

Area of Need Program

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Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

AREA OF NEED PROGRAM

PURPOSE

The Area of Need Program assists in the provision of medical services to locations in NSW that have limited access to such services.

This policy outlines the process employers must follow to apply for Area of Need status for a vacant position and the assessment criteria that applications must satisfy.

The Program assists employers in NSW who are experiencing difficulty recruiting medical practitioners with specialist registration, to recruit suitably qualified International Medical Graduates (IMGs) to vacant positions that have been approved by the NSW Ministry of Health as an Area of Need.

The Program is a strategy to provide temporary assistance to locations and services experiencing shortages. The priority remains on continued efforts to attract and recruit Australian citizen/permanent resident medical practitioners who have specialist registration to vacancies.

MANDATORY REQUIREMENTS

Area of Need status can be obtained by both public and non-public health employers. This policy applies to NSW public health facilities, private hospitals, day procedure centres and general practices.

The Area of Need assessment pathway is available to employers with Specialist and General Practitioner (GP) vacancies.

Requests for prospective approval of Area of Need status (for example, for a practice not yet open) will not be eligible.

IMPLEMENTATION

Employers wishing to apply for Area of Need status for a vacant Specialist or GP position will need to address all three criteria (*Area of Need Program Procedures* - section 2) and follow the application procedures at www.health.nsw.gov.au/aon.

The NSW Ministry of Health will assess all applications against the criteria (*Area of Need Program Procedures* - Section 2) and inform the Employer whether the application has been successful.

The Employer, once it has an approved Area of Need position, is responsible for: recruiting suitable IMGs to the position; ensuring that the appropriate registration has been obtained from the Medical Board of Australia; and ensuring that appropriate District of Workforce Shortage status and other required documentation is obtained if the practitioner is to undertake Medicare billing. The Employer is also responsible for continuing its attempts to recruit suitable practitioners with specialist registration.

REVISION HISTORY

Version	Approved by	Amendment notes
December/2010 (PD2010_070)	Deputy Director- General Health System Support	New policy outlining the program's requirements. Amendments made to reflect changes to the <i>Health Practitioner Regulation National Law (NSW)</i>
March/2012 (PD2012_015)	Deputy Director- General Governance, Workforce and Corporate	Amendments to: terminology; Assessment Criteria; various rewording; removal of references to matters covered by the Medical Board of Australia e.g. supervision requirements, progress towards achieving specialist registration etc.
January/2012 (PD2013_003)	Deputy Director- General Governance, Workforce and Corporate	Rescinds PD2012_015. Amendments to remove references to: Preliminary Assessment of District of Workforce Shortage; Divisions of General Practice; paper based applications.

ATTACHMENTS

1. Area of Need Program: Procedures.

Area of Need Program



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1 BACKGROUND

1.1 About this document

The objective of the Area of Need Program (the Program) is to assist in the provision of general practice and specialist medical services to locations in NSW that have limited access to such services.

The Program assists employers in NSW who are experiencing difficulty recruiting medical practitioners with specialist registration, to recruit suitably qualified International Medical Graduates (IMGs) to vacant positions that have been approved by the NSW Ministry of Health as an Area of Need.

If a position is declared an Area of Need, the Medical Board of Australia can register a suitable IMG into that position under the *Health Practitioner Regulation National Law (NSW)* following assessment of the IMG by the relevant Specialty College as suitable for the position and provided they meet all other registration requirements required by the Medical Board of Australia.

The Program is a strategy to provide temporary assistance to locations and services experiencing medical workforce shortages. The priority remains on continued efforts to attract and recruit medical practitioners who have specialist registration to vacancies.

Applicants should also be familiar with the registration requirements for medical officers in Area of Need positions which can be found on the Medical Board of Australia's website at <http://www.medicalboard.gov.au/>.

1.2 Key definitions

AHPRA: Australian Health Practitioner Regulation Agency.

AMC: Australian Medical Council.

Applicant: An employing organisation who is applying for Area of Need status for a specific position.

The Board: The Medical Board of Australia.

DoHA: The Australian Government Department of Health and Ageing.

DWS: District of Workforce Shortage. DWS status is determined by DoHA. For GP Positions, this can be found by visiting <http://www.doctorconnect.gov.au/internet/otd/Publishing.nsf/Content/locator>. For specialist positions please email DWS@health.gov.au.

GP: General Practitioner.

IMG: International Medical Graduate. A graduate of a medical school other than those medical schools accredited by the AMC in Australia or New Zealand.

Medicare Local: Medicare Locals are primary health care organisations established to coordinate primary health care delivery and tackle local health care needs and service gaps. Details of Medicare Locals can be found at <http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/content/medilocprofiles>.

Medicare Provider Number: Enables Medical Practitioners to participate in the Medicare Program and to provide a method of identifying the place from which a service was provided.

The Program: The Area of Need program.

RA: Remoteness Area. See Attachment 1 for further details.

Specialty College: An AMC accredited training organisation whose specialist medical training programs lead to qualifications for practice in recognised medical specialties. For the purposes of this document, these are:

- Australian and New Zealand College of Anaesthetists
- The Australasian College of Dermatologists
- Australasian College for Emergency Medicine
- The Royal Australian College of General Practitioners
- Australian College of Rural and Remote Medicine
- Royal Australasian College of Medical Administrators
- The Royal Australian and New Zealand College of Obstetricians and Gynaecologists
- The Royal Australian and New Zealand College of Ophthalmologists
- The Royal College of Pathologists of Australasia
- The Royal Australasian College of Physicians
- College of Intensive Care Medicine of Australia and New Zealand
- The Royal Australian and New Zealand College of Psychiatrists
- The Royal Australian and New Zealand College of Radiologists
- Royal Australasian College of Surgeons
- Australasian College of Sports Physicians

1.3 Legal and legislative framework

The *Health Practitioner Regulation National Law (NSW)* came into effect on 1 July 2010. Section 67 of this legislation allows limited registration to be granted to enable a health professional to practise in an Area of Need. This section also prescribes that the function of determining an area of need is a function of the responsible Health Minister in each state/territory and that the Minister may delegate this power to an appropriately qualified person. The NSW Minister for Health has delegated this authority to the NSW Ministry of Health.

The Medical Board of Australia is responsible for deciding whether an individual applicant is eligible, qualified and suitable for limited registration for Area of Need, to practise in a particular position. On the basis of the application and any additional information requested, the Board will decide whether an IMG has the necessary skills, training and experience to safely meet the particular need for health services in that position. This includes compliance with a supervision plan, a professional development plan, satisfactory performance and satisfactory progress towards gaining specialist registration.

The Area of Need assessment pathway is available to employers with **Specialist** or **General Practitioner** vacancies.

Employers with hospital non specialist vacancies (such as Career Medical Officers, Resident Medical Officers and Registrars) are to engage IMGs registered under the Competent Authority, Standard or Specialist in Training registration pathways, which do not require Area of Need approval.

2 AREA OF NEED ASSESSMENT CRITERIA

This assessment criteria is applicable to new positions and to extension of previously approved positions.

Please note that all documentation supplied in support of an Area of Need application will be verified with external sources.

2.1 Criterion 1 – Labour Market Testing

All applications need to provide documented evidence of labour market testing that demonstrate genuine attempts have been made to recruit to the position locally within the last 6 months. The duration of advertising required to satisfy this criterion is dependent on the location of the facility seeking the Area of Need position based on the Remoteness Area classification, which is outlined at Attachment 1.

RA 1 – 2 locations	RA 3 – 5 locations
<ul style="list-style-type: none"> - A minimum of one advertisement per week for 4 weeks in a relevant national or state-wide newspaper or 4 continuous weeks advertising on a national careers website e.g. Seek; Career One or My Career; <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> - 4 weeks continuous advertising on a relevant health related website e.g. <ul style="list-style-type: none"> a) Medicare Local b) Relevant Specialist College or Society c) NSW Rural Doctor’s Network d) Australian Doctor e) NSW HealthJobs website (for public health positions) 	<ul style="list-style-type: none"> - A minimum of one advertisement per week for 2 weeks in a relevant national or state-wide newspaper or 2 continuous weeks advertising on a national careers website e.g. Seek; Career One or My Career; <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> - 2 weeks continuous advertising on a relevant health related website e.g. <ul style="list-style-type: none"> a) Medicare Local b) Relevant Specialist College or Society c) NSW Rural Doctor’s Network d) Australian Doctor e) NSW HealthJobs website (for public health positions)

Documented evidence means a copy of the published advertisement and the date and name of the newspaper/website in which they were placed. Invoices and/or copies of booking forms on their own will not be accepted.

All advertisements should show the position title, name of the facility and town, required qualifications, skills, duties, salary and other benefits of the position to try and attract a maximum response from medical practitioners with specialist registration. These details must be consistent with the application being made. Advertisements calling for or referring to “Area of Need doctors” or “IMGs”, or that limit the available pool of applicants in any way, are not considered adequate forms of labour market testing and will not satisfy this criterion.

The Ministry may determine that an advertisement does not demonstrate a genuine attempt to test the market if any of its elements indicate standards and conditions below that generally accepted in the relevant specialty for that location. The Ministry may seek advice on this from relevant bodies.

In addition to supplying proof of advertising, the application will also need to indicate the number of applicants who applied for the position and a brief explanation on why they were not recruited.

2.2 Criterion 2 – Evidence of Need

Applications from non-NSW Health facilities (e.g. private sector, NGO facilities) must meet criteria 2.2.1 **and** 2.2.2.

NSW public health facilities must meet criterion 2.2.2 **only**.

2.2.1 District of Workforce Shortage status (non-public employers)

Evidence must be provided to show the position either:

- is located in an area that has DWS status, as determined by DoHA;
or
- provides services that have DWS status, as determined by DoHA.

Any of the evidence outlined above must be valid when the application is received by the NSW Ministry of Health.

NSW Health facilities are not required to meet this criterion. However, note that DWS status would still be required to allow a doctor with Area of Need registration employed in a NSW Health facility to bill Medicare. This is the responsibility of the employer to determine. Area of Need status will not necessarily assist in obtaining DWS status.

2.2.2 Impact on Service Delivery (non-public and public employers)

Information must be provided to describe the impact on service delivery if the position is left unfilled. For example, information on how the vacancy will impact upon the delivery of medical services to the community or information on the factors the applicant believes are preventing the successful recruitment of a medical practitioner with specialist registration.

In addition, applicants need to demonstrate they have explored alternative ways of addressing the shortage of medical services in their facility prior to applying for Area of Need status (for example: incentive packages (in private practices); Australian Government incentives (in private and general practices); the provision of services from another location; or outreach services).

2.3 Criterion 3 – Stakeholder Consultation

All applicants must undertake consultation prior to applying for Area of Need approval with each of the following stakeholders:

- (GP and Specialist positions) the relevant Specialty College; **and**
- (GP and Specialist positions) Chief Executive or nominated delegate of the relevant Local Health District in which the facility is located; **and**
- (GP positions only) the relevant Medicare Local.

The purpose of the consultation is to provide advice to the Ministry on whether, in the opinion of the stakeholder, the position falls within the statutory criteria of there being “insufficient health practitioners practising in a particular health profession in ... that part of the jurisdiction to provide services that meet the needs of people living in ... that part of the jurisdiction.” (*Health Practitioner Regulation National Law (NSW) – section 67*)

Area of Need status attaches to a position, and not to a particular doctor holding that position. Therefore stakeholder comment is not sought on the suitability of the doctor, their supervision arrangements or their progress towards achieving specialist registration. These are matters for the Medical Board of Australia to consider when granting or renewing Area of Need registration.

Original copies of the correspondence from stakeholders addressing the above must be attached to the application and be dated no later than 90 days prior to the date the application is received by the NSW Ministry of Health.

If the applicant is seeking approval for the provision of additional services/facilities on the Area of Need certificate where the applicant is NOT the employing body (for example, the provision of Visiting Medical Officer (VMO) services to a local hospital or aged care facility), additional stakeholder information needs to be provided as specified in section 7 of this document.

3 HOW TO APPLY FOR A NEW AREA OF NEED POSITION

Employers wishing to apply for Area of Need status for a vacant Specialist or GP position will need to address all three criteria outlined at section 2 above and follow the application procedures at www.health.nsw.gov.au/aon.

Applicants will need to submit the required documentation (for example: proof of advertising; DWS status; stakeholder consultation letters).

Applications should only be for one Area of Need position at a time unless additional evidence is provided identifying why more than one position is required. It is unlikely that approval will be given for multiple vacant Area of Need positions at the same facility. A position is not considered filled until a doctor is registered against that position by AHPRA.

4 HOW TO EXTEND A DECLARED AREA OF NEED POSITION

Applications for extensions should be received by the NSW Ministry of Health 60 days prior to the expiration of the current Area of Need certificate. It is the employer's responsibility to ensure this occurs.

Employers seeking to extend an Area of Need position beyond the initial approval period will need to address all assessment criteria outlined under section 2 in the same manner as a request for a new position irrespective of whether the position is currently filled or not. The request for extension will be assessed on its own merits.

The fact that the position had previously been successful in obtaining Area of Need status will not guarantee that a request to extend the position will be approved.

An Extension Application must be completed using the process outlined at www.health.nsw.gov.au/aon.

5 HOW TO MODIFY A DECLARED AREA OF NEED POSITION

Area of Need status attaches to a specific position and is NOT transferrable to a substantially different position or location. Requests for minor modifications (e.g. change in practice name or change of practice address within the location) will be considered.

If a modification request includes **new locations** (e.g. the practice opening up a sister service in a neighbouring suburb or an after hours service), the applicant must show evidence as per 2.2, that the new location is a DWS (unless the new location is a NSW Health facility).

If the modification requests the **addition of a new facility that is a separate entity to the employing body listed on the Area of Need Certificate**, the applicant must provide a consultation letter from the owner of the new facility being added. Where there is an IMG already in the position, the applicant must provide evidence that the new facility supports the engagement of this IMG at the facility. Also see section 7 regarding Area of Need certificates providing services to more than one organisation.

Where an application for modification requests a **change to the position title** (e.g. Specialist Psychiatrist to Specialist Psychiatrist Child and Adolescent), stakeholder consultation will need to be undertaken as per section 2.3.

A Modification Application must be completed using the process outlined at www.health.nsw.gov.au/aon. A revised position description must also be provided reflecting the modifications. Other supporting documentation may also be required.

If the request is one that the NSW Ministry of Health considers to constitute an entirely new position (for example, adding a new specialty or changing it to a position at a higher level), the application will be treated as an application for a new position and all criteria outlined at section 2 will need to be addressed.

6 APPROVAL PERIOD

Where approved, positions will be granted Area of Need status for a period of up to 3 years.

Where a modification request only is approved, the approval period remains the same.

Employers should continue to try and fill vacancies on a more permanent basis with medical practitioners who have specialist registration.

7 AREA OF NEED POSITIONS PROVIDING SERVICES TO MORE THAN ONE ORGANISATION

Where an application is made for Area of Need status with more than one organisation engaging that position (for example, a position at a GP practice which also provides VMO services at a local public hospital), consultation must be carried out with all engaging organisations in addition to satisfying the requirements of section 2.

These letters must indicate whether the stakeholder supports the application for Area of Need status and include their acknowledgement that they will be participating in the recruitment and selection process of any prospective IMGs before appointment to the position at the additional location. In addition, the position description must identify the responsibilities to be carried out at each engaging organisation.

If the inclusion of an additional facility is only requested where an IMG *may* provide services in the future, it will not be approved in advance. In these circumstances applicants can apply for a modification when the additional organisation is ready and willing to engage the services of an IMG.

8 APPOINTING TO AN AREA OF NEED POSITION

IMGs are not to be offered permanent appointments to positions granted Area of Need status given that Area of Need status is for a time limited period only, and an extension cannot be guaranteed regardless of whether the position is occupied.

Accordingly, when an IMG is appointed to an Area of Need position, they must be advised in the letter of appointment that the position is of a temporary nature only. The contract duration should be no greater than the life of the existing Area of Need certificate.

Any concerns regarding the length of time remaining on an Area of Need certificate should be resolved with the NSW Ministry of Health prior to commencement of employment of an IMG as no exemptions from the extension criteria will be given.

Employers should also be aware that the Board may require IMGs to undertake a Pre-Employment Structured Clinical Interview (PESCI) as part of the registration process.

9 TIMEFRAME FOR ASSESSMENT

Provided all required information is submitted with the application, applications will be processed in approximately 15 working days. This timeframe may vary according to the current volume of applications. Incomplete applications will not be assessed and will only be processed when all required information is submitted. The responsibility for addressing all criteria and providing the required information rests with the applicant.

Incomplete applications will be kept open for a maximum of 90 days from the date the application is received, to enable applicants to provide all required information.

This time-frame may be extended by the Ministry in extenuating circumstances. Generally, if the required information is not received in this time-frame the application will be closed. Closed applications cannot be reactivated and applicants will need to provide a new application with the required documentation.

On completion of the assessment process applicants will be advised of the outcome of the application and if successful, be provided with an Area of Need certificate unique to the approved position.

10 WITHDRAWAL OF AREA OF NEED STATUS

Area of Need status will be withdrawn from the employer when an IMG employed against that position obtains specialist registration as the position is then considered filled.

An exception may be granted to employers who can show that the IMG, on obtaining specialist registration, intends to leave the facility and therefore Area of Need status is still required to assist in filling the position. In these circumstances, the Ministry will consider not withdrawing Area of Need status until the expiration date of the existing Area of Need certificate.

11 APPEALS

If an applicant has been unsuccessful in obtaining Area of Need approval for a position, it may appeal the decision with the Director, Workforce Planning and Development Branch, NSW Ministry of Health within 28 days of notification by the Ministry of the non approval. When seeking an appeal, applicants must provide additional information outlining the grounds for the appeal and why they believe the decision should be overturned. The decision of the Director will be final.

12 LIST OF ATTACHMENTS

1. Australian Standard Geographical Classification (ASGC) Remoteness Area (RA) classification.

Attachment 1: Australian Standard Geographical Classification (ASGC) Remoteness Area (RA) classification

The Remoteness Area classification was developed by the Australian Bureau of Statistics as a statistical geography that allowed quantitative comparisons between 'city' and 'country' Australia. There are 5 categories with a variety of incentives for health professionals working in RA2 – RA5:

- Major Cities of Australia (RA1)
- [Inner Regional Australia \(RA2\)](#)
- [Outer Regional Australia \(RA3\)](#)
- [Remote Australia \(RA4\)](#)
- [Very Remote Australia \(RA5\)](#)

Remoteness is calculated using the road distance to the nearest Urban Centre in each of five classes based on population size.

For more information and to find the RA classification for specific locations, please visit <http://www.health.gov.au/internet/otd/Publishing.nsf/Content/RA-intro>