



Nursing and Midwifery Board decision: AHPRA notification frivolous and vexatious

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Date: Monday December 14, 2020

Being the subject of an AHPRA notification can be one of the most stressful experiences in a health professional's working life. Handled poorly, the consequences can be financially and mentally ruinous, with health practitioners facing suspension or cancellation of their registration.

Hall Payne recently acted for a member of the Queensland Nurses and Midwives Union (QNMU) who had an Australian Health Practitioner Regulation Agency (AHPRA) notification made against their registration. The basis of the notification was that the member had allegedly sexually harassed a former colleague some two years earlier. The member was devastated by the allegations which were untrue.

Hall Payne robustly argued that the allegations were vexatious, untrue and incapable of being substantiated.

We relied on s.151 (1) (a) of the [Health Practitioner Regulation National Law \(Queensland\)](#), seeking that the NMBA take no further action against the member's registration because the notification was frivolous, vexatious, misconceived and lacking in substance.

The Nursing and Midwifery Board's decision

The allegations raised in the notification were false and baseless. There was no evidence available that could substantiate the allegations. The entire contents of the notification were damaging to our client's professional reputation and good standing in the profession.

The Nursing and Midwifery Board considered Hall Payne's submissions and determined that the contents of the notification were false and brought without sufficient grounds.

The Nursing and Midwifery Board decided to take no further action in respect of the member's registration on the basis that the notification was frivolous, vexatious, and without evidence.

This was an excellent result for the member, enabling them to continue to provide quality nursing care and education within the community without restrictions or conditions.

Seek legal advice from a health lawyer

The action of the member in seeking legal advice early had a significant impact on achieving a positive result.

If you receive an AHPRA notification, it's imperative you seek immediate advice from your Union or a lawyer experienced in disciplinary proceedings. Most importantly, do not respond to AHPRA (either verbally or in writing) until you have sought legal advice.

Hall Payne Lawyers are highly skilled in advising and representing people in AHPRA and regulatory complaint processes. We can assist you whether it is related to [your employment](#) or even professional registration.

If you need advice or representation in relation to any type of disciplinary matter, including AHPRA matters, you should seek advice as early as possible.

We continue to provide our client services during the coronavirus outbreak.

Most of our teams have now returned to their respective offices with others remaining fully equipped to work remotely, where necessary.

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

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