Sonographer Regulation

Executive Summary

For almost a decade, Australian sonographers have wanted national regulation of the profession under the Australian Health Practitioner Regulation Agency (AHPRA).

Introducing the national regulation of sonographers by the AHPRA Medical Radiation Practice Board of Australia (MRPBA) is vital to assure the health and safety of the hundreds of thousands of people accessing medical diagnostic ultrasound services every week in Australia.

Key points

- The public health and safety are at risk from the activities of the sonography profession and failures of the existing system.
- There is currently no system in place to enforce national competency and quality of ultrasound standards, no recency of practice requirements, and no central complaints process available to patients.
- The national regulation of sonographers by adding them to the list of professions regulated by the Medical Radiation Practice Board of Australia is the most practical and cost-effective solution for mitigating the risks posed by the activities of the sonography profession.
- This change only applies to the medical sonographer profession. It does not regulate the use of ultrasound or affect other professions which use ultrasound in their scope of practice.

National sonographer regulation under the Medical Radiation Practice Board of Australia is expected to provide:

- Nationally consistent safeguards that assure patient safety and care.
- A clear and effective central complaint handling process for patients.
- An enforceable measure of the quality of ultrasound examinations provided by sonographers.
- Enforceable standards of practice and conduct that set the minimum expectations of a sonographer’s practice.
- Reduced red-tape with a single and complete regulatory system for all sonographers.

This change is the most practical and cost-effective solution for sonographer regulation, as:

- 30% of sonographers are dual qualified and already registered with the Medical Radiation Practice Board of Australia. This recommendation brings all diagnostic imaging professions together and assures patient safety while at the same time reducing unnecessary and inefficient administrative mechanisms currently in place.
- All alternative solutions to regulation through the Australian Health Practitioner Regulation Agency require legislative change; are more costly and less practical, or are simply ineffective.
- There are existing sonographer competency, education and accreditation frameworks that can be used for this proposed change.

This recommendation has the support of the Medical Radiation Practice Board, as well as the wider diagnostic imaging industry and other key health stakeholders.
Sonographer Regulation
Frequently Asked Questions

Question: What does AHPRA do?
Answer:

The Australian Health Practitioner Regulation Agency (AHPRA) works with the National Boards to regulate Australia’s registered health practitioners, setting standards and policies that all registered health practitioners must meet.

The Medical Radiation Practitioners Board of Australia (MRPBA) is one of 15 National Boards; and is responsible for regulating Medical Radiation Practitioners.

AHPRA’s main functions include:
- Assisting in the development of professional standards
- Managing registration and renewal processes, in partnerships with Boards
- Managing complaints and concerns raised about practitioners
- Monitoring and auditing practitioners against registration requirements
- Assisting with education accreditation standards and publishing a national register of practitioners.

For more information on the role of AHPRA, click [here](#).

Question: Why can’t the ASA regulate sonographers?
Answer:

When the peak body of a profession, such as the ASA, regulates that profession it is referred to as ‘self-regulation’. Self-regulation is not a good option for Australian sonographers as there are already various entities that provide parts of regulation. Such as ASAR providing course accreditation and health complaints commissions able to receive complaints about a sonographer’s conduct.

If the ASA were to provide a ‘self-regulation’ function, it would be in addition to the various and patch systems already in place, further confusing the complex and incomplete arrangements that apply for Australian sonographers.

Self-regulation also has its limitations, with membership and compliance with standards being purely voluntary. Not only would this system not capture all sonographers, but it also provides little authority to enforce standards of practice and conduct, outside of expelling members.

In contrast, regulation under MRPBA would include all sonographers, and bring all diagnostic imaging professionals together under one system with 30% of sonographers already registered with MRPBA as a medical radiation practitioner. It is also significantly more cost-effective as it already has the authority and functions in place to enforce national standards, manage complaints and assess recency of practice.
Question: Why is the Australasian Sonographers Association seeking regulation for sonographers through the Medical Radiation Practice Board of Australia?

Answer:

Sonographers in Australia are dedicated to ensuring public health and safety, and for almost a decade have reported their support and desire for national regulation under the Australian Health Practitioner Regulation Agency.

A recent survey by the Australasian Sonographers Association confirmed that the highest advocacy priority for sonographers in Australia is to be regulated by adding sonographers to the existing Medical Radiation Practice Board of Australia.

There is a strong need to regulate sonographers in Australia as:

- There is no enforceable statement of the minimum expectations of ultrasound examinations performed by Australian sonographers, putting patients’ health and safety at risk
- Where a sonographer fails to produce quality images or identify pathologies, there is currently no enforceable measure of the quality of ultrasound examinations provided
- Complaints handling for sonographers is fragmented and ineffectual. There is a growing list of situations where complaints are raised against a sonographer, the complaint is insufficiently investigated, and the situation becomes a criminal prosecution to be resolved
- Other patient safety and quality controls, such as recency of practice requirements, do not currently exist for sonographers.

Securing national regulation by adding sonographers to the existing Medical Radiation Practice Board is the most practical and cost-effective system change, especially as 30% of sonographers are Medical Radiation Practitioners and already registered with the Board.

This recommendation brings all diagnostic imaging professions together and assures patient safety while at the same time reducing the unnecessary and inefficient administrative mechanisms currently in place.

Question: Aren’t sonographers already regulated by the Australian Sonographers Accreditation Register?

Answer: NO

The Australian Sonographer Accreditation Registry (ASAR):

- Does not have safeguards in place to protect patients and does not have the ability or authority to enforce practice standards or a code of conduct on sonographers
- Does not receive complaints about sonographers or assess recency of practice
- Rules only apply for medical ultrasound examinations that receive Medicare funding.
On its website, the Australian Sonographer Accreditation Registry makes a point to state that it is not a registration board. It maintains a register of sonographers that have completed a recognised course of training. This list is then provided to Medicare so that these sonographers can provide ultrasound examinations under Medicare.

The Australian Sonographer Accreditation Registry doesn’t have any power to impose practice conditions or sanctions on a sonographer, and cannot remove a sonographer from the register due to poor practice standards or professional misconduct.

A sonographer can only be removed from the register if they do not pay their annual fee or they do not meet the continuous professional development requirements (60 hours across three years).

**Question: Aren’t sonographers already regulated under the National Code of Conduct for Health Care Workers?**

**Answer: NO**

In 2015, Australian health ministers agreed to implement the National Code of Conduct for Health Care Workers (the National Code) to apply to all healthcare professions not regulated under the AHPRA. It was intended to provide a mechanism to protect patients receiving health services from professions not regulated under the AHPRA, such as dieticians and massage therapists.

Under the National Code patients can lodge complaints against a sonographer through the State or Territory health complaints commissioner. However, this arrangement is only currently in effect in half of Australia’s States and Territories, and it has been introduced slightly differently where it is in place.

The National Code compounds the complexity and confusion around the varied arrangements in place for sonographer complaints. This is especially true if the sonographer also maintains registration under AHPRA, such as a radiographer, nurse or physiotherapist. This confusion has resulted in cases where a complaint has taken over a year to be resolved, which is a poor outcome for the patient and very stressful for the sonographer.

Importantly, the National Code primarily focuses on conduct. Any requirements that do relate to practice are generic and fail to include sufficient detail to make them measurable, making them very difficult to enforce. While the Code enables prohibition orders to be issued, this is only applicable for an unquestionable serious offence. The Code contains little provision to enforce improvements for lessor serious breaches, such as requiring additional training or supervision to bring a professional back up to standard.

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1 Australian Sonographer Accreditation Registry. *About ASAR. ASAR’s Role.* South Australia. accessed May 2019

Question: Does the Medical Radiation Practice Board of Australia (MRPBA) support adding the sonographers to the list of professions regulated by the MRPBA?

Answer: YES

The Medical Radiation Practice Board of Australia supports regulating the sonographer profession, by adding sonographers to the list of professions it regulates. This is the same model as in New Zealand.

Recent changes to the Medical Radiation Practice Board Professional capabilities for medical radiation practice include ultrasound as a potential scope of practice. However, the Medical Radiation Practice Board of Australia makes a point to state that these capabilities only apply to radiation practitioners who use ultrasound in their practice. They do not apply to sonographers as sonographers are not regulated.

Notably, 30% of Australian sonographers are Medical Radiation Practitioners and are already registered with the Medical Radiation Practice Board due to their undergraduate qualification.

Historically the MRPBA has supported this model for sonographer regulation.

In October 2010, the Council of Registration Boards for Medical Radiation Practitioners (which became the Medical Practice Board of Australia) wrote to the Australian Health Workforce Ministerial Council seeking for sonographers to be one of the professions to be included on the National Register of Medical Radiation Practitioners.2

In this request, they noted concern about the profession of sonography not being regulated as it is a “fast-growing area that represents a significant public safety risk.”

Question: Have sonographers sought to be regulated through the Medical Radiation Practice Board of Australia before?

Answer: NO

This is the first time the sonographer profession has sought national regulation through the Medical Radiation Practice Board of Australia (MRPBA).

When the Australian Health Practitioner Regulation Agency established in 2010, the sonographer profession sought national regulation with an independent ‘Sonography Board of Australia’.3 This was not supported.

The sonographer profession now seeks to be added to the list of professions regulated by the MRPBA, which the Board and the rest of the medical imaging industry supports.

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Question: Why do we need case examples for the submission for sonographer regulation?

Answer:

The ASA has undertaken extensive consultation with Health Ministers, their advisors, and senior executives of Health Departments across Australia about national sonographer regulation.

They have stressed the need to include examples of poor sonographer practice that have negatively impacted patients. This is needed to demonstrate how AHRPA regulation would mitigate potential risks to patients.

The ASA understands that privacy and confidentiality is of the upmost importance, and is seeking deidentified examples. The identity of patients, the examining sonographer, the person providing the example, and anyone else involved in the case will remain strictly confidential.

Question: If we do become regulated under MRPBA, what will this mean for me?

Answer:

Sonographers newly regulated under the Medical Radiation Practice Board of Australia will need to be aware of minor changes such as new recency of practice requirements, the requirement for reflective practice in undertaking CPD and their obligation under the national complaints handling processes.

The Australasian Sonographers Association will provide information to members and the sonographer profession of potential changes as we become aware of them, including opportunities to engage with and provide feedback on this work.

Question: Will sonographer regulation change how sonographer provided ultrasound examinations are reported?

Answer: NO

Regulation of Australian sonographers, either under AHPRA or another system, will not impact how sonographers provide ultrasound examinations. For example, the outcomes of the sonographer’s examination will continue to be reported through a medical practitioner.

We are aware that in some countries, such as the UK, some sonographers can directly report the outcomes of their examinations to the patient and referring practitioner. In Australia, this would be referred to as an extended scope of practice, and is entirely separate to the issue of regulation. When assessing the model for regulation of sonographers in Australia, the analysis and proposed model must reflect how the majority of sonographers currently practice, across the whole sonographer workforce.

Furthermore, AHPRA regulation of sonographers is not expected to impact Medicare claiming. The Medicare Benefits Schedule provisions are set by and operate under different arrangements and purpose than those for professional regulation.
**Question: Will AHPRA regulation set minimum scan times for ultrasound examinations?**

**Answer: NO**

AHPRA sonographer regulation will not establish minimum scan times for ultrasound examinations.

However, AHPRA regulation will establish nationally consistent expectations of quality and standards and national processes for determining poor quality sonographer practice. These processes would utilise existing professional standards and guidelines to benchmark minimum good sonographer practice.

AHPRA is also able to apply practise requirement on health professionals who do not meet the minimum expectations, such as additional training and supervised practice until the health professional is considered competent.

**Question: Are there any sonographers that will not be regulated by the Medical Radiation Practice Board of Australia?**

**Answer: NO**

This change will apply to all sonographers in who are, or will be, eligible for inclusion on the Australasian Sonographer Accreditation Registry (ASAR) list of sonographers.

Adding sonographers to the list of professions regulated by the Medical Radiation Practice Board of Australia would apply to everyone who has completed or is undertaking an ASAR accredited course. This includes all sonographer areas of practice, such as general, cardiac, etc.

**Question: Will this affect how I provide Medicare-funded services?**

**Answer:**

We do not expect that this change will have any impact on how sonographers provide Medicare-funded ultrasound examinations.

However, this will need to be explored through a public Regulatory Impact Statement (RIS) consultation. This is a process that would be run by the Commonwealth Government after the COAG Health Council has agreed to consider adding sonographers to the list of professions regulated by the Medical Radiation Practice Board of Australia.
Questions: How are sonographer Recency of Practice requirements going to be different?

Answer:

Recency of Practice will be a new requirement for sonographers.

Recency of practice is a core standard for assessing the competency of both regulated and many self-regulated health professions in Australia and overseas. The Medical Radiation Practice Board of Australia currently requires registered practitioners to have completed at least 450 hours of practice in the profession in the past three years. Evidence must be kept for audit purposes.

It is assumed that the same recency of practice requirement will apply to sonographers when they are added to the list of professions regulated by the Medical Radiation Practice Board of Australia.

Question: What will happen if a complaint is made against me, and how will this differ to now?

Answer:

Currently, patients can lodge complaints against sonographer through the state or territory health complaints commissioner. This occurs under the National Code of Conduct for Health Care Workers (National Code).

The National Code is currently only in effect in half of Australia’s jurisdictions, and it has been introduced slightly differently where it is in place.

Complaints handling under the Medical Radiation Practice Board of Australia is nationally uniform. The expectations of complaints handling consistent and transparent. The process of what to expect from the process and how contest a complaint should this be necessary, are publicly available online at https://www.ahpra.gov.au/Notifications.aspx

Question: Does this change my Professional Indemnity Insurance (PII) requirements?

Answer: No change.

Like the Medical Radiation Practice Board of Australia, Australian sonographers are already required to hold and maintain Professional Indemnity Insurance cover by the National Code of Conduct for Health Care Workers.

Under the Medical Radiation Practice Board of Australia, sonographers will be required to declare they have Professional Indemnity Insurance that covers all areas of practice and be able to provide evidence if audited.

To work without PII, or let it lapse and not notify the Medical Radiation Practice Board of Australia, is an offence.
Questions: Will I have to pay more fees?
Answer: Slightly more

There will likely be a slight increase in the annual fees for sonographers. Currently, the ASAR annual registration fee is $110, whereas the annual Medical Radiation Practice Board of Australia registration is $191.

However, the Medical Radiation Practice Board of Australia annual registration fees are still quite low compared to other regulated professions.

It is important to note that with this increased annual fee is required to support all of the additional functions that accompany professional regulation, such as a complaint handling process and protected title.

Question: What if I am already registered with the Medical Radiation Practice Board of Australia?
Answer:

It is expected that sonographers who are already maintaining registration with the Medical Radiation Practice Board of Australia will no longer need to maintain the additional Continuous Professional Development (CPD) reporting requirements to maintain for ASAR registration. They will also no longer be required to pay the additional $110 ASAR annual registration fee.

Question: What if I am registered with another Australian Health Practitioner Regulation Agency health profession Board (e.g. as a nurse or physiotherapist)?
Answer:

Sonographers who maintain registration with another Australian Health Practitioner Regulation Agency (AHPRA) Board will also need to be aware of the new regulation requirements associated with being a sonographer registered under the Medical Radiation Practice Board of Australia (e.g. recency of practice).

This change should not have any bearing on their registration under another AHPRA Board. However, sonographers in this situation are encouraged to confirm this with the respective AHPRA Board.

Question: What does this mean for student sonographers?
Answer:

This change could be more affordable for future sonographer students.

Student sonographers currently have to pay an annual ASAR registration fee of $110. Under the Medical Radiation Practice Board of Australia, education providers are responsible for arranging the registration of their students. There are currently no fees for student registration.
Question: Do I have to do more Continuous Professional Development with national regulation?

Answer:

Overall the Continuous Professional Development (CPD) requirements under the Medical Radiation Practice Board of Australia are largely the same. Sonographers will continue to be required to complete 60 points/hours of CPD over three years, as is currently required by the Australian Sonographer Accreditation Registry.

However, sonographers will be required to complete a CPD logbook, including a level of reflection on activities. Other minor adjustments may also be required in the initial transition, including the use of hours vs points.

Question: How quickly will this happen?

Answer:

Adding a new profession to the Australian Health Practitioner Regulation Agency does not happen quickly. The last profession to be added was included almost ten years after they first applied.

The Council of Australian Governments Health Council has responsibility for deciding which professions are regulated under this agency. The Health Ministers of Australian governments (state, territory and federal) make up the Health Council.

For example, the last profession added to the Australian Health Practitioner Regulation Agency were the paramedics. It took almost seven years for the Health Council to consider and agree to add paramedics. Following this decision, the law change occurred within two and a half years to bring this change into effect.

Question: What is being done to get sonographers added to the Medical Radiation Practice Board of Australia?

Answer:

The Australasian Sonographers Association, in partnership with the Australian Sonographer Accreditation Registry and the Australasian Society for Ultrasound in Medicine, is developing an application to the Council of Australian Governments Health Council to add sonographers to the list of professions regulated by the Australian Health Practitioner Regulation Agency Medical Radiation Practice Board of Australia.

This application needs to evidence the risks associated with sonography, together with the expected benefits of national regulation.

The Australasian Sonographers Association has been meeting state and federal politicians to discuss the need for national regulation of the sonographer profession. To date, there has been no negative feedback from Health Ministers. However, we need to provide them with data to support the need and evidence of industry support for them to vote ‘yes’ to this change.

We presented the draft application to Australia’s chief allied health officers at the end of October 2019 and are aiming to have the full application considered by all Australian Health Ministers at the Council of Australian Governments Health Council in the second half of 2020.
Question: What are the benefits for me and my patients?

Answer:

Patients receiving ultrasound examinations performed by sonographers should reasonably expect that there are appropriate safeguards in place to protect them and ensure the provision of appropriate and respectful services.

Adding sonographers to the existing Medical Radiation Practice Board of Australia is a cost-effective system change which brings all diagnostic imaging professions together and assures patient safety while at the same time reducing the unnecessary and inefficient administrative mechanisms currently in place.

Question: Will this mean that sonographers will be pushing for their own provider numbers?

Answer:

National regulation is about assuring the health and safety of our patients through profession regulation. It has nothing to do with Medicare claiming or provider numbers.

Sonographers will be added to the Medical Radiation Practice Board of Australia, like radiographers and other medical imaging professions. The current professions regulated under this board have not accessed or pursued their own Medicare provider number.

Question: What is going to happen to ASAR?

Answer:

This is yet to be determined. The Australian Sonographer Accreditation Registry (ASAR) will most likely cease to exist in its current form.

A significant portion of the ASAR’s current function is the accreditation of courses for new sonographers. Under the AHPRA governance model, there is a Medical Radiation Practice Accreditation Committee which is separate to the MRPBA which is responsible for developing accreditation standards, and assessing and monitoring programs of study and education providers against the approved accreditation standards.

The ASAR could take up this function as a separate sonographer accreditation committee or integrate with the existing accreditation committee. However, the options for ASAR are still being explored.