

## OSLER CPD HOME: REASSESSMENT REVIEW AND APPEALS

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### Purpose

The purpose of the *Reassessment, Review and Appeals Policy* is to define Osler CPD Home's decisions to its members that can be reassessed, reviewed, or appealed, and the steps that are to be followed for these to be processed.

The policy defines the application processes, timeframes and possible outcomes for reassessments, reviews and appeals. The policy aims to facilitate the resolution of disputed decisions at the lowest level without recourse to formal appeal.

These are decisions regarding participation in our Continuous Professional Development Program, in relation to hours completed, recognition of suitable activities, verification of activities completed and awarding of the Certificate of Completion along with reporting to AHPRA.

### Who does this policy relate to:

Any Doctor (the applicant) whose interests are directly and adversely affected by, and who is dissatisfied with certain decisions made by Osler in relation to their CPD outcome, may apply for reassessment, review or appeal of that decision.

An applicant must go through the process of reassessment and review prior to lodging an application for formal appeal, except applicants who have been audited who go directly to the review process.

Osler CPD Home has discretion to allow the process to commence at the reassessment, review, or appeal stage where they are satisfied that to proceed at a particular stage is justifiable and appropriate. Applications from members who have been audited will commence at the review stage.

### Policy

For this policy to be enacted for the purposes of reassessment, review or appeal, there must be written evidence provided at the time of the application of one or more of the following grounds, related to an outcome of a decision that is the subject of the application:

- that an error in law or in due process occurred in the formulation of the original decision
- that the relevant Osler policy was not correctly applied
- that relevant and significant information, whether available at the time of the original decision or which became available subsequently, was not considered or not properly considered in the making of the original decision

No further evidence of any training or experience during the period between the making of the original decision, the subject of this application, and the date of any other decisions shall be considered as information that becomes available after the original decision.

Lack of awareness or understanding of processes involving Osler CPD Home once the doctor is a member, or/of CPD requirements as set out by the Medical Board of Australia, will not be considered as relevant and significant information for the purposes of grounds for this application.

Osler CPD Home reserves the right not to accept an application for reassessment, review or appeal where the applicant is unable to produce any reasonable or relevant evidence in support of the stated grounds on which the application is based.

Where Osler CPD Home is satisfied that a case does not exist, the applicant will be advised in writing, stating the reasons for not accepting the application. An applicant has 7 calendar days to provide a final submission addressing the deficiencies notified by Osler CPD Home.

### Application for Reassessment

An application to initiate the reassessment process must:

- Be made in writing to Osler using the email address notified in your letter
- Outline the reasons for the request
- Include any additional material considered relevant to the decision
- Be made within 28 calendar days of the date the original decision was communicated to the doctor
- Cannot be made by a member who has been selected for audit

### Process of Reassessment

Once Osler receives an application for reassessment, we will acknowledge this in writing to the applicant within 7 calendar days, with a decision to either reassess or decline the application contained in this correspondence. If the application is accepted and more information is sought from the applicant, they will be notified in this correspondence. The applicant will then have a further 7 calendar days to submit this. Failure to submit this information will indicate that the application is closed. All material for reassessment must be by written correspondence, the applicant cannot attend this process in person.

Once all required information is obtained, Osler will assess this information, and the grounds for the application, and will notify the applicant within 28 calendar days of the outcome of the reassessment.

### Outcome of Reassessment

The decision made by the original decision maker at reassessment will be conveyed to the applicant in writing.

Where possible, the original decision maker should endeavour to provide the applicant with reasons for the decision, being:

- to affirm their original decision
- vary their original decision
- make a new decision

A record of the decision is to be kept as per policy.

On receipt of notification from Osler CPD Home of the reassessment decision, the applicant may:

- accept the original decision and the result of the reassessment
- within 14 calendar days of notification of the reassessment decision, apply in writing for a formal Review. If no application is received within 14 calendar days, the doctor will be deemed to have accepted the reassessment decision.

If the applicant wishes to have their case further reviewed following reassessment, they should be given information at this time on how to proceed to the next stage, being **Review**.

### Application for Review

Any doctor who remains dissatisfied with the reassessment or audit outcome may apply to Osler CPD Home to have the original decision reviewed by an independent panel. A review may only be sought in relation to the ground(s) in the original application for reassessment or the audit outcome. New or additional grounds may not be raised at this stage.

At this time, and with this application, payment of prescribed fee will be due within 7 days of receiving the application, and prior to any review taking place. The fee schedule will be set out as \$500. If a review is upheld, the application fee for this part of the process will be refunded to the doctor involved.

### Process of Review

Osler CPD Home will establish a review panel for the purposes of enacting a review. The panel will consist of at least two members of the CPD Home Advisory Board. This panel will not include the original decision maker of this case in relation to the original decision or the reassessment, or any other person with a conflict of interest.

All material for reassessment must be by written correspondence, the applicant cannot attend this process in person.

The review panel shall consider:

- all the original material and documentation considered by the original decision-maker
- additional material and documentation supplied by the applicant for the purposes of the review if there is any
- if Osler CPD Home policies and procedures relevant to the decision were followed, and if principles of procedural fairness were followed

The review panel will not consider evidence of further training, supervised practice or experience by the applicant obtained during the period between the making of the original decision and the reviews of that decision. The review panel may exercise all the powers and discretions that the original decision maker was able to exercise following principles of procedural fairness and is not subject to the rules of evidence. Subject to the rules of procedural fairness it may inform itself as it sees fit.

The review panel may make any one of the following review decisions:

- affirm the original decision or reassessment decision
- vary the original decision or the reassessment decision
- set aside the original decision or reassessment decision and refer the matter to the original decision-maker for further consideration in accordance with any directions or recommendations it may make
- set aside the original decision or reassessment decision and make any further decision it thinks appropriate.

Minutes of the hearing of the review panel and a report of the review decision, including reasons for the decision will be kept as confidential record of the proceedings, including documentation provided by the applicant.

## Outcome of Review

Osler CPD Home will notify the applicant in writing of the review decision. Such notification should include reasons for the review decision. The applicant will also be instructed on the opportunity to apply to formally **appeal** the original decision, should they remain dissatisfied.

On receipt of notification from Osler CPD Home of the review decision, the applicant may:

- accept the original decision and the result of the review
- within 14 calendar days of the date of notification of decision, apply to **appeal** the decision.

If no correspondence is received from the doctor within 14 calendar days, they will be deemed to have accepted the review decision.

## Application for Appeal

A doctor who remains dissatisfied after review, may apply to appeal the decision.

The application for appeal must:

- be made in writing to Osler CPD Home via email
- include payment of the prescribed fee of \$2,000 within 7 days of receipt of the application
- outline the context of which the appeal is being made, with an outline of the issues that are unresolved as they see them

## Process of Appeal

Once Osler CPD Home has confirmed that an appeal will proceed, they will instill at least two representatives as an Appeals Board, none of whom participated in the original decisions, the reassessment decision or the review decision, or who otherwise has or is perceived to have a conflict of interest, for the process of appeal.

At least 14 calendar days prior to the hearing of the appeal, the original decision-maker and the applicant will provide Osler CPD Home with a written submission and copies of any documents and records relevant to the original decision, being the subject of the appeal and upon which they wish to rely.

A copy of the doctor's submissions and the original decision-maker's submissions will be provided to the Appeals Board. Additional information provided after the submission will only be considered if the Appeals Board considers that the material is of significance to the matter.

At least 14 days prior to the meeting date Osler CPD Home will notify in writing to all parties involved:

- the date, time and location of the appeal meeting
- the names and details of the Appeals Board
- a copy of this *Reassessment, Review and Appeals Policy*
- notification to the doctor of the right to present their case to the Appeals Board in person

The doctor has the right to appear before the Appeals Committee and to advocate the merits of the appeal as they set out in their written submissions. The doctor has a right to be accompanied by a support person. The doctor is not entitled to be accompanied by a legal representative (or any other person who shall act as an advocate) unless they have been given prior consent where it is felt that the doctor themselves could not be present. The application for this must be made 7 calendar days prior to the meeting of the Board.

The Appeals Board will decide each appeal based on its merits, as presented to them at the time of the meeting. It is not bound by the rules of evidence and, subject to this policy and to the rules of procedural fairness, may formulate and make decisions as it thinks reasonable.

The Appeals Board is entitled to consider all relevant information and may invite any person to appear before it or to provide information relevant to the case.

### Outcome of Appeal

The decision of the Appeals Board is final.

The Appeals Board may:

- confirm the original decision which is the subject of the appeal
- revoke the original decision and refer the original decision to the Medical Board for further consideration

The Appeals Board will issue a written decision, with reasons for the decision, to the doctor, and to any other relevant parties, within 14 calendar days.

If an appeal is upheld, the application fee for this part of the process will be refunded to the doctor involved. No other costs associated with the proceedings will be covered or refunded, regardless of the outcomes of the appeal.

### Related Documents

Osler CPD Home: Audit Process (2023)

Medical Board of Australia (2023) *Registration standard: Continuing professional development*

Health Practitioner Regulation National Law Act 2009

### Revision History

Version	Date	Description/Comments
1.0	August 2024	Policy creation
1.1	March 2025	Updates to better align with Osler Audit policy and timing of fee payments.
1.2	May 2026	Update to clarify review fee refund