

# Fact sheet

## Attending an Impaired Registrants Panel Health Pathway



Council of New South Wales

### Summary

#### **i** What

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The *Health Practitioner Regulation National Law (NSW)* (National Law (NSW)) gives us the power to refer practitioners or students, who may have an impairment, to an Impaired Registrants Panel (Panel).

#### **?** Why

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The purpose of the Panel is to protect public health and safety, while at the same time supporting the impaired practitioner to remain in practice or training, where appropriate.

#### **♥** Impairment

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You will only be found to have an 'impairment' as defined in section 5 of the National Law (NSW) if you have a health issue, which is likely to affect or does affect the safe practice of your 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 you have a health issue, which is stable and managed by medical, professional and personal support, you may not have an impairment.

#### **👤** Who

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The Panel will consist of one or more experienced members of your profession and a medical practitioner.

The Panel is non-disciplinary, confidential and held in private.

#### **⚙️** How

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The Panel will meet with you to review all relevant information and consider:

- your current health status

- if you have an impairment
- any further action that we need to take to ensure public safety, including any proposed suspension or conditions on practice.

#### **1** When

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We will send you a letter detailing the:

- date, time and location of the Panel
- names of the Panel members
- documents to be considered by the Panel.

#### **?** What next

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You must comply immediately if your registration is suspended or if any conditions are imposed, even if you intend to request a review or to appeal the decision.

We will continue to manage the matter. Any conditions or suspension will remain in place until we are satisfied there is no longer a risk and they can be removed.

#### **☰** Further details

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This fact sheet details the following topics:

1. What happens at the meeting?
2. What can you do to prepare?
3. What documents will the Panel consider?
4. What happens if you cannot attend the Panel?
5. What are the possible outcomes?
6. Is the Panel's report confidential?
7. Where can you get support or advice?
8. Who is notified of our decision?
9. What options are then available?

## Further details

### 1. What happens at the meeting?

At the meeting the Panel will discuss your health and current circumstances. The Panel may ask you about:

- your training and experience
- your current employment arrangements e.g. self employed, contractor
- your continuing professional development (CPD)
- your health and well-being, general health issues including alcohol and drug use
- the treatment you receive and how often you see your treating practitioners
- any medications you are taking
- mental health or emotional stresses; triggers (warning signs), strategies, group support
- social activities
- living arrangements, family and group supports
- any previous complaints
- future plans in relation to your profession
- if attending for a review by the Panel, compliance with conditions on registration.

If the Panel considers that you have an impairment, the Panel will discuss any proposed suspension or conditions with you at the meeting. The Panel will provide you with an opportunity to voluntarily agree with their recommendations.

You can bring a support person, who may be a family member or friend. You may also bring a lawyer or association representative. Neither may speak on your behalf during the meeting. You can request a break during the meeting to seek advice and discuss the Panel's recommendations privately with your support person.

### 2. What can you do to prepare?

Provide the Panel with any documents which have been requested. Carefully read through all the briefing documents forwarded to you prior to the meeting. Identify any errors or inconsistencies in the documents provided as you will be given an opportunity to address these matters at the meeting.

### 3. What documents will the Panel consider?

Before the Panel meeting, we will send you documents which the Panel will consider. These documents can include:

- the original complaint
- any additional information provided by the complainant
- your response to the complaint
- information you have provided from your treating practitioners, employer etc

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- your CV and CPD activities
- health assessment report/s provided by the Council appointed practitioner
- any conditions on your registration, a compliance summary and test results (if applicable)
- other documents relevant to the matter.

### 4. What happens if you do not attend the Panel?

You must telephone Council staff immediately if you cannot attend the scheduled Panel meeting and explain why. If you do not attend, the Panel may go ahead in your absence and staff will advise you of the Panel's recommendations and seek your agreement. If you do not agree with the Panel's recommendations, we may take further action.

### 5. What are the possible outcomes?

Following our consideration of the Panel's recommendations, we will advise you of our decision and provide you with a copy of the Panel's report. We may take one or more of the following actions:

- close the matter and take no further action
- counsel you to work within the limitations of any health impairment
- impose conditions on your registration, with your agreement
- suspend your registration, with your agreement
- take other relevant action available to the Council such as referring the matter to the performance or conduct pathway.

A condition is a restriction on your registration to protect the public. Practice conditions are made available to the public via the AHPRA National Register but health related conditions, such as psychiatric care or drug screening, are not usually made public. The Student Register is also not publicly available.

We will only suspend your practice or impose conditions if recommended by the Panel and agreed by you. If you do not agree with the Panel's recommendations, the matter must be referred to the Health Care Complaints Commission (HCCC) as a complaint for further consideration and action.

Examples of conditions are on our Conditions Handbook on the Council's website:

<http://www.hpca.nsw.gov.au/Optometry-Council/Publications/Recent-Publications/Recent-Publications/default.aspx>

### 6. Is the Panel's report confidential?

The Panel's report is a protected report, which means it will only be disclosed for the purpose of managing the complaint or investigation by the HCCC. With your consent, a copy of the Panel's report can be forwarded to your treating practitioners.

### 7. Where can you get support or advice?

We are available to answer any questions you have about our role and processes. We recognise that having a complaint made against you can be stressful. If you are concerned about your mental health and wellbeing, or need other assistance, you can speak to:

- your general practitioner

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- your treating psychiatrist or psychologist
- a Mental Health Help Line:

Mental Health Help Line	Contact details
NSW Mental Health Line	1800 011 511
Beyond Blue	1300 269 438
Lifeline	13 11 14

If you would like advice on employment matters, you can contact any of the following:

- your professional association
- your lawyer
- your insurer
- your professional organisation.

### 8. Who is notified of our decision?

If we place conditions or suspend your registration, we will also notify AHPRA so they can enter the suspension or conditions on the AHPRA National Register. We are required to notify your employer of all conditions imposed by us. If you are a registered student, we will advise your education facility of the conditions.

We are also required to advise the complainant of the outcome of the matter. However, we do not provide the complainant with a copy of the Panel's report.

### 9. What options are then available?

#### Reviewing a suspension or conditions on your registration.

You may write to us at any time to request a review of a suspension or conditions under section 152K of National Law (NSW). If you request a review we must require an Impaired Registrants Panel to review the matter and give a written report to us. We may require you to attend a health assessment before the Panel is conducted.

#### Appealing the decision

You may appeal our decision to:

- impose conditions or
- suspend your registration or
- refuse to lift a suspension or
- refuse to remove or change conditions.

You must appeal directly to the NSW Civil and Administrative Tribunal (NCAT) within 28 days of being notified of the decision. To find out more, phone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).