

01.07.2024

The Hon. Mark Butler MP
Minister for Health and Aged Care
House of Representatives
Parliament House
CANBERRA ACT 2600

Email: minister.butler@health.gov.au

250–290 Spring Street
East Melbourne VIC 3002 Australia
Telephone +61 3 9249 1200
www.surgeons.org
ABN 29 004 167 766

Dear Minister Butler,

Re: Protection of the Title “Surgeon”

The Royal Australasian College of Surgeons (RACS) is the leading peak advocate for surgical standards, professionalism and surgical education in Australia and Aotearoa New Zealand. RACS supports the ongoing development, maintenance of expertise and lifelong learning that accompanies the surgical practice of more than 8,300 surgeons and 1,300 surgical Trainees and Specialist International Medical Graduates.

Introduction

The Royal Australasian College of Surgeons (RACS) applauds the recent legislation protecting the title "surgeon" and the passage of the *Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023*. RACS have been advocating on behalf of our Fellowship and their patients for many years now. While supportive, RACS expresses concern about a provision allowing future expansion of the title. We also call for a review of podiatric training and regulation (the Review). RACS emphasises patient safety and believe the "surgeon" title should reflect the rigorous training of specialists, and that podiatrists performing any operative procedure use titles that accurately reflect their qualifications.

Protection of title

RACS is a strong proponent for the recent legislation protecting the title "surgeon". We applaud the December 2022 agreement by all state and territory health ministers to enact this important change through the *Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023*.

RACS actively participated in the Queensland Parliament Health and Environment Committee inquiry into the Bill on 22 May 2023. We submitted a joint statement alongside other surgical societies and procedural medical colleges, reflecting our ongoing commitment to safeguarding the "surgeon" title. We were pleased to see the Australian Medical Association (AMA) and Australian Society of Plastic Surgeons shared our position at the hearing.

The Bill's passage is a significant achievement. However, we raise a concern regarding **section 115A(5)(e)**, which grants health ministers the authority to extend the "surgeon" title to new classes of medical practitioners in the future. This raises the possibility of non-specialists, such as those with a new "endorsement for cosmetic surgery", being able to use the title.



Independent review of podiatric surgeon regulation

RACS supports the Australian Orthopaedic Foot and Ankle Society's (AOFAS) concerns about the limitations of podiatric training and its regulatory framework. We endorse their submission to the independent review.

Patient safety and wellbeing are paramount. The current system allows podiatrists to use the title "surgeon" without rigorous accreditation from the Australian Medical Council (AMC). This raises serious questions about consumer protection and patient safety.

As the leading professional body for surgeons across Australia and Aotearoa New Zealand, RACS prioritises the highest standards of surgical care and patient safety. We emphasise the importance of the AOFAS statement highlighting the unique situation of podiatric surgeons being the only group operating outside the AMC's oversight.

The existing model of self-regulation and self-defined educational requirements necessitates immediate review. This has been neglected for far too long.

Background of the applications to access MBS items by The Australasian College of Podiatric Surgeons

Between 2014 and 2020, the Medical Service Advisory Committee (MSAC) received three applications from The Australasian College of Podiatric Surgeons (ACPS) for the access of foot and ankle surgical services listed in Medical Benefit Scheme (MBS) by podiatric surgeons. The key events and outcomes are listed below.

- April 2014: ACPS submitted an application for podiatric surgeons to access existing MBS items for foot and ankle surgery. MSAC did not support the application, citing uncertainties about unmet need, non-inferiority to orthopaedic surgeons.
- December 2015: ACPS resubmitted the application with similar requests. MSAC again did not support the resubmission, reiterating previous concerns and noting insufficient new evidence.
- April 2020: A further application by ACPS was submitted and reviewed again, with MSAC maintaining its position against granting MBS access to podiatric surgeons due to ongoing evidence gaps.

MSAC has consistently determined that it would not be appropriate to support the fellows from ACPS to access the relevant MBS items. These decisions reflected the government's concerns regarding patient safety and wellbeing. More detailed information relating to the three submissions and MSAC's decisions are available from the MSAC website.¹

Alternate titles for podiatric surgeons

RACS firmly supports a comprehensive review of podiatric training and regulation. The review should prioritise establishing robust safeguards for patient safety. This includes a thorough assessment of current accreditation practices, educational standards, and regulatory frameworks to protect Australians seeking foot and ankle surgery.

¹ The first-round submission: <http://www.msac.gov.au/internet/msac/publishing.nsf/Content/1344-public>
The second-round submission: <http://www.msac.gov.au/internet/msac/publishing.nsf/Content/1344.1-public>
The third-round submission: <http://www.msac.gov.au/internet/msac/publishing.nsf/Content/1344.2-public>

While the AMA submission to the review does not mention "podiatric proceduralist", the AOA submissions suggest alternative titles like "operative podiatrists", "operative podiatrist technician" or "operative credentialed podiatrist". We believe such titles would be more appropriate, but we do not support the inclusion of "surgeon", "surgery" or "surgical" as a descriptor.

Conclusion: importance of specialist training

We urge you to consider the potential implications of **section 115A(5)(e)** and its impact on the recently achieved protection of the "surgeon" title. Additionally, we strongly support the ongoing review of podiatric training and regulation, with a focus on establishing clear titles that accurately reflect qualifications and ensuring patient safety.

The title "surgeon" signifies a high level of expertise and experience acquired through rigorous medical specialist training programs. Granting this title to non-medical specialists could mislead patients about their qualifications and potentially compromise patient safety. RACS recommends for example the title "podiatric proceduralist" as an alternative.

Meeting Request

RACS would like a meeting to discuss and work with you collaboratively to help find solutions to this issue.

Thank you for your time and consideration.

Yours sincerely,

Associate Professor Kerin Fielding
President, RACS

Professor Mark Frydenberg
Chair, Health Policy & Advocacy Committee