suspended Practitioner's suspensions they have the right to be considered for readmission to membership (but not necessarily the right to readmission itself).
- E. The RACGP recognises the sovereignty of Council and its exercise of discretion in protecting the RACGP's interests and reputation, and those of its Fellows and other members, especially in connection with dealing with Deregistered Practitioners.

### 5.2 General considerations

- A. In making any recommendation or determination affecting Suspended Practitioners under this Policy, decision makers should have regard to the following:
  - i. the reasons for the suspension;
  - ii. the duration of the suspension;
  - iii. any registration conditions imposed in connection with the suspension;
  - iv. the Suspended Practitioner's present understanding and estimation of the conduct that gave rise to their suspension, and the likelihood this conduct will be repeated;
  - v. evidence the Suspended Practitioner has complied with any registration conditions imposed as a result of their suspension;
  - vi. evidence that any physical or mental impairment or addiction that contributed to the conduct is, and will be, appropriately managed;
  - vii. whether the Suspended Practitioner has been subject to previous disciplinary proceedings, those findings of professional misconduct or unsatisfactory professional conduct;
  - viii. the extent to which the Suspended Practitioner's conduct has damaged or may damage the reputation or standing of the medical profession or the RACGP;
  - ix. the extent to which the Suspended Practitioner's conduct has damaged or may damage the reputation or standing of RACGP membership and other RACGP members; and
  - x. any other considerations the RACGP deems relevant.
- B. In making any determination affecting Deregistered Practitioners under this Policy, Council may inform itself as it deems fit.

## 6. Administration

### 6.1 Exercise of discretion

All RACGP determinations, assessments or evaluations made under this Policy are done so in the RACGP's sole and unfettered discretion.

### 6.2 No right of appeal

An individual the subject of this Policy does not have the right to reconsideration, review or subsequent appeal of a determination.

## 7. Termination

### 7.1 Automatic termination of membership

Where the RACGP receives notice or determines a member has been removed from the Register or suspended from practice, the member must be provided the prescribed notice informing the member of their membership termination.

### 7.2 Termination – Suspended Practitioners

- A. In processing a Suspended Practitioner's termination of membership, a Review Panel must be convened and must recommend to Council whether:
  - i. the Suspended Practitioner should be made a QI&CPD Participant; or
  - ii. if the manner or reason for suspension is of sufficient gravity, the RACGP discontinue all involvement with that member, for the duration of the suspension.
- B. Council must, upon receipt of the Review Panel's recommendation, make a determination as to the treatment of the Suspended Practitioner during the suspension.
- C. The Review Panel should, shortly after membership termination and from time to time thereafter, conduct cursory checks to confirm whether the Suspended Practitioner has ceased to hold themselves out as a member of the RACGP.

### 7.3 Termination – Deregistered Practitioners

In processing a Deregistered Practitioner's termination of membership, the RACGP has no discretion and must discontinue all involvement with that member.

### 7.4 Further notice

After any determination involving a Suspended Practitioner or Deregistered Practitioners, Council should determine whether it is necessary and permissible in the circumstances to give notice to any other professional body or organisation, or to publish to the public generally the determination or any part of it.

## 8. Readmission

### 8.1 Application for readmission – Suspended Practitioners

- A. Suspended Practitioners may apply for readmission to RACGP membership using the prescribed form no earlier than two months prior to the expiry of their suspension.
- B. An application for readmission must be reviewed and considered by a Review Panel.

- C. The Review Panel must provide to Council its recommendation as to whether the Suspended Practitioner should be readmitted to membership, along with any proposed conditions. These conditions may include:
  - i. evidence of ongoing compliance with any conditions imposed by a medical or professional authority;
  - ii. further training;
  - iii. participation in a mentoring program;
  - iv. payment of further fees,or any other condition(s) it deems appropriate.
- D. Upon receipt of a Review Panel's recommendation, Council must determine whether or not to readmit the Suspended Practitioner, and the conditions of their readmission (which may include the payment of further fees), as Council deems appropriate.
- E. Any Suspended Practitioner successfully reapplying for membership will have their membership reinstated on the later of:
  - i. the date of approval of their readmission to membership;
  - ii. the date of expiry of their suspension; and
  - iii. the satisfaction of any Council conditions not of an ongoing nature.
- F. Any Suspended Practitioner successfully reapplying for membership should be provided with a prescribed notice informing them of their membership reinstatement, including all relevant information and any conditions imposed by Council.
- G. Readmitted members who fail to comply with these conditions will be reviewed under clause 27(b) of the Constitution.
- H. Any Suspended Practitioner who unsuccessfully applies for readmission and:
  - i. if subject to clause 7.2A.i, must remain a QI&CPD Participant; or
  - ii. if subject to clause 7.2A.ii, should be made a QI&CPD Participant,however may apply for readmission to membership at a date no earlier than 12 months from the unsuccessful application.

## 8.2 Application for readmission – Deregistered Practitioners

- A. Deregistered Practitioners may, following successful reregistration on the Register, apply to the RACGP for readmission to membership using the prescribed form.
- B. An application for readmission must be reviewed and considered directly by Council, who may in their discretion make such determination as they deem appropriate.

## 9. Court or tribunal orders

### 9.1 Application of part

This clause 9 applies when a court or tribunal of appropriate standing makes a decision or order (“**court order**”) affecting a prior suspension or deregistration.

### 9.2 Orders affecting suspension or deregistration

- A. Any RACGP determination, consideration or deliberation relating to the termination of or readmission to membership must immediately cease upon and to the extent of a court order.
- B. Members subject to a court order completely exonerating them (that is, resulting in the practitioner not being suspended or deregistered, and irrespective of any imposed

conditions) must promptly be returned to the membership status they held immediately before the RACGP's notification of their suspension or deregistration.

- C. Members subject to court order partially exonerating them but for whom a suspension or deregistration order still applies, will remain subject to this Policy to the extent of their remaining suspension or deregistration.

## 10. Related policies, documents and legislation

The Royal Australian College of General Practitioners Constitution, available at <http://www.racgp.org.au/yourracgp/organisation/management/constitution/>

## 11. Administration of this Policy

### 11.1 Access to published Policy

This Policy will be available on the RACGP intranet.

### 11.2 Promulgation of published policy

Relevant staff members will be provided communications explaining the function and role of this policy and will be involved in the development and maintenance of the accompanying procedure document.

### 11.3 Review of this Policy

This Policy will have a review cycle of three years.