

Disputes About the Professional Conduct of a Contracted Medical Practitioner Engaged Under a Medical Services Agreement Policy

1. Purpose

This Policy establishes the process by which each Health Service Provider will exercise its rights and obligations to enforce the terms of a Medical Services Agreement relating to the professional conduct of a Contracted Medical Practitioner. The Policy will ensure Contracted Medical Practitioners are afforded procedural fairness where disputes arise.

This Policy is a mandatory requirement under the *Procurement Policy Framework*.

2. Applicability

This Policy is applicable to all Health Service Providers.

3. Policy requirements

Health Service Providers must afford Contracted Medical Practitioners procedural fairness in dealing with disputes about professional conduct and when enforcing the terms of a Medical Services Agreement relating to the professional conduct of a Contracted Medical Practitioner.

Investigations into the professional conduct of a Contracted Medical Practitioner must be conducted by Health Service Providers in accordance with the *Procedure for investigating matters relating to the professional conduct of a Contracted Medical Practitioner* which forms part of this Policy.

4. Compliance, monitoring and evaluation

Health Service Providers must maintain comprehensive records of all disputes about the professional conduct of a Contracted Medical Practitioner. Health Service Providers must provide for systematic auditing of compliance with this Policy as part of the Health Service Providers' internal audit plans. The System Manager will use the results of Health Service Provider compliance audits and records relevant to the administration of Medical Services Agreements to monitor compliance with and evaluate the effectiveness of the Policy. The System Manager may also conduct audits into Health Service Provider compliance with the Policy.

Health Service Providers must audit compliance with this Policy for each investigation into the professional conduct of a Contracted Medical Practitioner conducted in the first 12 months of operation of this Policy. Health Service Providers must complete each audit within one month of the completion of the investigation and provide the results of each audit to the System Manager via the Policy Owner within one month of completion of the audit. Health Service Providers must thereafter provide for systematic auditing of compliance with this Policy as part of the Health Service Providers internal audit plans.

5. Related documents

The following documents are required to give affect to this Policy (i.e. the documents included are mandatory):

- [Procedure for investigating matters relating to the professional conduct of a Contracted Medical Practitioner](#)

6. Supporting information

The following documents inform this Policy (i.e. documents that are not mandatory to the implementation of this policy but may support the implementation of the policy):

- N/A.

7. Definitions

The following definitions are relevant to this Policy.

- N/A.

8. Policy owner

Deputy Director General

Enquiries relating to this policy may be directed to:

Title: Director Legal and Legislative Services

Division: Strategy and Governance

Email: legal.services@health.wa.gov.au

9. Review

This mandatory policy will be reviewed and evaluated as required to ensure relevance and recency. At a minimum it will be reviewed within 1 year after first issue and at least every 2 years thereafter.

Version	Effective from	Effective to	Amendment(s)
MP0083/18	9 May 2018	29 May 2019	Original version
MP0083/18 v.1.1	29 May 2019	30 April 2022	Minor Amendment – Fixed broken links

The review table indicates previous versions of the mandatory policy and any significant changes.

10. Approval

This mandatory policy has been approved and issued by the Director General of the Department of Health.

Approval by	Dr David Russell-Weisz, Director General, Department of Health
Approval date	08 May 2018
Published date	29 May 2019
RMR#	F-AA-23745/02

Before referencing this mandatory policy please ensure you have the latest version from the [Policy Frameworks](#) website.

Before referencing this mandatory policy please ensure you have the latest version from the [Policy Frameworks](#) website.



This document can be made available in alternative formats on request for a person with a disability.

© Department of Health 2018

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the Copyright Act 1968, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.