



ASA REGULATION | FREQUENTLY ASKED QUESTIONS FOR EMPLOYERS

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 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. Does regulating sonographers under the MRPBA protect patients?

Yes.

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 complaints handling mechanism. Making it easier to make a complaint about poor sonographer practice or conduct compared to the confusing system that currently exists.

2. 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.

3. What changes will sonographer regulation under the Medical Radiation Practice Board of Australia bring?

It will provide an effective process for assuring patient health and safety by:

- Providing a central complaint handling mechanism for patients
- Bringing diagnostic imaging professions together in one place
- Providing enforceable standards of practice that set the minimum expectations of ultrasound examinations performed by sonographers in Australia, including the power to stop sonographers from further practice where professional misconduct has occurred.

Individual sonographers will need to be aware of minor changes, such as; new recency of practice requirements, new criminal history requirements, the requirement to complete at least 10 hours of continuing professional development (CPD) per annum, and a new national complaint handling process.

Notably, 24.5% of Australian sonographers are already registered with the Medical Radiation Practice Board due to their undergraduate qualification.

4. How will this benefit me as an employer?

As an employer, you will benefit from knowing that sonographers will be regulated under the same framework as other diagnostic imaging professionals. You will no longer be required to manage employees under different standards of practice and complaint handling mechanism.

You will also benefit from the new recency of practice and criminal history requirements for sonographers and the centralised complaints handling process, enabling you to have greater certainty over the quality of sonographers you employ.

5. Will it cost me more?

There are no significant changes expected for employers.

Under the Medical Radiation Practice Board of Australia (MRPBA), annual registration fees are currently \$197 (or \$128 for practitioners based in NSW). This is a small increase from the \$110 sonographers currently pay for annual registration under the Australian Sonographer Accreditation Registry (ASAR). However, this increase is only relevant to you as an employer if you pay registration fees as an employee benefit.

If a sonographer is also registered as a radiation practitioner and is currently required to pay annual registration fees to both organisations, regulation under the MRPBA is expected to result in only one registration fee being payable.

National regulation is also expected to result in *sonographer* becoming a protected title. As such, there may be some transitional arrangements required regarding the use of the title of *sonographer* for employment purposes.

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 Australian Sonographers Accreditation Register (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 board¹. 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 Australian Sonographers Accreditation Register (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 complaints 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. Will this change impact or restrict all areas of ultrasound use in health care?

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.

Sonographer regulation is not expected to reduce the number of sonographers who are willing to perform examinations and will not result in any restriction of services. Registration fees under the Medication Radiation Practice Board of Australia are comparable to fees currently paid by sonographers; expenses associated with registration will not limit or restrict services and are unlikely to result in any higher costs to consumers.

12. 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.

13. Does this change the Professional Indemnity Insurance requirements for sonographers?

No.

Insurance requirements are expected to remain similar under the Medical Radiation Practice Board of Australia, as sonographers are already required to hold and maintain professional indemnity insurance cover under Principle 16 of the National Code of Conduct for Health Care Workers.

Under the Medical Radiation Practice Board, 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 this insurance, or let it lapse and not notify the Board, is an offence.

14. Will sonographers have to do more Continuing Professional Development (CPD)?

No.

Overall, the continuing professional development (CPD) requirements under the MRPBA are mostly the same. Sonographers will continue to be required to complete 60 points/hours of CPD over three years, with some reflective practice requirements, as is currently required by the Australian Sonographer Accreditation Registry (ASAR).

However, under the ASAR, there are currently no minimum hours of CPD that must be completed each year and no

conditions that the CPD directly relates to the sonographer's practice. In comparison, the MRPBA requires at least 10 hours of CPD be completed per annum, and at least 35 of the 60 hours relate to the sonographer's current or developing scope of practice.

15. How are sonographer recency of practice requirements going to be different?

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.

Currently, there are no recency of practice requirements for accredited sonographers to remain on the ASAR register. In contrast, the MRPBA requires registered practitioners to have completed at least 450 hours within their scope of practice in the past three years. This is equivalent to approximately three months full-time. 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 MRPBA.

16. What will happen if a complaint is made, and how will this differ to now?

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.

Patients may also choose to lodge a complaint with the employer or service provider.

If sonographers are regulated under the MRPBA, complaint handling will be consistent with what currently occurs for other diagnostic imaging practitioners, such as radiographers.

Under the MRPBA, complaints would be made about poor sonographer conduct and practice where there is a potential risk to the public. Sonographers will also be subject to extended mandatory notification requirements which include treating and non-treating practitioners, and employers. As with other diagnostic imaging practitioners, there are a range of outcomes that may be required following an investigation including additional training, a period of supervision, or for serious matters, sanctions.

Importantly, if a sonographer holds dual registration (e.g. as a sonographer and radiographer) and a complaint results in action against them, such as a condition on their practice, this will be reflected on the register against both registration divisions and will likely have implications for their practice in both professions.

Complaints involving patients seeking an explanation, apology, refund or compensation, or those that relate to health records or a change in policy or practice of a health provider will continue to be managed by the relevant health complaints entity.

Under the MRPBA, complaints can also be made about the health or conduct of a student, but not about their clinical practice as it is expected that students are only providing supervised clinical examinations. Students are also subject to mandatory notifications by educators.

Further information on the complaint and mandatory reporting processes under the MRPBA is available online at: <https://www.ahpra.gov.au/Notifications.aspx>

17. What about complaints against sonographers who are also registered with another board?

A small number of sonographers may also be registered with another board. If a complaint is made about one of these sonographers, the process will be the same as what is currently in place for paramedics, many of whom are also registered with another board.

Here, AHPRA will make an initial assessment to determine if it is valid and requires further investigation. If so, AHPRA will direct it to the relevant board, depending on the profession it relates to. If the board's investigation results in action against the practitioner, this information is recorded in the register held by that board.

If the complaint is serious and suggests a potential risk to patients in both professions, AHPRA will forward the complaint to both boards. Each board will undertake an independent investigation and make its own decision. Any resulting action(s) against the practitioner will be recorded in the register held by the relevant board.

18. How will overseas qualified sonographers be assessed, and how will this differ to the current process?

Currently, all overseas qualified sonographers need to have their qualifications and experience assessed by the Australian Society of Medical Imaging and Radiation Therapy (ASMIRT), before applying for ASAR registration. Where relevant they may also need to obtain a working visa.

In contrast under the NRAS, the Medical Radiation Practice Board of Australia (MRPBA) will undertake the assessment, as it currently does for all overseas qualified practitioners seeking MRPBA registration. This process considers the applicant's qualifications, criminal history, English language skills, professional indemnity insurance, and recency of practice. If required, applicants must also obtain a valid working visa.

An exception applies for individuals with current registration as a medical radiation practitioner in New Zealand. Under the *Commonwealth Trans-Tasman Mutual Recognition Act 1997*, these individuals can apply for registration directly with the MRPBA without going through the overseas qualified practitioner process.

More information on the process for assessing overseas qualified practitioners under the MRPBA can be found at <https://www.medicalradiationpracticeboard.gov.au/registration/overseas-qualified-practitioners.aspx>

19. What is being done to get sonographers added to the Medical Radiation Practice Board of Australia (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.

20. 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>

21. 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 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.

Also, 24.5% of sonographers are already registered with MRPBA and are expected to benefit, as they will likely no longer be required to pay both ASAR and MRPBA annual registration fees.

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.

22. Is the public concerned about the lack of sonographer regulation?

Yes.

Independent research recently undertaken² found that 93% of public respondents believed that sonographers were already regulated and supported sonographers to become regulated. In addition, 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:

- 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.

23. 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 Medical Radiation Practice Board of Australia (MRPBA). Sonographers have also indicated that one of their biggest concerns about the industry is the current lack of professional regulation.³



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 undertaken² found that 93% of respondents believed that sonographers were already regulated and supported sonographers to become regulated.

24. 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



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