



ASA REGULATION | PROTECTING THE PUBLIC WITH SONOGRAPHER REGULATION

Patients receiving ultrasound examinations should reasonably expect that there are appropriate safeguards in place to protect them and ensure the provision of high quality services. However, sonographers, the highly skilled health professionals that perform the majority of diagnostic medical ultrasound examinations, 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

- Medical diagnostic ultrasound informs and guides Australians' healthcare across a range of situations, including pregnancy, heart disease, acute injury, and cancer.
- In 2021, Australians accessed 12.1 million Medicare-funded ultrasounds, most of which were performed by the 8,064 practising and student sonographers across Australia.
- The outcome of the ultrasound examination relies on the competence and expertise of the sonographer. However, sonographers are not regulated.
- 2019 research found that most people (82%) are concerned that sonographers aren't regulated, with over half stating they now question the quality of the results and will seek a second opinion.
- Other medical imaging professionals are already regulated under the MRPBA, including the 24.5% of sonographers who provide other medical imaging (e.g. CT exams).

Why is national regulation needed?

Regulation protects patients by ensuring that all health professionals meet the same high quality standards to practice and having a universal process to hold health professionals to account where they do not meet these standards.

Regulation will not change the way patients access ultrasound exams. It will not change the way their condition is diagnosed or managed. However, this change is needed as:

- Ultrasound exams are provided in a private consultation room with the sonographer and can require patients to remove items of clothing and can be intimate (e.g. breast exams).
- If a sonographer fails to correctly identify an abnormality, this may lead to a missed or misdiagnosis, such as a missed cancer diagnosis or a missed abnormality in pregnancy. This can lead to life-long injury or death.
- Patients can be injured and experience permanent illness and disability if a sonographer fails to follow infection control procedures or misuses the ultrasound technology.
- There are no nationally enforceable quality standards for sonographers, and they can have many years away from the profession and return to scanning without any assessment of their skill.
- Where issues about a sonographer's behaviour or practice are reported, a sonographer can avoid any consequence by moving workplaces or between states.

There is support for sonographer regulation from the public, the health sector, governments, and sonographers across Australia.



List of Frequently Asked Questions (FAQs)

1. What is a sonographer and what do they do?	3
2. What is an ultrasound and what is it used for?	3
3. Are ultrasound exams safe?	3
4. Isn't ultrasound regulated?	3
5. Why is regulation important?	4
6. Why aren't sonographers already regulated?	4
7. Doesn't the Australasian Sonographers Association regulate sonographers?	4
8. Is there any other organisation that does, or can, regulate sonographers?	5
9. What will regulation do?	5
10. Will regulating sonographers change how I access ultrasound exams?	5
11. How do I make a complaint or report a sonographer now? What happens?	5
12. How will I make a complaint if sonographers are regulated? What will happen?	6
13. Are there many complaints about sonographers currently?	7
14. How do we get sonographers regulated?	7
15. What is being done to get sonographers regulated?	7
16. Do sonographers want to be regulated?	8
17. What does it take to become a sonographer?	8
18. How many sonographers are there?	8

1. What is a sonographer and what do they do?

Sonographers are the experts in ultrasound. They perform ultrasounds all day, every day.

While there are a number of health professionals qualified to perform an ultrasound, sonographers undertake the majority of ultrasound exams.

Sonographers use ultrasound technology to investigate an area of interest, recognise if something is abnormal, and take quality images so the doctor can make an accurate diagnosis.

Some sonographers focus on specific areas of practice, such as the heart or pregnancy, while others undertake exams across many areas of the body.

Sonographers can be found in public and private hospitals, outpatient imaging practices and private specialist clinics.

2. What is an ultrasound and what is it used for?

Ultrasound exams are one of the most common diagnostic tests requested by doctors and can be used on people of all ages, including an unborn baby in pregnant women. A diagnostic ultrasound is an imaging method that uses high-frequency sound waves to produce images of structures within your body, often muscles, organs, tendons and blood vessels. Most ultrasounds are performed by a sonographer who will take a range of images of the anatomy your doctor wants to see and of any abnormalities.

The images provide crucial information to diagnose and manage a wide variety of conditions across the whole body. For example, to diagnose diseases of the heart and blood vessels, identify problems in pregnancy, or investigate organs, tissues, muscles and joints etc.

Ultrasound is an effective way to scan most parts of the body and often means other invasive or more expensive tests are not needed. In 2021, Australians accessed 12.1 million Medicare-funded ultrasounds, most of which were performed by sonographers.

3. Are ultrasound exams safe?

Ultrasound is safe when used by a qualified and competent medical professional. The majority of ultrasound exams are performed by sonographers who are highly educated and must hold an accredited, postgraduate qualification.

However, it is important that the person undertaking your exam keeps their skills and knowledge up to date, is experienced to undertake the specific exam they are performing, follows exam guidelines, and conducts themselves in a professional manner.

If a sonographer lacks competence and fails to recognise that something is abnormal or fails to take quality images, information may be missed. This can lead to a missed or delayed diagnosis which can have a disastrous impact on your health.

4. Isn't ultrasound regulated?

Regulation is linked to a profession, not ultrasound itself.

For example, doctors are regulated, so there are safeguards in place when they use ultrasound.

But sonographers, who undertake the majority of ultrasound exams, are not regulated. This means that nationally enforceable quality standards are not in place when a sonographer performs an ultrasound examination.

Most people are surprised to hear this. Independent consumer research¹ in 2019 and found that 93% of people believed sonographers were already regulated, and 82% were concerned that they are not. Knowing they are not regulated, many (53%) were concerned about the quality of exams results and would consider getting a second opinion.

5. Why is regulation important?

Protecting the public from harm is the purpose of regulating health professions through the National Registration and Accreditation Scheme.

National regulation ensures the community has access to a safe health workforce across all regulated professions with:

- Nationally enforceable professional standards, codes of conduct and practice guidelines
- Registration, so that only health practitioners with the skills and qualifications to provide competent and ethical care are registered to practise. Regulation also manages registration and renewal processes for local and overseas qualified health practitioners and student registration.
- A nationally consistent and transparent complaints handling process to manage concerns raised about the health, performance and conduct of individual health practitioners
- Compliance, monitoring and auditing registered health practitioners to make sure they are complying with regulatory requirements; and
- Accrediting courses of education to ensure graduating students are suitably qualified and skilled to practice.

These regulatory functions work together to protect the public from harm when they seek health services. However, many of these regulatory functions are not in place for sonographers.

Sonographers need to be regulated with the other medical imaging professions to protect the public from the risk of harm when having ultrasound examinations. The most efficient way to do this is to add sonographers to the professions regulated by the Medical Radiation Practice Board of Australia.

6. Why aren't sonographers already regulated?

The National Registration and Accreditation Scheme for health professions was established in 2010.

When the Medical Radiation Practice Board of Australia was added to regulate other medical imaging professions, sonographers applied to be nationally regulated under a dedicated Sonography Board. However, this was not supported, and sonographers were left unregulated.

Since then, the industry has unified agreement that the sonographer profession should be added to the list of medical imaging professions regulated by the Medical Radiation Practice Board, which has not previously been asked for by the industry.

7. Doesn't the Australasian Sonographers Association regulate sonographers?

No.

Although the Australasian Sonographers Association is the professional association for sonographers in Australasia, we do not have any legal rights to regulate the profession.

We are committed to promoting high quality ultrasound exams by providing professional development for its members and advice on best practices. However, although we represent 70% of the profession, membership is voluntary and does not capture all sonographers.

The Australasian Sonographers Association does not have the legal rights to provide the parts of regulation that protect patients, such as managing complaints, enforcing standards, or assessing practice requirements.

And it would be more difficult to do this than to add the profession to the existing Medical Radiation Practice Board of Australia, where almost a quarter of sonographers are already registered because they are also qualified in another medical imaging profession (e.g. radiography).

8. Is there any other organisation that does, or can, regulate sonographers?

No.

There is the Australian Sonographer Accreditation Registry (ASAR). They currently accredit the courses of education that people need to complete to be a sonographer and maintain a list of people, the register of sonographers, who have completed an accredited course.

Sonographers must be on this list to provide ultrasound examination services funded by Medicare. Sonographers only have to pay the annual fee and complete 60 hours of professional development every three years to stay on this list.

The ASAR states explicitly that it is not a registration board² and does not regulate sonographers.

Importantly the ASAR does not have safeguards to protect patients and does not have the ability or authority to enforce practice standards or a code of conduct on sonographers. It does not receive complaints about sonographers or assess recency of practice.

The ASAR also doesn't keep any record of complaints against sonographers or issues with their practice. Even sonographers who have not practised in many years stay on the register of sonographers if they pay the annual fee and complete the required professional development, such as reading journal articles and attending events.

9. What will regulation do?

Regulation will ensure patients who receive an ultrasound by a sonographer are better protected.

Under regulation, nationally enforceable quality standards will apply to all sonographers across Australia, ensuring sonographers only provide ultrasound examinations they are qualified and skilled to perform.

Regulation will make it simpler to make a complaint if you receive poor care from a sonographer. It will also provide greater visibility, enabling you to check whether a sonographer has any restrictions or conditions on their practice.

Regulation will also introduce recency of practice requirements to ensure that all sonographers are competent and fit to practise by requiring sonographers to make an annual declaration that their practice is current and in keeping with contemporary practice.

Regulating sonographers under the Medical Radiation Practice Board of Australia will give patients peace of mind with all the health professionals that provide medical imaging being regulated under one system.

10. Will regulating sonographers change how I access ultrasound exams?

No.

Regulating sonographers will provide many benefits, such as introducing safeguards around quality and providing greater consistency in the way complaints are managed, but it will not change how you receive your ultrasound exams.

Regulation will not change the role of sonographers. This means regulation will not impact your ability to access ultrasound. It will also not change how your condition is diagnosed or managed or how you receive your results.

Because regulating sonographers does not impact other medical professionals using ultrasound, it will not change how you receive ultrasound performed by other professionals.

11. How do I make a complaint or report a sonographer now? What happens?

Currently, complaints against sonographers are either made to the sonographer's employer or the local state or territory health complaints commissioner or ombudsman.

Where a complaint is made to an employer, it is up to the employer what they do with the complaint. Depending on the complaint, the sonographer may not be made aware of the potential issue with their practice or conduct.

If the employer does record the complaint and take some action, any records remain with the employer. If the sonographer resigns or has their employment terminated, the cause of the complaint is not addressed, and the individual may continue risky or poor practice or conduct elsewhere.

There is significant variation in how the health complaints commissioner or ombudsman in each state or territory handles complaints against sonographers. Four out of Australia's eight states and territories use the National Code of Conduct for Health Care Workers framework. The National Code's broad principles provide some guidance for patients and sonographers on how the complaint will be assessed and responded to.

However, commissioners and ombudsmen typically can only mediate the issue or apply a sanction to prevent an individual from providing a health service. In addition, sanctions are only used where there is an immediate and severe risk to the public, which means that other lesser issues that could have resulted in patient harm or that have upset someone aren't addressed.

For the other half of Australia without a national code, the commissioners and ombudsmen have even less power to take action about complaints against sonographers.

When someone makes a complaint to a commissioner or ombudsman, the sonographer would be notified of the complaint and be required to respond to the claim made by the complainant. But there is variation between states territories on the timeframes that the sonographer must respond within and how long an investigation process could take.

Currently, 24.5% of sonographers are also qualified as a radiation practitioner (e.g. someone who performs x-rays) and are regulated by the Medical Radiation Practice Board of Australia. Complaints against these sonographers can be received under the National Registration and Accreditation Scheme. However, as the Medical Radiation Practice Board doesn't yet regulate sonography practice, in most cases, this confuses the handling of the complaint, often affecting the timeliness of the investigation.

Drawn out and unresolved complaints create stress for both the complainant and the sonographer. Particularly where the complaint ends up caught between the Medical Radiation Practice Board and commissioner or ombudsman, with both stating that the other should investigate the complaint.

12. How will I make a complaint if sonographers are regulated? What will happen?

Raising a concern or making a complaint about a sonographer would be much simpler under national regulation and would apply to all sonographers regardless of where they live, who they are employed by, and what type of ultrasound exams they perform.

The process will be managed centrally through the Medical Radiation Practice Board of Australia (MRPBA). If you have a concern about a sonographer, you can contact the MRPBA, and they will let you know what you need to do.

If regulated, specific nationally enforceable standards would apply to a sonographer's performance and conduct. This includes additional requirements, such as the need to maintain and provide evidence of recency of practice.

If a serious issue arises that risks public safety, a sonographer can be forced to stop practising immediately. If following an investigation, the risk is considered to be valid, a sonographer can be banned for providing any further health services.

There will also be a range of enforceable actions such as mandated additional training, temporary limits to their scope of practice or having their work supervised for a while. Under national regulation, the sonographer must do what is required, even if they change employers.

Sometimes, sonographers also do other types of work, such as radiography. If an issue occurs in their different area of work and it results in restrictions, this will be reflected on their record if it is relevant to their work as a sonographer.

If sonographers are regulated, you will also benefit from greater visibility, as will employers. For example, anyone will be able to search to check that a sonographer is registered and see if they have any conditions that limit what they can do.

While most complaints about sonographers will be managed directly by the MRPBA, simple complaints, such as if

you are seeking a refund or apology, will continue to be managed through your local health complaints body or the employer. Similarly, the New South Wales and Queensland complaints bodies will continue to be involved, but they will work with the MRPBA and share information to maintain a central record of outcomes.

13. Are there many complaints about sonographers currently?

Yes, the information we gathered indicates there are complaints about sonographers and that the issues raised present a significant risk of harm to the public.

Gathering evidence is challenging as there is no central place where complaints are gathered. And when information is gathered, it is often gathered inconsistently or lacks sufficient detail. This means the evidence collected is likely to underestimate the number of complaints and the risk to patients.

Over the past two years, we gathered a variety of evidence. This includes a report of coronial findings over 2000–2017, which identified 17 relevant cases. The report stated that, on average, there is at least one death per year due to the inappropriate use of, or failure to obtain, a medical diagnostic ultrasound examination.

Information was also sought from each state and territory health complaints body regarding the number and nature of complaints involving sonographers over five years to mid-2019. This data indicated an estimated minimum of 20–25 sonographer-specific complaints recorded nationally per annum across a range of issues.

Limited access to fragmented and high-level industry insurance data captured seventy-eight cases over nine years to 2019. Many of the cases were linked to alleged missed diagnosis or missed fetal anomaly, concerns over intracavity exams and otherwise poor treatment.

In addition, more than 50 self-reported case examples, numerous journal articles and multiple media examples all highlight potential risks to the public from ultrasound exams performed by sonographers.

14. How do we get sonographers regulated?

Achieving sonographer regulation involves multiple stages and requires the agreement of the federal, state, and territory Health Ministers.

Firstly, a submission must be prepared that responds to criteria established by Australian Health Ministers. The submission must demonstrate that there is a real risk to the public if sonographers are not regulated and highlight clear benefits of regulation for patients.

Health Ministers will consider the submission and collectively decide if a full Regulatory Impact Assessment is needed. This involves extensive consultation and considers possible impacts to consumers, businesses, sonographers, governments, etc. It can take many months to complete.

Once the assessment is complete, a final report will be prepared, including a recommendation on whether regulation is needed.

If regulation is recommended, the legislation would then need to be changed. This is a complex process requiring the agreement of federal, state, and territory governments and could take several years to complete.

Further information on the steps involved can be found in the document *The Process Towards Sonographer Regulation* available from our website: <https://sonographers.org/advocacy/sonographer-regulation-in-australia>

15. What is being done to get sonographers regulated?

In late 2018, industry leaders established a formal industry working group called the Working Group for Sonographer Regulation. It includes the Australian Sonographers Association (ASA), the Australasian Society for Ultrasound in Medicine (ASUM), the Australian Sonographer Accreditation Registry (ASAR), and a senior sonographer representative.

The main focus of the Working Group is developing a detailed submission that provides evidence of the need for regulation and the expected benefits for patients. The submission is currently being finalised.



As part of this process, the ASA has met with many stakeholders to understand their views and discuss concerns. This includes governments, industry, unions, educators, employers, and consumers advocates. There is widespread agreement and support among these stakeholders for sonographer regulation.

Once the submission is complete, it will be provided to Australian Health Ministers and governments for their consideration.

16. Do sonographers want to be regulated?

Yes.

For almost a decade, sonographers have reported their support and desire for the national regulation of the sonography profession.

Sonographers are committed to delivering high-quality ultrasound exams and support regulation and see this change as essential to protecting the public's health and safety from sonographers who are not competent and fit to practice.

In a recent survey³, Australian sonographers indicated that one of their biggest concerns with the industry is the current lack of professional regulation.

In addition, a quarter of sonographers are already registered with the Medical Radiation Practice Board of Australia due to their first qualification. Regulating the rest of sonographers through the Medical Radiation Practice Board simplifies the regulation and protection for patients, employers, and sonographers.

17. What does it take to become a sonographer?

Sonographers need to have an investigative mind, and a patient focused demeanour. Determining the correct images to take and precisely putting them together to help form a diagnosis while keeping the patient relaxed and comfortable is crucial.

To become a sonographer, you must complete an accredited, core postgraduate qualification. There are 19 [accredited sonography courses](#) currently offered across Australia.

In addition to coursework, students must complete approximately 2,200 hours of clinical training at a workplace (equivalent to three days per week over two years).

Sonography students come from a range of backgrounds. Before studying to become a sonographer, many students have been working in another health profession, such as medical radiation technology, nuclear medicine technology, cardiac physiology, vascular medicine, physiotherapy, or nursing.

18. How many sonographers are there?

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



REFERENCES

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