

Area of Need Program

Summary The Area of Need Program assists employers in NSW who have had difficulty recruiting medical practitioners with specialist registration. The Program assists employers to recruit suitably qualified international medical graduates to vacant positions that have been approved by the NSW Ministry of Health as an Area of Need.

Document type Policy Directive

Document number PD2021_007

Publication date 01 March 2021

Author branch Workforce Planning and Talent Development

Branch contact (02) 9391 9957

Replaces PD2013_003

Review date 01 March 2026

Policy manual Not applicable

File number H20/97998

Status Active

Functional group Personnel/Workforce - Workforce planning

Applies to Ministry of Health, Public Health Units, Local Health Districts, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, Public Health System Support Division, Community Health Centres, Public Hospitals

Distributed to Ministry of Health, Public Health System

Audience Workforce Planning;Recruitment and Human Resources;Practice Managers;Medical Administration



AREA OF NEED PROGRAM

POLICY STATEMENT

The Area of Need Program assists NSW employers having trouble recruiting medical practitioners with *specialist registration*. The Program provides temporary assistance to locations and services experiencing medical workforce shortages. Attraction and recruitment priorities remain focused on Australian citizen/permanent resident medical practitioners who have specialist registration.

Public and private health organisations in NSW must apply for Area of Need status for a vacant position and follow the assessment criteria.

SUMMARY OF POLICY REQUIREMENTS

The Area of Need positions must be for Specialist vacancies including General Practitioner (GP) vacancies.

Employers applying for Area of Need status for a vacant position must address three criteria and follow the application procedures at www.health.nsw.gov.au/aon.

The NSW Ministry of Health will assess applications against the criteria and inform the Employer whether the application has been successful.

When an Area of Need position is approved, the employer (the applicant) 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 any requirements for Medicare are in place including Distribution Priority Area status for GPs or District of Workforce Shortage for Specialists.

Area of Need positions are available to both public and non-public health employers including NSW public health facilities, private hospitals, day procedure centres and general practices.

Requests for prospective approval of Area of Need status will only be considered for practices that are open and operating.

REVISION HISTORY

Version	Approved by	Amendment notes
February-2021 (PD2021-007)	Deputy Secretary, People, Culture & Governance	Amendments to Assessment Criteria; various rewording; terminology
January-2013 (PD2013_003)	Deputy Director- General Governance, Workforce and Corporate	Amendments to remove references to: Preliminary Assessment of District of Workforce Shortage; Divisions of General Practice; paper based applications.
March-2012 (PD2012_015)	Deputy Director- General Governance, Workforce and	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



	Corporate	registration etc.
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>

CONTENTS

1	BACKGROUND	1
1.1	About this document	1
1.2	Key definitions.....	1
1.3	Legal and legislative framework	2
2	AREA OF NEED ASSESSMENT CRITERIA	3
2.1	Criterion 1 – Labour Market Testing.....	3
2.2	Criterion 2 – Evidence of Need.....	4
2.2.1	Distribution Priority Areas for General Practitioners or District of Workforce Shortage status for Specialists status non-public employers)	5
2.2.2	Impact on Service Delivery (non-public and public employers).....	5
2.3	Criterion 3 – Stakeholder Consultation	5
3	HOW TO APPLY FOR A NEW AREA OF NEED POSITION	6
4	HOW TO EXTEND A DECLARED AREA OF NEED POSITION	6
5	HOW TO MODIFY A DECLARED AREA OF NEED POSITION	6
6	APPROVAL PROCESS	7
7	AREA OF NEED POSITIONS PROVIDING SERVICES TO MORE THAN ONE ORGANISATION	7
8	APPOINTING TO AN AREA OF NEED POSITION	8
9	TIMEFRAME FOR ASSESSMENT	8
10	WITHDRAWAL OF AREA OF NEED STATUS	8
11	APPEALS	9

1 BACKGROUND

1.1 About this document

The Area of Need Program assists NSW employers that are having trouble recruiting medical practitioners with *specialist registration* including General Practitioners and other medical specialists.

Under the Area of Need program, employers can apply to designate a vacant position as an Area of Need and employ an International Medical Graduate (IMG) to that position to practice with *limited registration area of need* granted by the Medical Board of Australia.

This Policy Directive describes the relevant legislative frameworks and outlines the process employers must follow to apply for Area of Need status for a vacant position and the assessment criteria that must be satisfied.

Applicants must 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

Applicant

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

Area of Need (AON)

Assists an overseas trained doctor to apply for Limited Registration with Australian Health Practitioner Regulation Agency (AHPRA). Area of Need has no role in applying for or obtaining a Medicare Provider Number.

This is **not** the same as Distribution Priority Area or District of Workforce Shortage

Distribution Priority Area (DPA)

Status for General Practice in a geographical location is determined by The Australian Government Department of Health. DPA status for a particular location is searchable at www.health.gov.au/resources/apps-and-tools/health-workforce-locator.

An area that has been classified as a DPA for General Practice has been assessed by The Australian Government Department of Health as not receiving adequate General Practitioner services for the needs of that population.

District of Workforce Shortage (DWS)

Status for Specialists is determined by The Australian Government Department of Health. DWS status of a particular location is searchable at www.health.gov.au/resources/apps-and-tools/health-workforce-locator.



General Practitioner (GP)

Both Vocationally Registered (VR) General Practitioners and non-VRs. The main difference between a VR and a non-VR General Practitioner is that non-VR General Practitioners are not eligible for the same level of Medicare rebates and consequently patients of non VR General Practitioners may have higher out-of-pocket expenses for General Practice visits.

International Medical Graduate (IMG)

A graduate of a medical school other than those medical schools accredited by the Australian Medical Council in Australia or New Zealand.

Medicare Benefits Schedule (MBS)

A listing of the medical services subsidised by the Australian Government.

Medicare Provider Number (MPN)

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

Modified Monash Model (MMM)

A geographical classification that categorises different areas in Australia into seven remoteness categories. More information on the Modified Monash Model can be found by visiting www.health.gov.au/health-workforce/health-workforce-classifications/modified-monash-model

Primary Health Network (PHN)

A network of primary health organisations was established in 2015. PHNs make decisions independent of government and are operated by not-for-profit companies. They decide which services or health care interventions should be provided and who should provide them. They also work closely with providers to monitor performance and implement change.

1.3 Legal and legislative framework

Section 67 in the [Health Practitioner Regulation National Law \(NSW\)](#) 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 Ministry carries out the delegation via the Area of Need Program.

The Medical Board of Australia is responsible for deciding whether an individual applicant is eligible, qualified and suitable for limited registration to practise in an Area of Need. To meet The Medical Board of Australia registration standard [Limited registration area of need](#) the employer will need to provide information about the prospective IMG and a copy of the approved Area of Need certificate. On the basis of the application and any additional information requested, Medical Board of Australia 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

Area of Need Program



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 *Limited registration area of need* or approval of an Area of Need Program position.

Health Insurance Act 1973, Medicare billing restrictions, Distribution Priority Area (DPA) and District of Workforce Shortage (DWS)

As international medical graduates (IMGs) with limited registration, medical practitioners in Area of Need positions are subject to restricted access to Medicare billing under the *Health Insurance Act 1973*. These restrictions are established by the Australian Government and are outside the remit of the Health Practitioner Regulation National Law and the Area of Need Program.

However, employers seeking to apply for Area of Need positions must be aware that medical practitioners employed in these positions can only access Medicare Provider Numbers and bill services under Medicare if the position is located within a Commonwealth-designated:

- Distribution Priority Area (DPA) for general practitioners; or
- District of Workforce Shortage (DWS) for other specialists.

Further information about these arrangements is available from the Australian Government at locations such as www.doctorconnect.gov.au

2 AREA OF NEED ASSESSMENT CRITERIA

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

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 were made to recruit a doctor with specialist registration to the position 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.

Area of Need Program



Location is classified under the Modified Monash Model outlined at Attachment 1.

MMM1 locations	MMM2-7 locations
<p>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> <p>AND</p> <p>4 weeks continuous advertising on a relevant health related website e.g.</p> <ul style="list-style-type: none"> • Primary Health Network • Relevant Specialist College or Society • NSW Rural Doctor's Network • Australian Doctor • NSW Health Jobs website (for public health positions) 	<p>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> <p>AND</p> <p>2 weeks continuous advertising on a relevant health related website e.g.</p> <ul style="list-style-type: none"> • Primary Health Network • Relevant Specialist College or Society • NSW Rural Doctor's Network • Australian Doctor • NSW Health Jobs 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 are to 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.

For After Hours Only General Practitioner positions, the advertisement is to be advertised as such and include the required hours of work. 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.

NSW Ministry of Health 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. NSW Ministry of Health may seek advice on this from relevant organisations.

In addition to supplying proof of advertising, the application will also need to indicate the number of applicants who applied for the position and briefly explain 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**.

Area of Need Program



2.2.1 Distribution Priority Areas for General Practitioners or District of Workforce Shortage status for Specialists status non-public employers)

Evidence must be provided to show the position either:

- is located in an area that has current DPA or DWS status, as determined by The Australian Government Department of Health ; or
- provides services that have current DPA or DWS status, as determined by The Australian Government Department of Health;
- evidence of DPA for General Practitioner positions or DWS for Specialist positions can be obtained by referring to The Australian Government Department of Health Doctor Connect website and searching the health workforce locator map.

Any of the evidence outlined above must be valid when the application is received by the NSW Ministry of Health. An application cannot proceed without DPA or DWS status and the NSW Ministry of Health plays no role in determining DPA or DWS status.

NSW Health facilities are not required to meet this criterion. However, note that DPA or 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 assist in obtaining DPA or 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: government incentive packages for medical 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:

- Chief Executive or nominated delegate of the relevant Local Health District in which the facility is located (General Practitioner and Specialist positions); and
- the relevant Primary Health Network (General Practitioner positions only).

The purpose of the consultation is to provide advice to NSW Ministry of Health that key stakeholders are of the opinion that there are insufficient health practitioners in a particular area. 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 a General Practitioner 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. Applications are to be submitted online only through the Area of Need portal at www.webapp.health.nsw.gov.au.

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

Applications must 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 the Australian Health Practitioner Regulation Agency (Ahpra).

4 HOW TO EXTEND A DECLARED AREA OF NEED POSITION

Applications for extensions must 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. Applications for extensions outside of the 60 days prior to expiration will not be assessed until within the 60 day period.

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 application procedures 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) can 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 DPA or DWS (unless the new location is an 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 and 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 PROCESS

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 must 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 General 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 must 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 are to 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 must also be aware that the Medical Board of Australia 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 of Health 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 of Health 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 Executive Director, Workforce Planning and Talent 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 Executive Director will be final.