



So, you've received a regulatory notification, what now?

You have rights

Your rights include the right to legal representation and the right to be treated with procedural fairness by the regulatory body - there are processes and timelines with which they have to comply. Your patients also have rights including the right to privacy.

Be friendly. State that you are happy to cooperate with the investigators

In every interaction with the authorities reiterate your willingness to cooperate and comply with investigators.

Investigators are not your friends. Ask them what information they are seeking

Try not to engage in conversations with investigators as they can use what you say to escalate/expand notifications. Be friendly and reiterate that you are happy to cooperate. Ask the investigator to clarify exactly what information they are seeking. Advise them that you will be seeking legal advice before responding, always respond to enquiries in writing (subject to your legal advice).

Do not acknowledge wrongdoing before proper investigations have taken place

Always seek independent legal advice before acknowledging any wrongdoing.

Don't fall into the "I have nothing to hide" trap

Investigators may have a philosophical objection to integrative medicine. Providing them with unasked for information can lead to notifications being expanded or accelerated.

Seek independent legal advice before cooperating with authorities

You have the right to independent legal advice from a lawyer who will represent your best interests, who understands you and your case. Your MDO appointed lawyer may not be your best advocate, there may be an inherent conflict of interest for them. AIMA has a list of lawyers who work in the medical regulatory area (we have no commercial relationship with these lawyers).

***Disclaimer:** This document should not be taken as personal legal advice. This does not replace the services of a qualified legal professional. The advice in this document is general in nature. It has been prepared after community and legal consultation.*



Inform your MDO of the investigation

You have an obligation to inform your MDO about investigations, you do not have an obligation to use their counsel. Inform your MDO that you wish to participate in the legal process and that they should not act without instruction from you, this means being included in and approving any communication about your case with the regulatory authorities.

Do not give investigators unfettered access to your patient files

Your patients have a right to privacy. If investigators request access to patient files courteously inform them that you're happy to comply, however due to privacy laws you have to seek written permission from patients before sharing their files. If investigators have a warrant they can access your files without this permission, you are obligated to cooperate.

Keep records of every interaction you have with investigators

Make diary entries, record conversations (with permission), require that requests for information are given in writing.

Independently act to remedy any potential knowledge gaps in your practice

Be proactive. Independently undertaking approved courses/mentoring before a regulatory issue is resolved can be viewed favourably.

Be aware of the costs of independent legal advice

Independent legal advice costs money. Before consulting a lawyer be clear about what you are seeking advice on. Be clear if you are seeking conciliation around the notification or if this is an issue you are intending to fight. This will help you determine if the lawyer is the right fit for your needs.

Speak to an AIMA mentor

AIMA is recruiting doctors who have been through regulatory notifications to mentor those under investigation. Mentors can help you to understand the regulatory process and its effects on your person and your practise.

www.aima.net.au

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