

Reconsideration, Review and Appeals Policy

Introduction

doctorportal Learning Pty Ltd, trading as 'CPD Home' is a jointly owned subsidiary of the Australian Medical Association (WA) Inc, and Australian Society of Anaesthetists.

CPD Home is available to non-exempt medical practitioners in Australia at www.cpdhome.org.au. It is not limited to members of the AMA.

Background

CPD Home provides Australian registered medical specialists, international medical graduates, PGY2+ trainees and non-vocationally registered medical practitioners a CPD Program of Learning (CPD Program). The CPD Home aims to provide a CPD Program that address a wide range of learning to meet the continuing professional development needs of its subscribers.

CPD Home is committed to supporting its subscribers to:

- undertake meaningful professional development
- meet their Continuing Professional Development (CPD) requirements under the Medical Board of Australia's (MBA)'s *Registration Standard: Continuing Professional Development* (the Standard)
- easily demonstrate that they have done so should they be audited by the MBA.

Purpose

To share with any Potential Applicants the principles and processes that will be applied should a reassessment of a decision made by CPD Home be required.

Objective

To make clear how CPD Home conducts reconsiderations, reviews and appeals.

Scope

This policy applies to all Certified Learning Providers and subscribers to CPD Home.

Definitions

Please refer to the Glossary for definition(s) of terms that apply to this policy.

Policy

CPD Home is committed to ensuring Subscribers and Certified Learning Providers (Applicant) affected by its decisions have access to reasonable, transparent, accountable decision making and are treated fairly, consistently and objectively. Wherever possible, subject to obligations of privacy and confidentiality, when advising of a decision to which this policy applies, we will endeavour to explain the reasoning behind our decision.

The purpose of this policy is to share with any Potential Applicants the principles and processes that will be applied should a reassessment of a decision made by CPD Home be required. CPD Home aims through the sequential process outlined to satisfactorily resolve a contested decision via a Review or Reconsideration, minimising the need to launch an appeal.

Types of decisions made by CPD Home

Decisions as to:

- whether an education module or CPD Program is recognised for CPD
- whether activities undertaken are counted towards minimum CPD requirements
- whether minimum CPD requirements have been met
- whether specialist high-level CPD requirements have been met
- whether any additional requirements set by the CPD Home have been met

- appropriateness of documentary evidence provided to support CPD compliance
- denial of an exemption or modification to minimum CPD requirements
- subscription status
- recognition of financial hardship
- fees payable for any product or service made available via the CPD Home
- suggested CPD activities or Certified Learning Provider to support further training relevant to current/intended scope of practice or recency of practice
- any decision that is inconsistent with an approved regulation or policy.

Grounds for a Reconsideration, Review or Appeal

Applicable grounds are:

- an error in law or in due process occurred in the making of the decision being contested
- relevant and significant information, regardless of its availability at the time, or which became subsequently available, was not considered or not properly considered in the making of the decision being contested
- irrelevant information was considered in the making of the decision being contested
- the decision being contested was made for an improper purpose
- procedures that were required to be observed by CPD Home policies in connection with the decision being contested were not observed
- the decision being contested was made in accordance with a rule or policy without consideration to the merits of the particular case
- the decision being contested was clearly inconsistent with the evidence and arguments put before the original decision-maker.

At least one of these applicable grounds must be met with substantiating evidence for an application to be progressed. If an application is rejected the applicant will be notified accordingly.

Dissatisfaction with a CPD Home decision

Should you be directly affected and dissatisfied with an CPD Home decision and there are grounds on which to contest the decision you can make an application for the decision to be reconsidered, reviewed or appealed.

You can only apply once respectively for the decision being contested to be reconsidered, reviewed or appealed.

You must apply within required timeframes. Applications made outside of the required timeframe will not be considered, unless there are exceptional circumstances agreed to by CPD Home.

Your application must specify the decision being contested, the grounds on which you are seeking a reconsideration, review or appeal, and must provide reasonable and relevant supporting evidence. Applications must be submitted in writing via CPD Home portal using the prescribed form. If there are exceptional circumstances which prevented the deadline for application this must be stated on the application and evidentiary proof provided, to be considered at the discretion of CPD Home. Where a fee is applicable it must be paid at the time of application, or documentary evidence of financial hardship must be provided to inform consideration of a fee waiver. See our *Financial Hardship Policy*.

Application Timeframes

For:

- Reconsideration - within 28 days of the date on a decision notification the Applicant contesting the decision must apply for a reconsideration of the decision.
- Review – within 14 days of the date on a reconsideration outcome notification if the Applicant remains dissatisfied and wishes to request a review.

- Appeal – within 14 days of the date on review outcome notification if the Applicant remains dissatisfied and wishes to appeal the outcome.

Consideration of application

On receipt of the application, CPD Home will determine whether to progress your application (i.e., whether the application requirements have been met). CPD Home will advise the applicant within 7 days of receipt if the application has been accepted and of the next steps pursuant to the relevant process being followed. If CPD Home is not satisfied the application requirements have been met, they will advise the applicant in writing (i.e., via email). The applicant will then have 14 days to address the deficiencies in their application and resubmit it. Failure to do so will be the end of the matter. If CPD Home still considers the application requirements have not been met the right to a reconsideration, review, or appeal will be denied and that will be end of the matter.

Where the application is progressed, the applicable process outlined below will be followed.

Reconsideration Process

CPD Home within 6 weeks from the date the application for reconsideration is accepted will aim to complete the reconsideration process. CPD Home will aim to notify the applicant in writing of the reconsideration outcome and the reasons for the decision/s taken within 7 days of being notified of the outcome.

The person/committee/entity responsible for the decision being contested:

- will undertake the reconsideration taking account of:
 - the grounds specified in the application
 - all the original material and documentation used in making the decision being contested
 - all reasonable and relevant supporting evidence supplied by the applicant as part of their application
 - any special consideration afforded to the applicant in the making of the decision being contested and
 - any other additional material and documentation they/it considers relevant.
- may:
 - affirm the decision being contested
 - vary the decision being contested or
 - set aside the decision being contested and make a new one.
- will advise CPD Home within 7 days of the reconsideration outcome.

The applicant is not eligible to attend the reconsideration.

Where the decision being contested was made by a committee or entity, its Chair may, in the interests of timeliness, decide to undertake the reconsideration without convening a meeting of the committee or entity, but will report on the matter at the next scheduled meeting of the committee or entity.

CPD Home within 7 days of the outcome of the reconsideration being determined will notify the Applicant of the outcome, where possible the reasoning behind it, and the options available to them if not satisfied with the outcome.

Where no application for a review is received within the required timeframe it will be deemed the applicant is satisfied with the outcome.

Review Process

CPD Home within 8 weeks from the date the application for review is accepted will aim to complete the review process. CPD Home will aim to notify the applicant in writing of the review outcome and the reasons for the decision/s taken within 7 days of being notified of outcome.

No review will occur unless the reconsideration process has first been followed.

CPD Home if satisfied the application requirements have been met, will convene a Review Panel to review the decision being contested. The panel will comprise three people chosen at the discretion of CPD Home for this purpose. The Review Panel shall not include a member who participated in the decision being contested or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.

The Review Panel:

- will undertake the review taking account of:
 - all the original material and documentation used in making the decision being contested and for its reconsideration
 - the application for review
 - any special consideration afforded to the applicant in the making of the decision being contested
 - any other additional material and documentation the Panel considers relevant
 - whether the principals of procedural fairness and natural justice were followed when the decision being contested was made or reconsidered and
 - any regulations, policies or procedures of CPD Home.
- may make any one of the following reconsiderations decisions:
 - affirm the decision being contested or outcome of the reconsideration
 - vary the decision being contested or outcome of the reconsideration or
 - set the decision being contested or outcome of the reconsideration aside and make any further decision it thinks appropriate.
- will advise CPD Home within 7 days of the review outcome, including the reasons for the decision/s taken.

The applicant is not eligible to attend the review.

The Review Panel meeting will be minuted as per normal committee practice.

CPD Home within 7 days of being notified of the review outcome will notify the Applicant of the outcome, where possible the reasoning behind it, and the options available to them if not satisfied with the outcome.

Where no application for an appeal is received within the required timeframe it will be deemed the applicant is satisfied with the outcome.

Appeal Process

CPD Home within 12 weeks from the date the application for appeal is accepted will aim to complete the appeal process. CPD Home will aim to notify the applicant in writing of the appeal outcome and the reasons for the decision/s taken within 7 days of being notified of outcome.

No appeal will occur unless the review process has first been followed.

The person/committee/entity responsible for the decision being contested may be invited by Chair of the Appeals Committee to make a submission in writing to the Appeals Committee and to attend the hearing to respond to matters of the appeal.

CPD Home if satisfied the application requirements have been met, will:

- convene an Appeals Committee to review the decision being contested. The Appeals Committee being an ad-hoc committee of the CPD Home Board. The Appeals Committee will comprise five people chosen at the discretion of CPD Home for this purpose including:
 - a Chair who is considered an appropriately qualified person for the role
 - two other persons, who are not practising medical practitioners and

- two other persons who are practising medical practitioners.

The Appeals Committee shall not include any person who participated in the decision being contested or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.

CPD Home, and a legal adviser shall be the Secretary and Legal Adviser respectively to the Appeals Committee.

A quorum for meetings of the Appeals Committee will include the Chairman and three other members. All members making up the Appeals Committee quorum shall be entitled to vote on decisions. Decisions of the Appeals Committee will be based on a simple majority, with the Chair able to exercise a casting vote should there be an equality of votes.

- set a date for the Appeal Hearing;
- at least 28 days prior to the hearing date advise the Applicant and the person or an appropriate representative of the committee or entity responsible for the decision being contested in writing of:
 - the date, time, and location of the appeal
 - the membership of the Appeals Committee
 - the right of the Applicant to:
 - seek a review of the membership of the Appeals Committee, should they believe that one or more members has a conflict of interest that would prevent them from impartially considering the matter, noting that any such request:
 - be made no later than 21 days prior to the hearing
 - state the reason for the perceived conflict and where possible be substantiated with supporting documentation or material(s);
 - may delay the hearing
 - will be given due consideration by CPD Home to assess if a conflict exists, and if CPD Home agrees:
 - they may either replace the member/s, rescheduling the hearing if required, or
 - instruct the Appeals Committee to proceed with a reduced membership for the hearing, provided there is still a quorum
 - present a summary of their submission to the Appeals Committee in person and
 - seek leave to have legal representation (at their expense)
 - the timeframe for advising CPD Home if they choose to present a summary, have legal representation, and/or have a support person present at the hearing in an observer capacity only and
 - all documentation relevant to the matter for appeal held by CPD Home.

The Appeals Committee:

- will undertake the appeal taking account of:
 - all the original material and documentation used in making the decision being contested and for its review
 - the application for appeal
 - any relief or consideration afforded to the applicant in the making of the decision being contested
 - any other additional information, material or documentation the Appeals Committee considers relevant
 - whether the principals of procedural fairness and natural justice were followed when the decision being contested was made or reviewed and
 - any regulations, policies or procedures of CPD Home.

- may make any one of the following decisions:
 - affirm the decision being contested or outcome of the review
 - vary the decision being contested or outcome of the review or
 - set the decision being contested or outcome of the review aside and make any further decision it thinks appropriate
- will advise CPD Home within 7 days of the appeal outcome, including the reasons for the decision/s taken and
- conduct its affairs with as little formality as possible.

Decisions of the Appeals Committee are final.

CPD Home within 7 days of being notified of the appeal outcome will notify the Applicant of the outcome and where possible the reasoning behind it.

Except where otherwise required by law, or otherwise determined by the Appeals Committee, a transcript of the appeals hearing, and any other information provided to the Appeals Committee, shall be kept confidential (save that information may be released with the consent of the appellant and a report of the Appeals Committee may be issued by the Appeals Committee to the CPD Home Board, and/or published by the CPD Home Board, as the CPD Home Board thinks fit).

Minutes of hearings of the Appeals Committee shall be confined to a report of the decision made by the Appeals Committee and its recommendations, if any, to the CPD Home Board.

Fees Schedule

The Fee Schedule (inc. GST) is as follows:

Fee	Action
\$0	Reconsideration
\$550	Review
\$4,400	Appeal

Should your application not be progressed any fees paid will be refunded in full.

Should your appeal be successful the fee paid will be refunded in full.

The fee may be waived if the Applicant is experiencing financial hardship. If the Applicant is experiencing financial hardship, they should indicate this on their Audit application and provide documentary evidence for CPD Home consideration at their discretion. The Applicant will be duly notified if it is decided that the fee will be waived. See our Financial Hardship Policy.

Related Documents / Legislation

The following documents are related to this policy.

1. CPD Home Reconsideration, Review and Appeal Application Form
2. CPD Home Financial Hardship Policy

Appendices

1. Glossary

Version Tracking

Version	Date	Comments
1.0	December 2022	
1.1	May 2024	Amended line of approval to remove conflict of interest
1.2	September 2024	Amended CPD Home Program of Learning start year from 2023 to 2024, Australian Health Practitioner Regulation Authority to Australian Health Practitioner Regulation Agency, CPD Education Providers to Certified Learning Providers. Replaced AMA (WA) CEO with Executive Lead to reflect current SOP, and AMA (WA) Board with CPD Home Board. Removed unrelated glossary terms.
1.3	October 2024	Corrected minor grammatical errors, updated policy inclusions in line with other CPD Home policies and updated terminology. Replaced Executive Lead with CPD Home. Added Definitions statement and edited glossary.

Appendix 1

Glossary

Term	Definition
Appeal	Of a decision, to be undertaken by an Appeals Committee, an ad-hoc committee of the CPD Home Board.
Applicant	Any Subscriber or Education Provider directly affected and unsatisfied with a CPD Home decision who applies to have the decision reviewed, reconsidered or appealed.
Certified Learning Provider	A learning provider who is certified by CPD Home and can list approved CPD activities relevant to doctors in the CPD Home Catalogue.
Conflict of interest	A conflict of interest occurs when a person's personal interests' conflict, or could be perceived to conflict, with their responsibility to act in the best interests of CPD Home. Conflict of interests may be: <ul style="list-style-type: none"> • Real – where a direct conflict exists between the decision maker and their duty to act in the best interests of CPD Home • Apparent – where it appears or could be perceived that personal interests are influencing the decision maker to not act in the best interests of CPD Home • Potential – where personal interests are not currently but could come into conflict with their duty to act in the best interests of CPD Home.
CPD Home Program of Learning	The CPD Home Program of Learning (CPD Program) provides a pathway for Australian registered medical specialists, international medical graduates, PGY2+ trainees and non-vocationally registered doctors to engage in an accredited CPD program. From 1 January 2024, the CPD Program is a mandatory program for subscribers to the CPD Home service.
CPD requirements	Means CPD requirements against the Standard, as follows: <ul style="list-style-type: none"> • develop a written annual CPD Plan

	<ul style="list-style-type: none"> • complete a minimum of 50 hours per year of CPD activities that are relevant to your scope of practice and individual professional development needs • allocate your minimum 50 hours per year between the following types of CPD activities <ul style="list-style-type: none"> ○ at least 12.5 hours (25 percent of the minimum) in educational activities ○ at least 25 hours (50 per cent of the minimum) in activities focused on reviewing performance and measuring outcomes, with a minimum of five hours for each category ○ the remaining 12.5 hours (25 percent of the minimum), and any CPD activities over the 50-hour minimum across any of these types of CPD activities, including any relevant specialist high-level CPD requirements • reflect on your CPD goals at the end of the year in preparation for your next CPD Plan • retain records of your annual CPD compliance for auditing purposes by your CPD home and the MBA for three years after the end of each one-year cycle.
CPD year	CPD year commences 1 January and concludes 31 December.
Decision maker	Any person or persons making decisions for or on behalf of CPD Home.
Exemption	CPD requirements for the CPD year are waived in part or full.
Personal interest	Personal interests include where the decision maker or a person or organisation affiliated with them would receive a benefit or incur a detriment because of the decision being made. That benefit or detriment could be financial or non-financial.
Reconsideration	Of a decision, to be undertaken by the original decision maker.
Review	Of a decision, to be undertaken by a Review Panel.
Review Panel	A panel comprised of three people chosen at the discretion of the Executive Lead or their delegate for the purpose of reviewing a decision under the Review, Reconsideration and Appeals Policy. The Review Panel shall not include a member who participated in the original decision or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.
the Standard	The Medical Board of Australia's (MBA)'s revised <i>Registration Standard: Continuing professional development</i> .