

Exceptional Circumstances and Special Considerations 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 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 Executive Lead 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 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 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;

	<ul style="list-style-type: none"> ○ 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; 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; • 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.
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 practise 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
 - o bereavement
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:

- 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 practise 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 Executive Lead 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.

All applications will be reviewed confidentially, without prejudice, and on their merits on a case-by-case basis by the Compliance and Policy Lead. Following the review, a recommendation will be provided to the Executive Lead for consideration. Where additional advice is sought by the Compliance and Policy Lead, 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 Compliance and Policy Lead, 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 Compliance and Policy Lead recommendation, Executive Lead 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 Executive Lead 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 Compliance and Policy Lead

The Compliance and Policy Lead will:

- review each application;
- invite the CPD Advisory Panel to provide advice, if required; and
- provide a recommendation to the Executive Lead for consideration within three weeks of receipt of the application.

Executive Lead

The Executive Lead will:

- consider the recommendation of the Compliance and Policy Lead
- 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 Executive Lead 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 Executive Lead 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 on a pro-rata basis in accordance with the period where the subscriber did not practise medicine – for example:
 - reduce minimum hours for each CPD domain by 50% if subscriber absence from practice for six months;

- reduce minimum hours for each CPD domain by 75% if subscriber absence 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.
1.4	September 2024	Updated Introduction to reflect the joint ownership of CPD Home, and list of acceptable exceptional circumstance to include bereavement. Amended CPD Home Program of Learning start year from 2023 to 2024, Australian Health Practitioner Regulation Authority to Australian Health Practitioner Regulation Agency. Replaced AMA (WA) CEO with Executive Lead, Senior Leadership Team with Compliance and Policy Lead to reflect current SOP. Removed unrelated glossary terms.

Appendix 1 Glossary

Term	Definition
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
Ahpra	Australian Health Practitioner Regulation Agency
CPD Advisory Panel	Panel of medical advisers which provides advice regarding the CPD Home Program
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
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CPD Year	The CPD year is 1 January to 31 December
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.
Exemption	CPD requirements for the CPD year are waived.
Procedural matters	Refer to an application for a Review or Appeal of a CPD Home decision.
Reconsideration	Of a decision, to be undertaken by the original decision maker
Review Panel	A panel comprised of three people chosen at the discretion of the Executive Lead 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.
the Standard	MBA <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 practise medicine.
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