



# ASA REGULATION | FREQUENTLY ASKED QUESTIONS FOR GPs AND OTHER PRACTITIONERS

Patients receiving medical ultrasound examinations should reasonably expect that the person who is scanning them is held to a high regulatory standard to ensure they are safe and provided with a high-quality service. However, sonographers – who are the highly skilled health professionals that perform the majority of diagnostic medical ultrasound examinations on behalf of a medical practitioner – are not regulated.

To protect the health and safety of the hundreds of thousands of people accessing medical diagnostic ultrasound examinations every week sonographers need to be regulated under the National Registration and Accreditation Scheme (NRAS) Medical Radiation Practice Board of Australia (MRPBA).

## 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 no system in place to enforce national competency and quality of ultrasound standards, no recency of practice requirements, and no national complaints process available to patients.
- Regulating 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 will protect patient health and safety with:

- Nationally enforceable minimum standards of practice and a nationally consistent mechanism to investigate complaints linked to registration and eligibility to practise
- Recency of practice requirements ensuring that sonographers providing ultrasound examinations have current training and skills to provide appropriate healthcare
- Expanded mandatory notification requirements strengthening patient protections to limit a sonographer's practice with authority to suspend or stop a sonographer from practice
- A simplified, centralised complaints handling mechanism that will make it easier for the public to make a complaint
- Assessment by a panel of their peers against described national minimum standards where their practice is questioned
- Enforceable supervised training, conditions on practice, and other practice improvements to address competence deficiencies and improve the quality of a sonographer's practice
- Authority to suspend or stop a sonographer from further practice.

## This change is the most practical and cost-effective solution for sonographer regulation

- 24.5% of sonographers are dual qualified and already registered with the MRPBA. This recommendation completes the regulation of medical imaging professions and assures patient safety whilst reducing unnecessary and inefficient administrative mechanisms currently in place.
- Any other approach is not practical and fails to address the risks associated with poor sonographer practice and conduct.
- There are sonographer competency, education and accreditation frameworks that already exist and can be used for this proposed change.

This recommendation has the support of the public, the profession, the wider diagnostic imaging industry and other health stakeholders.



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### 1. Will sonographer regulation impact how I use ultrasound, or restrict ultrasound services provided by any other health profession?

No.

Sonographer regulation will only apply to the sonographer profession providing medical sonographic services.

This change will not restrict other occupations from using ultrasound in their scope of practice.

### 2. What is the risk to patients receiving ultrasound examinations by a sonographer?

There is a significant risk of harm to the health and safety of the public by the activities of a sonographer.

A sonographer's activities are to perform an ultrasound scan viewing the entire structure of the organ/s, to recognise if something is abnormal and take the appropriate representative images so that an accurate diagnosis can be made by a medical practitioner.

They work autonomously, and the scans are often performed with only the patient, in an intimate setting and with some procedures classed as intrusive. The competence and expertise of the sonographer directly affect the outcome of the ultrasound examination.

The risks to patients include:

- Delayed treatment, more advanced and complex medical conditions, additional costs, unnecessary surgery or treatment, reduced quality of life, significant physical and emotional harm, and ultimately death due to missed or misdiagnosis.
- Personal injury, harm or patient distress from misuse of the probe and other failures in professional practice.
- Physical harm and immediate and ongoing emotional harm due to unprofessional behaviour, including inappropriate, unethical or illegal conduct.
- The risk of death or significant physical and emotional harm due to a failure to act appropriately, such as providing timely and appropriate communication of urgent or unexpected findings.
- Avoidable infection of individuals and between patients and the public from failure to follow infection control standards and procedures.
- Immediate and life-long injury and disability caused by biological effects due to misuse of the technology.

The health and safety of Australians is at risk without the national regulation of sonographers.

### 3. How does regulating sonographers under the MRPBA protect patients?

Regulating the profession under the National Registration and Accreditation Scheme (NRAS), by adding sonographers to the list of professions regulated by the Medical Radiation Practice Board of Australia (MRPBA), benefits and protects the public by ensuring that only sonographers who are suitably trained and qualified to practise competently and ethically, with recency of practice, are registered, and that there is national consistency in managing complaints and concerns raised about the health, performance and conduct of individual sonographers against described and enforceable standards of practice.

Regulating sonographers under the MRPBA will also provide an increased level of structure, visibility and rigour to be able to assess complaints and implement remedies when action is required to protect patients. Providing the public with access to a simplified, centralised complaint handling mechanism. Making it easier to make a complaint about poor sonographer practice or conduct compared to the confusing system that currently exists.

#### 4. Why is the Working Group for Sonographer Regulation seeking regulation for sonographers through the MRPBA?

The safety and protection of the public is paramount. The ASA, as part of the Working Group for Sonographer Regulation, is dedicated to assuring the health and safety of patients and the public.

The public overwhelmingly supports the regulation of sonographers, with most citing a less accurate diagnosis and patient safety as the leading causes for why they should be regulated. This was confirmed in recent market research where 93% of those surveyed believed sonographers were already regulated and support sonographer regulation. Also, 82% are concerned that sonographers are not already regulated.

Without national regulation, there are no nationally enforceable standards of practice that set the minimum expectations of ultrasound examinations performed by sonographers in Australia, putting the public's health and safety at risk. Where a sonographer fails to produce quality images or identify pathologies, there are no enforceable measures of the quality of ultrasound examinations that sonographers perform. Also, there is no recency of practice requirements and the complaints handling for sonographers is inconsistent, fragmented and ineffectual.

Securing national regulation by adding sonographers to the existing Medical Radiation Practice Board is the most practical and cost-effective system change, especially as 24.5% of sonographers are medical radiation practitioners and already registered with the Board.

This recommendation completes the regulation of medical imaging professions and assures patient safety while at the same time reducing the unnecessary and inefficient administrative mechanisms currently in place.

#### 5. Will regulation result in sonographers having Medicare provider numbers?

No.

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.

This change seeks to add sonographers to the Medical Radiation Practice Board of Australia (MRPBA), like radiographers and other medical imaging professions.

The professions currently under the MRPBA do not have individual Medicare provider numbers.

#### 6. Will sonographer regulation change how sonographer-performed ultrasound examinations are reported?

No.

Regulating sonographers under the National Registration and Accreditation Scheme (NRAS) through the Medical Radiation Practice Board of Australia (MRPBA) will not impact how sonographers perform 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 *extended scope of practice* and is entirely separate to the issue of regulation. Any model for regulation of sonographers in Australia must reflect how the majority of sonographers currently practice, across the whole sonographer workforce.

Adding sonographers to the MRPBA is also 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.

## 7. Doesn't the ASAR already regulate sonographers?

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
- Does not capture all sonographers, as it operates for Medicare-funded examinations only.

The ASAR is not a registration board.<sup>1</sup> It maintains a register of sonographers that have completed an accredited ultrasound education course. Sonographers who perform an ultrasound examination must be listed on the registry for a Medicare Benefits rebate to be claimed by the reporting medical practitioner.

The registry may not include all sonographers, as sonographers who work outside of the Medicare system are not required to comply with the ASAR's accreditation requirements unless it is a condition of employment.

The ASAR 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 CPD requirements.

## 8. Why can't the ASAR regulate sonographers?

Enabling the ASAR to uphold sonographer regulation is not a practical option, and is unlikely to succeed or be effective given it is limited to the requirements under Medicare legislation.

There is no simple way to increase the scope of the ASAR to regulate sonographers, and doing so would be costly. Even if all of the necessary changes were made and costs were paid for, the ASAR wouldn't be able to regulate all sonographers as it operates for Medicare-funded examinations only, and therefore does not capture all sonographers.

Besides, it would likely add further confusion about where complaints about sonographers would be addressed.

## 9. Why is self-regulation not a viable option?

Self-regulation does not exist for Australian sonographers and is not a viable option as it would:

- not capture all sonographers, and
- provides little authority to enforce standards of practice and conduct outside of expelling members.

When the peak body of a profession, such as the ASA, regulates a profession it is referred to as 'self-regulation'.

The National Alliance of Self-Regulating Health Professions (NASRHP) specifies the standards required to recognise a profession as being self-regulated.

Despite having several peak bodies involved in the sonography profession in Australia, no one peak body is close to meeting the benchmark to self-regulate the profession, and even collectively the peak bodies fall short of meeting the standards.

In particular, no organisation has or can easily implement a complaint handling mechanism or assess recency of practice for the whole profession.

Self-regulation would also not address the current confusion in the system caused by almost one-quarter of sonographers who are already regulated under the MRPBA.



## 10. Aren't sonographers already regulated under the *National Code of Conduct for Health Care Workers*?

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 aims to protect the public by setting minimum standards of conduct and practice for all unregistered healthcare workers who provide a health service, including sonographers.

Under the National Code patients can lodge complaints against a sonographer through the State or Territory health complaints entity. 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 adds to 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.

Notably, 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 less serious breaches, such as requiring additional training or supervision to bring a professional back up to standard.

## 11. How many sonographers are there in Australia?

In December 2021, there were 7,022 medical sonographers and 1,042 student sonographers in Australia.

## 12. Are you sure that sonographers want to be regulated?

Yes.

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 AHPRA.

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 MRPBA.

In addition, 24.5% of sonographers are already registered with the MRPBA and are expected to benefit, as they will no longer be required to pay the additional ASAR registration fee. These sonographers may also benefit from reduced red tape, as sonographer regulation would transfer the course accreditation and CPD auditing functions of the ASAR to the MRPBA, meaning that all sonographers would then be solely registered with the MRPBA.

## 13. Is the public concerned about the lack of sonographer regulation?

Yes.

Independent research recently undertaken<sup>2</sup> found that 93% of public respondents believed that sonographers were already regulated and supported sonographers to become regulated. Also, 82% were concerned that sonographers were not regulated, with most indicating a less accurate diagnosis and patient safety as the main reasons for why they should be regulated.

Knowing all sonographers are held to the same standards, through regulation, may provide greater public confidence in the quality of sonography examinations, and reduce the number of patients seeking a second opinion or additional examinations.

The recent research indicates that 'knowing sonographers are not regulated' like other health professionals means that:

- 53% of respondents are more likely to seek a second opinion
- 53% are more likely to question the quality of the ultrasound result
- 36% are more likely to seek an alternative to ultrasound
- 20% are less likely to follow up with an ultrasound referral.

#### 14. Is there support for sonographer regulation?

Yes.

There is widespread support for the proposal for sonographer regulation.

The leadership of ASUM, ASA and ASAR all recognise the weaknesses of the existing mechanisms in assuring public health and safety and are working together to improve this situation by seeking sonographer regulation through the MRPBA. Sonographers have also indicated that one of their biggest concerns about the industry is the lack of professional regulation.<sup>3</sup>

Government representatives also recognise the need for sonographer regulation. Feedback from consultation undertaken over the past three years by the ASA and ASUM has indicated widespread acknowledgement with no parties opposing it to date. On 4 December 2019, the Australian Senate publicly agreed that sonographer regulation was needed to protect the public.

The need for sonographer regulation is widely acknowledged by members of the imaging and broader health industry, unions, other allied health professions, and consumer health and safety representatives. Since late 2018, the ASA has undertaken extensive stakeholder consultation and continues to receive letters of support for this change.

The public also agrees with the proposal for regulation. Recent independent public opinion market research undertaken<sup>2</sup> found that 93% of respondents believed that sonographers were already regulated and supported sonographers to become regulated.

#### 15. What is being done to get sonographers added to the MRPBA?

For several years, the Working Group for Sonographer Regulation – composed of members from ASA, ASUM, ASAR and a sonographer representative - has been developing a submission to include the sonographer profession in the National Registration and Accreditation Scheme (NRAS) under the Medical Radiation Practice Board of Australia (MRPBA).

The submission is substantial and responds to established criteria, including highlighting the current risks to the public and the expected impacts and benefits of sonographer regulation under the NRAS. It also incorporates evidence of risks and letters of support for this change.

Over the past three years, the ASA has consulted with various levels of government across Australia. Government representatives recognise the need for sonographer regulation, and to date, no parties are opposing it. Encouragingly, on 4 December 2019, the Australian Senate publicly agreed that sonographer regulation was needed to protect the public.

The ASA has also undertaken extensive stakeholder consultation, meeting with and providing regular updates to members of the imaging and wider health industry, unions, other allied health professions, and consumer health and safety representatives. The need for sonographer regulation is widely acknowledged among stakeholders, and to date, no organisations are opposing it. The ASA continues to receive letters of support for sonographer regulation.

Over the past 18 months, the ASA has engaged Australia's chief allied health officers, the broader medical industry, sonographer employers, sonographer education institutions, and health departments to review an advanced draft of this submission. This has enabled the submission to be further enhanced.

Once the submission is complete, the ASA will work to engage all jurisdictions to discuss the submission and have it put on the agenda at an upcoming national *Health Ministers Meeting* for consideration and decision.



## 16. How quickly will this happen?

Adding a new profession to the Australian Health Practitioner Regulation Agency (AHPRA) does not happen quickly. There are multiple stages of assessment and decision-making that must occur, and this can take many years to complete.

Australian Health Ministers are collectively responsible for deciding which professions are regulated under AHPRA. This includes state and territory government ministers responsible for health portfolios, along with the Australian Government Minister for Health.

The last profession added to AHPRA were the paramedics. The process to consider and agree to add paramedics took almost seven years, and a further two and a half years for the law change to occur to bring the change into effect.

More information on the steps involved is outlined in the document titled *The process towards sonographer regulation* available online at: <https://www.sonographers.org/advocacy/sonographer-regulation-in-australia>

## 17. What and who is the Working Group for Sonographer Regulation?

Established in 2018, the Working Group for Sonographer Regulation is a formal industry working group composed of the Australasian Sonographers Association (ASA), the Australasian Society for Ultrasound in Medicine (ASUM), the Australian Sonographer Accreditation Registry (ASAR) and a senior sonographer representative.

If you have any questions about this work, please email the Working Group at [Sonographer\\_Regulation@sonographers.org](mailto:Sonographer_Regulation@sonographers.org)





## REFERENCES

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2. Survey Matters. *Understanding public awareness and perceptions of sonographers*. Melbourne (VIC): Australasian Sonographers Association; 2019. Available at: <https://www.sonographers.org/publicassets/eab3a96c-e2a6-ea11-90fb-0050568796d8/ASA-Public-Perception-of-Sonographers-2019-Report.pdf>
3. Di Marzio Research. 2017 *Australasian Sonographers Association Employment and Salary Survey*. Melbourne (VIC): Australasian Sonographers Association; 2018. Overview of results, prepared by the Australasian Sonographers Association is available from: <https://www.sonographers.org/publicassets/3ca540e8-7a8a-ea11-90fb-0050568796d8/Salary-Survey-2017.pdf>