

Public consultation document

September 2018

Consultation on the proposal to close the Public Sector Dental Workforce Scheme (PSDWS)

Public consultation

This public consultation paper released by the Dental Board of Australia (the Board) seeks feedback from stakeholders on the proposal to close the *Public Sector Dental Workforce Scheme* (PSDWS) pathway to general registration and retire the *Guidelines on limited registration - limited registration of dental practitioners for postgraduate training or supervised practice* (section 66), June 2012.

This consultation paper will be published on the Board's website, see the *Current Consultations* section of www.dentalboard.gov.au.

Your feedback

You are invited to provide feedback by email to dentalboardconsultation@ahpra.gov.au by close of business on 2 November 2018.

You are welcome to supply a PDF file of your feedback in addition to the Word (or equivalent) file. However, we request that you do supply a text or Word file. As part of an effort to meet international website accessibility guidelines, AHPRA and the Board are striving to publish documents in accessible formats (such as Word), in addition to PDFs. More information about this is available at www.ahpra.gov.au/About-AHPRA/Accessibility.

How your submission will be treated

Submissions will generally be published unless you request otherwise. The Board publishes submissions on its websites to encourage discussion and inform the community and stakeholders. However, the Board keeps the right not to publish submissions at their discretion, and will not place on their website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of the consultation.

Before publication, the Board will remove personal or identifying information from submissions, including contact details.

The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Board.

The Board will accept submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal experiences or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the *Freedom of Information Act 1982* (Cwlth), which has provisions designed to protect personal information and information given in confidence.

Please let the Board know if you do not want your submission published, or want all or part of it treated as confidential.

Purpose of the proposal

1. The role of the Board is to work with the Australian Health Practitioner Regulation Agency (AHPRA) and other National Boards to achieve the objectives of the National Registration and Accreditation Scheme (the National Scheme) in accordance with the National Scheme's guiding principles. In keeping with these objectives, the Board proposes to close the PSDWS pathway and retire the associated guideline. The Board recognises there will need to be a transition phase to ensure that current registrants are provided with sufficient notice of any proposed changes.

Context

2. The Health Practitioner Regulation National Law as in force in each state and territory (the National Law) requires National Boards to develop registration standards, which may include registration standards about issues relevant to the eligibility of individuals for registration in the profession. The Board has powers under section 38 of the National Law to develop, consult on and recommend registration standards to the Ministerial Council.
3. Registration standards are relevant to the:
 - eligibility of individuals for registration in the dental profession, and/or
 - suitability of individuals to competently and safely practise the profession.
4. Since the introduction of the National Scheme in 2010, the Board has established a systematic process to review, consult on and develop all registration standards. In November 2016, the Board consulted on a range of future registration pathway options including options for the PSDWS pathway. The registration pathway was either in place in all or most jurisdictions before the start of the National Scheme.
5. The Board carried out an early targeted consultation with its main stakeholders proposing three options for the PSDWS pathway. The three options were status quo, PSDWS retained with modified requirements and PSDWS closed. The targeted consultation stage provided the Board with a better understanding of the ongoing demand for the PSDWS pathway.
6. The PSDWS was established in 2005 by state and territory health ministers in response to a shortage of dentists at that time. The PSDWS only applies to dentists. It was introduced to help alleviate dentist workforce shortages in the public sector, particularly in rural and remote areas. Under the PSDWS, overseas-trained dentists (OTDs) who qualified from dental education providers recognised by the Australian Dental Council (ADC) were exempt from the ADC's preliminary examination.
7. In May 2006, the ADC extended eligibility for the PSDWS to OTDs who had successfully completed the General Dental Council registration requirements. As of today, graduates from some dental programs in Canada, Hong Kong, Malaysia, Singapore, South Africa, United Kingdom, Republic of Ireland and the United States are eligible to participate.
8. Individual states and territories assess the need for dentists practising under the PSDWS in accordance with their local needs. They fund the positions, decide where the candidates work and are the responsible employer accountable for the practice of these OTDs while the practitioner is under supervision.
9. The Board provides the mechanism for eligible OTDs to participate in the PSDWS by granting limited registration for supervised practice under the PSDWS. Limited registration provides a mechanism for practitioners who are not qualified for general registration to either prepare for or complete an examination to qualify for general registration. These limited registrants are able to work under supervision in a PSDWS position while preparing for the practical assessment stage of the ADC examination process.
10. The PSDWS pathways are described in the Board's:
 - [Dental Limited Registration for Postgraduate Training or Supervised Practice Registration Standard, December 2011.](#)
 - [Guidelines on Limited Registration - Limited registration of dental practitioners for postgraduate training or supervised practice \(section 66\), June 2012.](#)

11. OTDs with a qualification from a recognised education provider identified by the ADC or who have successfully passed the first stage of the ADC examination process for OTDs are able to apply for a position in the PSDWS. The time an OTD has to complete the practical examination, while working under supervised practice, varies according to the pathway.
12. In 2014, the ADC introduced a revised process after completing a significant review of its examination process for OTDs. Further to the ADC initial assessment, there are two stages:
 - a written examination which assesses the candidate's knowledge and clinical judgment, and
 - a practical examination which is held over two days and is designed to test the application of clinical skills and judgement in a clinical environment using simulation.
13. In September 2014, an ADC review of the PSDWS highlighted that the PSDWS candidates had performed poorly in the old and new format of the ADC practical examination.
14. The ADC has continued to provide the Board with data on the performance of these candidates which indicated that the trend identified in 2014 continues. The OTDs practising under the PSDWS continue to perform poorly in the practical examination. This is despite having the opportunity to apply their clinical skills and judgement in the Australian practice setting.
15. There are over 22,000 registered dental practitioners in Australia. Of the 22,000 registrants, 14 dental practitioners hold limited registration, with only four dentists working under the PSDWS pathway (as at December 2017).

Proposal

16. The proposed options describe how the PSDWS pathway could remain the same but in doing so, may not address the current concerns, such as, a low pass rate of the ADC examination, supervision-related issues and no ongoing quality assurance of the list of eligible qualifications of the PSDWS .
17. The proposed options also explores whether there remains a need to maintain the pathway given the larger number of new graduates graduating from Australian Dental Schools, the decline in PSDWS registrants and other pathways open to OTDs.

Option 1: Status quo

18. Option 1 would see no change. The two PSDWS pathways currently available under the Board's registration standard and guidelines would remain.
19. The advantages of keeping the status quo are:
 - ongoing access for jurisdictions to OTDs needed to work in areas required to meet demand
 - it provides a mechanism to successfully fill rural and remote vacancies, and
 - ongoing access to the PSDWS for those who have the qualifications that are not recognised by the ADC.
20. The disadvantages of keeping the status quo are:
 - difficulties in levels of supervision, especially in rural and remote areas
 - would need a review of supervision and reporting requirements
 - as advised by the ADC, there is no correlation between success in written exam and success in practical examination and so a sense of an increase in public protection is difficult to assess
 - ignores the concerns raised about competencies and pass rates
 - does not address that the PSDWS has done little to develop a rural and remote workforce because of its supervisory requirements, this along with the low pass rate of practical examination has led to the loss of investment in human resources
 - ADC list of qualifications eligible for PSDWS is out of date, with no ongoing assessment of the programs of study, or competent authority in place, to provide assurance that the current qualifications for exemption of the written component, are satisfactory, and
 - it does not address whether there is still a need for the PSDWS and whether new graduates could address the shortage of dentists across the jurisdictions.

21. As part of this option, the Board would keep the current guideline, [Guidelines on Limited Registration - Limited registration of dental practitioners for postgraduate training or supervised practice \(section 66\), June 2012](#).

Option 2: Close the PSDWS pathway and retire the guideline

22. Option 2 would see the PSDWS closed as a pathway after sufficient notice is provided. Jurisdictions would need to rely on the usual requirement processes to meet their staffing needs. There would no longer be any formal mechanism for supervised practice for OTDs.
23. The advantages of closing the pathway are:
- assurance that OTDs are of an expected level of competence by completing ADC examination before practising in Australia
 - a consistent process for all and equal access to examination process regardless of where the original qualifications are from
 - in some jurisdictions, the high fail rate of ADC examination has led to the loss of a significant investment in human resources, with little long term workforce and service benefit
 - while there was originally a shortage of dentists, there are now more dental schools providing a larger number of new graduates who can help access to services across the states and territories
 - the PSDWS has done little to develop a rural and remote workforce because of its supervisory requirements, and
 - it would reduce confusion and could provide a more equitable pathway for overseas-trained dentists.
24. The disadvantages of closing the pathway are:
- reduces options for overseas-trained dentists and the public sector
 - workforce numbers tend to be cyclical in nature and the PSDWS may be needed in the future, and
 - the pathway has had a significant positive effect on the dentist workforce in both public and private sectors, despite the high fail rate at the ADC's examination.
25. As part of this option, the Board would remove the current guideline, *Guidelines on Limited Registration - Limited registration of dental practitioners for postgraduate training or supervised practice (section 66), June 2012* to reflect the removal of the pathway.

Preferred Option

The Board is of the view that Option 2 – *Close the PSDWS pathway and retire the guideline* is preferable.

Alternative pathways for OTDs

26. There are several pathways to general registration for dentists with overseas qualifications:
- who are registered to practise in New Zealand under the Trans-Tasman Mutual Recognition (TTMR)
 - with eligible bachelor degrees from the United Kingdom, Republic of Ireland or New Zealand, or
 - with eligible degrees from Canada and compliant with the 'additional requirements'.
27. There are two options available for dentists with other qualifications:
- complete a Board-approved program of study to obtain an Australian qualification, or
 - complete the examination procedure conducted by the Australian Dental Council (ADC).
28. OTDs are eligible to complete the ADC examination procedure if they have completed and passed a dental degree or diploma which includes at least four years' full-time academic study at a university recognised by the ADC and hold full registration as a dentist in their home country or country of training.
29. Further information about the recognised pathways is available on the [Board's website](#) .

Demand has declined

30. In considering the feasibility of the PSDWS pathway, an analysis of the available data has been conducted. The data indicates a steady decline in PSDWS registrants since 2010. The data shows that 2010 had the highest number of registrants under the PSDWS pathway with majority of registrants transitioning from former state boards at the inception of the National Scheme.

Table 1: New PSDWS applications granted by year

Year	No of new PSDWS registrants
2010	75
2011	19
2012	27
2013	7
2014	8
2015	3
2016	1
2017	0

31. Since the start of the National Scheme in 2010, there have been 140 PSDWS registrants. OTDs practising under the PSDWS pathway from 2010 to 2017 have resided in most states and territories with notably only one registrant residing in the Northern Territory and four in the Australian Capital Territory. South Australia has seen the largest proportion of OTDs practising under the PSDWS (see table 2).

Table 2: PSDWS registrants from 2010 - 2016 (by State of residence in Australia)

Australian State	No of PSDWS registrants
QLD	26
SA	29
ACT	4
NSW	33
TAS	13
VIC	20
WA	15

32. A recent analysis of the Board's limited registration data¹ indicated that, of the 14 registrants who hold limited registration in postgraduate training or supervised practice in 2017, only four currently hold registration under the PSDWS pathway (see table 3).

Table 3: PSDWS registrants 2017 (by State of residence in Australia)

Australian State	No of PSDWS registrants (2017)
ACT	0
QLD	1
SA	3
TAS	0
NSW	0
VIC	0
WA	0

33. This data indicates that, PSDWS registrants are currently only practising in two states, Queensland and South Australia. Most states and territories have seen a marked decrease of registrants over a seven year period. When compared to data obtained for 2010 to 2016, data for 2017 indicates that currently PSDWS registrants are only practising in two states. To illustrate this, an analysis of the states and territories with the highest registrants between 2010 and 2016 show that:

¹ Reporting period: 1 October 2017 – 31 December 2017.

- Victoria had an average of 3.33 PSDWS registrants between 2010 and 2016 and zero registrants in 2017.
- New South Wales had an average of 5.5 PSDWS registrants between 2010 and 2016 and zero registrants in 2017.
- South Australia had an average of 4.83 PSDWS registrants between 2010 and 2016, dropping to three registrants in 2017.
- Queensland had an average of 4.3 PSDWS registrant between 2010 and 2016, dropping to one registrant in 2017.

34. Further analysis of the data indicates that the last new application for the PSDWS pathway was granted in 2016. For further consideration, the three South Australian registrants have exhausted their three renewals for limited registration. Accordingly, all three registrants will need to submit new applications for limited registration for consideration or submit applications for general registration with evidence of completing the ADC examination pathway.

Potential benefits and costs of the proposal

35. The benefits of the preferred option is that it provides:

- assurance that OTDs are of an expected level of competence by completing ADC examination before practising in Australia, which addresses the perceived risk to the protection of the public, and
- provides a consistent and equitable process for all with access to examination process regardless of where an individual's original qualifications are from.

36. The costs of the preferred options are likely to be minimal. Dental practitioners, other stakeholders, AHPRA and National Boards will need to become familiar with the proposed changes to the registration guideline.

Estimated effects of the proposed changes to the pathway

37. Although the removal of the pathway could be seen to reduce options for OTDs and the public sector, the retiring the guideline does not substantially change current requirements; the changes proposed require the removal of a pathway which has seen a steady decline in registrants. Although more significant changes may emerge through consultation, it considered that based on the current number of registrants, there is a minor effect anticipated on practitioners, business and other stakeholders arising from the changes proposed.

38. There would be no financial effect for dental practitioners as any changes will not affect application or registration fees. Limited registration application and registration fees are equivalent to general registration fees. Therefore, there would be no increase registration costs for OTDs.

Transition from pathway

39. Should stakeholders support closing the PSDWS pathway, the Board would develop transition arrangements for registrants currently registered under the pathway. This would include a clear transition timeframe for its retirement to ensure there is a minimal effect on registrants and stakeholders.

40. The Board is aware that registrants, supervisors and employers will need time to prepare for the closure of the pathway. Given the low number of registrants registered under the pathway, it is not considered necessary to develop an extensive communication plan. A more targeted approach will be employed to ensure registrants, employers and jurisdictions, along with any other relevant stakeholders, are aware of the transition arrangements. The Board will also use its website, newsletter and communiqué to inform other stakeholders of the upcoming closure of the pathway along with the proposed closure date.

41. The *Guidelines on Limited Registration - Limited registration of dental practitioners for postgraduate training or supervised practice (section 66), June 2012* will also be removed if the proposal closure of the pathway occurs. Their removal will coincide with the closure of the pathway.

Discussion of transition option

42. In preparation for this paper, stakeholders have reported a desire to receive early communication of transition arrangements for the pathway's closure. The Board are proposing for the pathway to close on 1 January 2020. It is considered that this will allow adequate time for current registrants to move through the pathway and complete the ADC's final examination. It will provide employers and jurisdictions with ample lead time to prepare for the closure of the pathway. It will also provide sufficient time for the Board to inform other stakeholders of the closure of the pathway.

Relevant sections of the National Law

43. The relevant sections of the National Law are:
- section 39 states that a National Board may develop and approve codes and guidelines to provide guidance to the health practitioners it registers and about other matters relevant to the exercise of its functions.
44. The current registration standard and guideline are published on the Board's website, accessible at: www.dentalboard.gov.au.

Questions for consideration

The Board is inviting feedback on proposed options, specifically:

1. From your perspective, how is the current PSDWS pathway working?
2. Are there any specific issues that have arisen from the PSDWS pathway?
3. Which option do you support in the proposal for PSDWS pathway? Please provide reasons for your choice.
4. Are there jurisdiction-specific effects for health practitioners, governments or other stakeholders that the Board should be aware of, if the PSDWS pathway is closed?
5. Are there any transitional issues the Board should be aware of if the PSDWS pathway is closed?
6. If you support option two, do you agree with the proposed transition timeline? Please provide reasons for your choice.

Attachments

- Attachment 1 Board's statement of assessment against the *COAG principles for best practice regulation* – close the PSDWS pathway



Statement of assessment against the COAG principles for best practice regulation

Proposal to close the of the PSDWS pathway

The Australian Health Practitioner Regulation Agency (AHPRA) has *Procedures for the development of registration standards, codes and guidelines* (the AHPRA procedures) which are available at: www.ahpra.gov.au.

These procedures have been developed by AHPRA in accordance with section 25 of the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law) which requires AHPRA to establish procedures for the purpose of ensuring that the National Registration and Accreditation Scheme (the National Scheme) operates in accordance with good regulatory practice.

Below is the Dental Board of Australia's (the Board) assessment of its proposed discontinuation of the PSDWS pathway against the *Council of Australian Governments (COAG) Principles for Best Practice Regulation* (the COAG principles).

1. The proposal takes into account the National Scheme's objectives and guiding principles set out in section 3 of the National Law

Board assessment

The Board considers that the proposal to close the PSDWS pathway and retire the associated guideline meets the objectives and guiding principles of the National Law.

The proposal takes into account the National Scheme's key objective of protecting the public by ensuring only people who are suitably trained and qualified in a competent and ethical manner are granted and maintain registration.

2. The consultation requirements of the National Law are met

Board assessment

The National Law requires wide-ranging consultation on proposed registration standards and guidelines. The National Law also requires the Board to consult the other National Boards on matters of shared interest.

The Board is ensuring there is public exposure of its proposals and the opportunity for public comment by carrying out an eight week public consultation process. This process will include the publication of the consultation paper on its website. The Board has drawn this paper to the attention of main stakeholders including the other National Boards.

The Board will take into account the feedback it receives when finalising its proposal.

3. The proposal takes into account the COAG principles

Board assessment

In developing the proposal to close the PSDWS pathway for consultation, the Board has taken into account the COAG principles.

As an overall statement, the Board has taken care not to propose unnecessary regulatory burdens that would create unjustified costs for the profession or the community.

The Board makes the following assessment specific to each of the COAG principles expressed in the AHPRA procedures.

A. Whether the proposal is the best option for achieving the proposal's stated purpose and protection of the public

Board assessment

The Board has proposed the removal of a pathway which has seen a steady decline in registrants, while at the same time, seen PSDWS candidates performing poorly in required ADC examinations, which could be a perceived risk to the protection of the public.

The proposal establishes the necessary balance by providing the assurance that overseas dentists are of an expected level of competence by completing the ADC examination before practising in Australia, as well as ensuring a consistency process for all and equal access to examination process regardless of where the original qualifications are from.

B. Whether the proposal results in an unnecessary restriction of competition among health practitioners

Board assessment

The Board considered whether its proposal could result in an unnecessary restriction of competition among health practitioners. The proposal does not substantially change current requirements for registration and removes some requirements that are no longer necessary. It is not expected to affect the current levels of competition among health practitioners.

C. Whether the proposal results in an unnecessary restriction of consumer choice

Board assessment

The Board considers that the proposed closure of the PSDWS pathway and retirement of the associated guidelines will support consumer choice by continuing to facilitate access to health services provided by dental practitioners in a framework that ensures public protection.

D. Whether the overall costs of the proposal to members of the public and/or registrants and/or governments are reasonable compared to the benefits to be achieved

Board assessment

The Board considered the overall costs of closing the PSDWS pathway to members of the public, dental practitioners and governments. It concluded that the likely costs are minimal when offset against the benefits that the guideline contributes to the National Scheme.

Subject to stakeholder feedback on the proposal, the proposed discontinuation of the PSDWS should have very minimal effects on the costs to dental practitioners as its retirement does not substantially change current requirements for registration and removes some requirements that are no longer considered to be necessary.

E. Whether the requirements are clearly stated using 'plain language' to reduce uncertainty, enable the public to understand the requirements, and enable understanding and compliance by registrants

Board assessment

The Board considers the proposed public consultation paper has been written in plain English and that it will help practitioners to understand the reasons for the Board's proposed options.

F. Whether the Board has procedures in place to ensure that the proposed registration standard, code or guideline remains relevant and effective over time

Board assessment

Not applicable.