

Exceptional Circumstances and Special Considerations Policy

Effective: January 2023

Introduction

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

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 is committed to supporting its subscribers to meet their Continuing Professional Development (CPD) requirements under the Medical Board of Australia (MBA) *Registration Standard: Continuing Professional Development* (the Standard). However, CPD Home recognises that there may be times where due to exceptional circumstances an unreasonable burden would be placed on a subscriber in fully meeting their CPD requirements. CPD Home affords subscribers in this position the opportunity for special consideration for an exemption from or variation of their CPD requirements.

Determinations of this nature will, in line with the principles of natural justice and procedural fairness, be made by the AMA (WA) CEO following receipt of an *Application for Special Consideration of Exceptional Circumstance*.

Purpose

To outline the circumstances which may justify special consideration for an exemption from or variation to their CPD requirements.

Objective

To demonstrate our support for subscribers experiencing exceptional circumstances and to provide guidance to subscribers in applying for special consideration.

Scope

This policy applies to all subscribers of CPD Home.

Definitions

The following definition(s) apply to this policy and where applicable, its procedures.

Term	Definition
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 2023, 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 professional development plan; 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; and ○ 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 activity; <ul style="list-style-type: none"> • self-evaluate your CPD activity at the end of the year as you prepare your professional development plan for the next year; • retain records of your annual CPD activity for audit by your CPD home and the Board for three years after the end of each one-year cycle; and • including program-level requirements, and any relevant specialist high-level requirements.
Deferral	An extension of time, up to three months from the end of the CPD Year, in which to complete the CPD requirements for that CPD Year. The deferred CPD activities to be undertaken concurrently with the current CPD Year requirements.
Exemption	CPD requirements for the CPD Year are waived.
Exceptional Circumstances	Means circumstances that are not ordinarily encountered or anticipated, which are beyond the control of the individual concerned and which are of such severity or gravity that they may impact adversely on the individual's capacity to complete their CPD requirements.
Special Consideration	Means the consideration of circumstances pertaining to an individual in order to enable variation from the requirements normally expected in relation to CPD requirements.
Subscribers	Subscribers to the CPD Home may be members of the AMA or non-members who have selected us as the CPD Home.
the Standard	MBA's <i>Registration Standard: Continuing Professional Development</i> .
Variation	The hours for each domain of CPD activity as per the Standard for the CPD Year are proportionally reduced to reflect the period where the subscriber did not practice medicine.

Policy

General Principles

Subscribers of the CPD Program are expected to meet the CPD requirements as per the MBA's *Registration Standard: Continuing Professional Development* within the CPD Year.

Subscribers who are experiencing exceptional circumstances as described below, which will prevent them from meeting their CPD requirements for the CPD Year may apply for special consideration for an exemption from, variation to, or deferral of their CPD requirements. Where a variation or deferral of their CPD Requirements is granted, the Subscriber is expected to meet the terms of the variation or deferral.

Subscribers without an exemption who do not meet their CPD requirements as per the MBA's *Registration Standard: Continuing Professional Development* or the terms of variation or deferral granted will not be awarded a CPD Statement of Completion.

Qualifying exceptional circumstances resulting in the continuous absence from practice, of at least six months and up to and including 12-months are as follows.

1. Professional, personal or family reasons, being:
 - o parental leave;
 - o prolonged carers leave;
 - o prolonged serious illness, including serious injury;
 - o sabbatical; and
 - o extended leave to attend to cultural responsibilities
2. Severe and debilitating stress resulting from extreme hardship or trauma (e.g. victim of violent crime)
3. Sudden and extended disruption due to an unforeseen event or hardship (e.g. devastating natural disaster).

The following circumstances are examples of non-exceptional circumstances:

- bereavement, unless the cause of an exceptional circumstance as defined above;
- demands of employment;
- minor illness or medical conditions;
- short-term incapacitations from an illness or injury;
- pre-existing illness or medical condition which is not regarded as acute and substantive;
- taking on optional commitments of a work or personal nature;
- difficulties adjusting to the self-discipline needed to plan, undertake, record and track CPD activities;
- stress or anxiety normally associated with meeting CPD requirements; and
- lack of knowledge of the:
 - o services and supports offered by CPD Home to subscribers; and/or
 - o minimum CPD requirements as per the MBA's *Registration Standard: Continuing Professional Development*.

Below are examples of supporting documentation that subscriber's must include with their application. Depending on the exceptional circumstance, multiple documents may be required as part of the application.

- travel itinerary;
- letter from employer related to extended period of leave;
- medical certificate/s with the dates clearly marked when the subscriber was unfit to work or to undertake CPD activities;
- letter of support from an independent (i.e. not related to the applicant) medical practitioner, psychologist or lawyer attesting to the practitioner's judgment, based on the subscriber's circumstances and on information provided, that the subscriber would not have had the capacity to practice or undertake required CPD activities for at least 6 months or more. A letter of support should be provided only when the subscriber was unable to obtain medical advice on the date(s) they were affected by exceptional circumstances;
- death notice or certificate;
- police report;
- insurance reports;
- the subscriber's victim of crime statement; and

- statutory declaration from the subscriber or other relevant party attesting to impact of the exceptional circumstance on the subscriber's ability or capacity to undertake required CPD activities.

Exemptions, Variations or Deferrals

Exemptions, variations, or deferrals to the annual CPD Program, on the grounds cited in this policy, may be approved by the AMA (WA) CEO upon written application by the subscriber. For example, if you are on extended leave and not practising medicine, an exemption may be granted following submission of an Application for Special Consideration of Exceptional Circumstance form available from the [CPD Home](#) website.

Exemptions, variations or deferrals will apply for the CPD Year for which special consideration of exceptional circumstance was sought.

Exemptions will not be granted for consecutive CPD Years. Where a practitioner will be absent from practice for longer than 12-months they should contact the Australian Health Practitioner Regulation Agency (Ahpra) to amend their practising status.

Deferral of CPD requirements is an extension of time to complete the CPD requirements of that CPD Year. Subscribers can request up to three months from the end of the CPD Year. Applications for deferral will need to be received no later than 30 November of that CPD Year to allow for appropriate processing and deliberation of the request.

All applications will be reviewed confidentially, without prejudice, and on their merits on a case-by-case basis by the CPD Home senior leadership team (SLT). Following the review, a recommendation will be provided to the CEO AMA (WA) for consideration. Where additional advice is sought by the SLT, the CPD Advisory Panel may be called upon for input before a recommendation is reached.

Review of applications may take up to six weeks. Applicants will be notified as soon as practicable of the review completion and determination and, if applicable, any exemption or variation granted.

A register of subscribers who have applied for special consideration of exceptional circumstance including the review recommendation and outcome will be kept by CPD Home Support Officer. Subscribers who have been granted an exemption for meeting their CPD requirements will be excluded from quarterly audit runs.

Subscribers granted a variation or deferral of CPD requirements will continue to be monitored via quarterly audit runs and subject to the yearly compliance audit of at least 5% of participating subscribers. However, they will be excluded from automated notifications and instead will be followed-up by the CPD Home Support Officer as appropriate to the conditions of their variation or deferral.

Roles and Responsibilities

Subscribers experiencing exceptional circumstances

Subscribers who are experiencing exceptional circumstances that will prevent them from meeting their CPD requirements for the CPD Year should:

- familiarise themselves with this policy; and
- make an Application for Special Consideration of Exceptional Circumstance.

The subscriber, if making an Application for Special Consideration of Exceptional Circumstance must include with the application relevant supporting documentation. Examples of supporting documentation are provided above.

Any subscriber considering applying for an exemption from all or part of the requirements of the CPD Program should ensure they are familiar with any recency of practice requirements under the MBA's *Registration Standard: Recency of practice*.

CPD Home Support Officer

The CPD Home Support Officer will:

- add the details of all applicants to the register;
- prepare each application for review by the SLT, including deidentifying the applicant (i.e., replace name with Applicant # (sequential number for each Applicant being reviewed at the time));
- manage register updates including the SLT recommendation, CEO review decision, and communications sent to the applicant;
- following the review decision, draft the advice of determination and the reasoning behind it to the applicant from the CEO in preparation for sign-off;
- issue all communications to the applicant indicating that their application is in review, and the advice of determination;
- exclude subscribers who have been granted an exemption from meeting their CPD requirements from quarterly audit runs;
- include subscribers granted a variation or deferral of CPD requirements in quarterly audit runs to monitor their progress;
- include subscribers granted a variation or deferral of CPD requirements as participating subscribers for the purpose of the yearly compliance audit;
- exclude subscribers granted a variation or deferral of CPD requirements from automated notifications; and
- follow-up subscribers granted a variation or deferral of CPD requirements as appropriate to the conditions of their variation or deferral.

CPD Home Senior Leadership Team (SLT)

The SLT will:

- review each application;
- invite the CPD Advisory Panel to provide advice, if required; and
- provide a recommendation to the AMA (WA) CEO for consideration within three weeks of receipt of the application.

CEO AMA (WA)

The CEO will:

- consider the recommendation of the SLT
- make a determination as to whether an exemption, variation or deferral will be granted
- inform the CPD Home Support Officer of the outcome
- sign the advice to the applicant of any determination and the reasoning behind it. In notifying the applicant, the CEO will advise of our Reconsideration, Review and Appeals Policy, should the applicant not be satisfied with the determination
- annually review the nature of exemptional circumstances identified from applications for special consideration, and the volume of applications to inform any CPD Home policy revisions.

Action

The CEO AMA (WA) may determine that:

- no exemption, variation or deferral of CPD requirements for the CPD Year be granted;
- an exemption from meeting CPD requirements for the CPD Year be granted;
- a variation to the CPD requirements for the CPD Year be granted as follows:
 - proportionally reduce the minimum hours for each CPD domain by the period where the subscriber did not practice medicine – for example:
 - reduce minimum hours for each CPD domain by 50% if the subscriber is absent from practice for six months;
 - reduce minimum hours for each CPD domain by 75% if the subscriber is absent from practice for nine months.
- a deferral be granted where no exemption or variation is granted.

Compliance

Subscribers who are granted a variation or deferral will be expected to meet their CPD requirements as per the terms of their variation or deferral.

Subscribers who meet their CPD requirements as per the terms of their variation or deferral will be awarded a CPD Statement of Completion.

Subscribers who fail to meet their CPD requirements as per the terms of their variation or deferral will not be awarded a CPD Statement of Completion.

Related Documents / Legislation

The following documents are related to this policy.

1. Medical Board of Australia (MBA) *Registration Standard: Continuing Professional Development* (the Standard)
2. MBA's *Registration Standard: Recency of practice*
3. Application for Special Consideration of Exceptional Circumstance
4. CPD Home Reconsideration, Review and Appeals Policy

Appendices

1. Glossary

Version Tracking

Version	Date	Comments
1.0	December 2022	
1.1	January 2023	Amendment specifying Subscribers granted a variation or deferral subject to the yearly compliance audit of at least 5% of participating subscribers.
1.2	March 2023	Typographical correction – replaced “referral” with “deferral”.
1.3	June 2023	Amendment to review process resulting in a recommendation to the AMA (WA) CEO.

Appendix 1 Glossary

Term	Definition
Appeal	Of a decision, to be undertaken by an Appeals Committee, an ad-hoc committee of the AMA (WA) Board.
Applicant	Any Subscriber or Education Provider directly affected and unsatisfied with an CPD Home decision who applies to have the decision reviewed, reconsidered or appealed.
Aphra	Australian Health Practitioner Regulation Authority
Certified Learning Provider	A learning provider who is certified by CPD Home, and can apply for accreditation of a CPD activity for listing in the CPD Learning catalogue.
Conflict of Interest	<p>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.</p> <p>Conflict of interests may be:</p> <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 Advisory Panel	Panel of medical advisers which provides advice to the AMA (WA) CEO and senior leadership team regarding the CPD Home Program.
CPD Home 'Catalogue'	This is the catalogue of learning modules and readings available to CPD Home subscribers.
CPD services	Carrying out 'CPD Home' related functions or activities offered to subscribers.
CPD Tracker	Online tracking tool enabling subscribers to record courses, events and other completed CPD activities. Each CPD activity record includes the length of time, area for self-reflection and optional storage of learning evidence.
Learning Providers	Entities who deliver education or learning to doctors.
CPD Home Executive	Includes the AMA (WA) CEO, Chief Operating Officer and Chief Financial Officer
CPD Home Managers	Line managers responsible for a particular area of the CPD Home business.
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 2023, the CPD Program is a mandatory program for subscribers to the CPD Home service.
CPD Home Staff	Includes employees or contracted consultants, legal or financial professionals acting for CPD Home
CPD requirements	<p>Means CPD requirements against the Standard, as follows:</p> <ul style="list-style-type: none"> • develop a written annual professional development plan; • complete a minimum of 50 hours per year of CPD activities that are relevant to your scope of practice and individual professional development needs;

	<ul style="list-style-type: none"> • 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; and ○ 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 activity, including any relevant specialty high-level requirements; • self-evaluate your CPD activity at the end of the year as you prepare your professional development plan for the next year; and • retain records of your annual CPD activity for audit by your CPD home and the Board for three years after the end of each one-year cycle.
CPD Year	The CPD Year is 1 January to 31 December.
Complaint	Dissatisfaction or concern about the conduct or actions of CPD Home expressed in a written complaint submitted via the CPD Home Complaint Form by a: <ul style="list-style-type: none"> • Subscriber to CPD Home services; • CPD Home Education or Service Provider; or • Member of an CPD Home decision making or advisory entity.
Complaints Officer	A CPD Home staff member trained in complaints handling and delegated the responsibility for managing a complaint.
Cooling off period	A 14 day period in which the subscriber can change their mind about subscribing without penalty.
CSV File	Comma Separated Value - A electronic file in which the data in each data field is separated by a comma.
Decision maker	Any person or persons making decisions for or on behalf of CPD Home.
Deferral	An extension of time, up to three months from the end of the CPD Year, in which to complete the CPD requirements for that CPD Year. The deferred CPD activities to be undertaken concurrently with the current CPD Year requirements.
eDM	Electronic Direct Mail
Exemption	CPD requirements for the CPD Year are waived.
Exit Poll	A series of questions to ascertain reasons for subscription cancellation and identify areas for improvement.
Frivolous report or complaint	The matter giving rise to the report or complaint is minor or trivial, vague or poorly explained inhibiting its investigation, or unable to be substantiated?
Learning Management System (LMS)	Online system used to deploy, track and report completion of learning activities measured against the CPD Program.
Malicious report or complaint	A report or complaint that appears to be motivated by a purpose that is dishonest and intended to cause harm.
Outgoing Subscribers	Subscribers who are moving to a different CPD home provider.
Parent Entity	doctorportal Learning Pty Ltd, trading as 'CPD Home' is a wholly-owned subsidiary of the Australian Medical Association (WA) Inc.
Participating Subscribers	Subscribers to CPD Home who do not have an exemption and who by default are participating in the 'CPD Program'
Personal information	Personal information includes a broad range of information such as name, gender, contact details, financial information and may also include other personal information (e.g. professional details) or an opinion, that could

	identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.
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.
Point-in-Time Snapshot	A Point-in-Time snapshot is a copy of a storage volume, file or database as they appeared at a given point in time and is used as a method of data protection. In the event of a failure, data can be restored from the most recent snapshot before the failure.
Procedural matters	Refer to an application for a Review or Appeal of a CPD Home decision.
Professional details	Professional details include information such as qualifications, scope of practice, specialty or specialties, employment information (status, type, role), and educational/supervisory/research activities.
Sensitive information	Sensitive information is personal information that includes information or an opinion about an individual's: <ul style="list-style-type: none"> • racial or ethnic origin • political opinions or associations • religious or philosophical beliefs • trade union membership or associations • sexual orientation or practices • criminal record • health or genetic information • some aspects of biometric information
Subscribers	Subscribers to CPD Home may be members of the AMA or non-member medical practitioners who have selected us as their CPD Home.
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 CEO or their delegate for 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.
Register of Interests	A record of declared or identified conflicts of interests listing to whom they apply, the nature and extent of the conflict and any steps taken to address it.
the Standard	<i>MBA Registration Standard: Continuing Professional Development</i>
Variation	The hours for each domain of CPD activity as per the Standard for the CPD Year are proportionally reduced to reflect the period where the subscriber did not practice medicine.
Vexatious report or complaint	A report or complaint that is falsely made, unwarranted or made repetitively, or made for some other collateral purpose such as to cause delay or disruption, gain leverage or cause disadvantage or to harass or annoy.