

# Fact sheet

## Conducting Health Assessments

### Health Pathway

## Summary



Council of New South Wales

### **i** What

Our role is to manage complaints about a practitioner or student (Practitioner) to protect public health and safety.

If we are concerned about the health of a Practitioner, we can require them to attend a health assessment (Assessment) under the *Health Practitioner Regulation National Law (NSW)* (National Law (NSW)).

The aim of an Assessment is to determine:

- the current health status of a Practitioner.
- if a Practitioner has an impairment under the Law.
- any further action we need to take to ensure public safety.

### **? Why**

You have been appointed by us, as an expert in the Practitioner's health issue, to:

- conduct an independent (initial or review) Assessment of the Practitioner.
- provide us with a report of your findings and recommendations (Report).

### **♥ Impairment**

You will need to determine whether a Practitioner has an 'impairment' as defined in section 5 of the National Law (NSW). The Practitioner will only be impaired if they have a health issue, which is likely to affect or does affect the safe practice of their profession or (for students) clinical training.

A health issue can be a physical or mental condition, disability, or disorder, including substance abuse or dependence.

If a Practitioner has a health issue, which is stable and well managed by medical, professional and personal support, they may not have an impairment.

### **⚙ How**

We organise the appointment by:

- contacting you to schedule an appointment.
- contacting the Practitioner to advise of the appointment.

- confirming the appointment in writing (at least one week in advance) and providing you with relevant information to assist you conduct the Assessment (see 'what information we provide you' below).
- advising of any cancellations.

All appointments must be arranged through us and not directly with the Practitioner. If the Practitioner calls to cancel or reschedule an appointment, please redirect them to us.

### **1 On the day**

We ask the Practitioner to arrive at your offices 10 minutes before the appointment and bring:

- official photo identification.
- a list of any current medications.
- any reading glasses or hearing aids.

### **➡ What next**

Within 14 business days of the appointment, please send us by email and post:

- the Report.
- your invoice.
- any documents provided by the Practitioner at the appointment (with their consent).
- your consent for the Report to be forwarded to the Practitioner's treating practitioner/s if necessary.

### **☰ Further details**

This fact sheet details the following topics:

1. What is a review Assessment?
2. What is a conflict of interest?
3. What information do we provide you?
4. What if the Practitioner brings documents to the Assessment?
5. What happens if the Practitioner does not attend the Assessment?
6. Can anyone accompany the Practitioner?
7. What should the Report contain?
8. How is the Report used?
9. Medical record

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### Further details



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#### 1. What is a review assessment?

A review Assessment is a follow-up assessment for Practitioners with health-related conditions on their registration to help us to monitor any impairment. We usually require Practitioners to attend a review Assessment every 6 months with the same Council-appointed practitioner who conducted the initial Assessment. A review Assessment can also occur where a Practitioner believes they are not impaired and has requested a review of their conditions or there is additional information.

A review Assessment should focus on progress since the date of the last Assessment but the aims remain the same for all Assessments.

#### 2. What is a conflict of interest?

It is important that the Assessment is independent and that any actual, potential and perceived conflicts of interest are avoided. If you are unsure whether there is a conflict of interest, please call us to discuss the matter. Below are some common conflicts of interest and the action you should take:

Conflict of interest	Action by you	Action by us
Current or previous therapeutic relationship	Inform us as soon as possible before the Assessment	We will schedule an appointment with another Council-appointed practitioner
Relationship between you and the Practitioner is becoming a therapeutic relationship	Inform us as soon as possible before the Assessment	We will schedule an appointment with another Council-appointed practitioner
Practitioner contacts you directly to discuss the Assessment and Report	Redirect them to us and let us know	We will contact them to update them on the progress of our processes
Gifts	Refuse all gifts and let us know	We will contact the Practitioner to clarify that gifts are not appropriate. We will also consider scheduling any review Assessments with an alternative Council-appointed practitioner

#### 3. What information do we provide you?

Before the Assessment, we will send you documents to help you assess the Practitioner. Please contact us if you have any queries about the documents or you feel that you have not received sufficient information before the Assessment.

Depending on availability, relevant information can include the following:

- complaint details
- (for review Assessments) triggering matter or reason for review
- practitioner's response (where available)
- any relevant reports such as a medical assessment report or a hospital discharge report
- any relevant practice history, including any previous assessment reports
- any available information on current or previous treatment
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- (for review Assessments) compliance report of existing conditions, including any drug or alcohol test results.

#### 4. What if the Practitioner brings documents to the Assessment?

We have asked the Practitioner to provide us with any relevant information they would like you to consider before the Assessment, which we will forward to you. However, if the Practitioner brings documents to the Assessment for you to consider, please:

- ask the Practitioner to write and sign on the top of the document that they consent to the document(s) being forwarded to us
- forward the additional document(s) to us with the Report.

#### 5. What happens if the Practitioner does not attend the Assessment?

Please inform us immediately if the Practitioner does not attend the Assessment as we may need to take further action. Under the National Law NSW, if they fail to attend without providing us a reasonable excuse we may view this as evidence of an impairment and (for those attending a review Assessment) a breach of conditions on their registration.

If the Practitioner fails to attend without cancelling, we will pay your reasonable cancellation fees.

#### 6. How is the Report used?

Under section 176F of the National Law (NSW), the Report is a protected report, which means it will only be disclosed to third parties for the purpose of managing a complaint or further investigation by the Health Care Complaints Commission. The Report cannot be used as part of a civil court case unless agreed by both you and the Practitioner.

We will review the Report and any information the Practitioner provides to decide what further action is needed to protect the public. We will also send a copy of the Report to the Practitioner. If we are concerned the Report will significantly affect the Practitioner's wellbeing, we may send it to their treating practitioner so they can explain its contents to the Practitioner.

Following your assessment, we may take the following action:

- close the matter and take no further action, if there is no evidence of an impairment and we have no further concerns
- counsel the Practitioner to work within the limitations of any impairment
- refer the matter to an Impaired Registrants Panel to consider whether conditions or suspension of registration are needed to protect public safety
- other action such as referring the matter for further assessment or investigation
- take immediate interim action if we believe the health and safety of the public is immediately at risk or it is otherwise in the public interest (*reference s150 fact sheet*).

If conditions are placed on a Practitioner's registration, we will monitor the Practitioner's compliance, which may include specific testing and regular review Assessments.

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#### 7. What should the Report contain?

The Report should address the following sections and issues:

##### Report Section 1: Documents reviewed

List all documents reviewed to assess the Practitioner

##### Report Section 2: Health issues

Current health issue(s) and diagnosis of the Practitioner

Background of health issues, including cause or trigger stressors

Changes and progress since last Assessment

Any criminal history

##### Report Section 3: Affect of health issues

Is the health issue likely to or does it affect safe practice or clinical training? Consider:

- critical thinking
- judgment
- problem solving
- organisation skills

Is the Practitioner insightful about their health issue?

Is the Practitioner taking appropriate medication (if applicable)?

Does the Practitioner have appropriate support networks?

Is the Practitioner well engaged with a treating practitioner?

Is the Practitioner complying with current conditions (including commentary on any test results)?

Are there other factors which may impact on the health of the Practitioner?

What is the future vulnerability / risk of relapse of the Practitioner?

##### Report Section 4: Findings

Does the Practitioner have an impairment?

##### Report Section 5: Recommendations and reasons

For public safety, should the Practitioner stop working while they seek treatment?

What practice restrictions are required (if any) to maintain patient safety, such as:

- supervision (either generally or for medication administration only)
- limited hours of work per week
- not to work night or weekend shifts

Does the Practitioner need health conditions to ensure they work safely, such as:

- regularly attending a treating practitioner
- regularly attending a support group
- regular alcohol / drug screening

Is there a risk the Report will significantly affect the Practitioner's wellbeing?

#### 8. Medical Records

Records of your Assessments need to be kept in line with the *Health Practitioner Regulation (NSW) Regulation 2016* on record keeping and any guidelines published by the relevant College.