



SHOW CAUSE PROCESS

What is the show cause process?

The Approved Medical Deputising Service (AMDS) Program Guidelines apply several requirements to deputising services that seek to employ non-vocationally recognised (non-VR) GPs to perform after-hours deputising services under the Medicare Benefits Schedule (MBS). If an AMDS provider is found to be operating in breach of the Guidelines, the Department of Health (Health) has the discretion to terminate the provider's Deed, which will likely result in employee non-VR GPs losing their eligibility to claim MBS items.

The show cause notification process is intended to address behaviour that falls outside of the AMDS Guidelines before Health moves to terminate the provider's Deed. If an AMDS provider is operating in breach of the Guidelines, Health will write to that provider asking that they show cause to continue operating under the provisions of the Program. This show cause notification will:

- advise the provider of Health's concerns and identify the specific parts of the Guidelines that have been breached;
- invite the AMDS to explain its behaviour and identify actions it will take to address the identified concerns and achieve compliance with the Guidelines; and set a timeframe for response.

How is a show cause process initiated?

Health may initiate a show cause process in response to:

1. a complaint from a third party regarding the conduct of an AMDS; or
2. direct evidence that an AMDS Provider is engaged in conduct that breaches the Guidelines.

When Health is satisfied that there is some evidence that an AMDS is engaged in conduct that falls outside of the expectations set in the Guidelines, it will commence a show cause process.

Who does Health consult as part of a show cause process?

Most show cause processes will involve Health and the AMDS provider. Depending on the nature of the matter under consideration, Health may consult other relevant bodies including but not limited to, the Medical Board of Australia, the Australian Health Practitioner Regulation Agency, the Royal Australian College of General Practitioners, the state and territory health authorities, Quality Practice Accreditation and Australian General Practice Accreditation Limited.

What are the timeframes for showing cause?

Health will give an AMDS provider a period of 14 days to respond to concerns identified as part of a show cause process. Upon receiving a response to identified concerns, Health has 28 days to respond to the provider outlining its decision and/or next steps.

What is a provider's status while responding to a show cause notification?

A deputising service can continue to operate as an AMDS while subject to a show cause process. However, the service will be restricted from recruiting additional non-VR GPs while Health is administering the show cause process. This restriction on employing additional non-VR GPs will apply until the show cause matter is resolved.

When does Health consider a show cause process to be resolved?

Health considers a show cause process to be resolved when one of the following outcomes is realised:

1. the provider has revised its processes and achieved full compliance with the AMDS Program Guidelines; or
2. Health has made the determination that the provider has cannot continue to operate as an AMDS and moves to terminate the Deed that allows for their participation on the Program.

Termination is a likely outcome if an AMDS is found to have engaged in numerous and significant breaches of the Guidelines. If this is the outcome, the provider will be advised that Health is moving to terminate the Deeds and the timeframes for this process.

What types of circumstances are likely to result in termination of a Deed?

Health is likely to terminate a AMDS provider's Deed if they are found to have:

- attempted to operate without an appropriately qualified Medical Director according to the definition provided at part 3 of the AMDS Program Guidelines;
- misled the non-VR GPs they engage to deputise regarding the terms of their eligibility to claim MBS items;
- engaged in repeated inappropriate MBS item claiming;
- sent non-VR GPs to provide in-clinic consultations at general practices that are not registered for the AMDS Program;
- engaged in direct marketing or any form of inappropriate or misleading advertising that breaches the standards of s133 of the *Health Practitioner Regulation National Law Act 2009*; or
- failed to maintain appropriate triaging standards that meet the capabilities set out at Appendix 2 of the AMDS Program Guidelines.

Contacting Health for further information

The Access Programs Section of Health is responsible for the AMDS Program. The AMDS Program is supported by a dedicated in-box: AMDS@health.gov.au. Further information regarding the show cause process can be obtained by emailing this in-box. The Access Programs Section responds to all emails within a 28 day timeframe.

Further reading

This Fact Sheet must be read in conjunction with the AMDS Program Guidelines that come into effect on 1 March 2018. The Guidelines provide the requirements for Program participation and these are the key reference point for Health when determining whether a show cause action is required.