



A Guide for Doctors: What to expect if you are referred to a Professional Conduct Committee

**TE KAUNIHERA RATA O AOTEAROA
MEDICAL COUNCIL OF NEW ZEALAND**

Protecting the public, promoting good medical practice

Te tiaki i te iwi whānui me te whakatairanga pai i te mahi e pā ana ki te taha rongoā

This pamphlet explains the role of a Professional Conduct Committee (**PCC**) and what to expect if you are referred to a PCC.

Under the Health Practitioners Competence Assurance Act 2003 (**HPCAA**), the role of the Medical Council of New Zealand (**Medical Council**) is to protect the health and safety of the public by providing mechanisms to ensure that doctors are competent and fit to practise.

The Medical Council has various powers to address concerns about doctors. Under section 68(3) of the HPCAA, the Medical Council can decide to refer any matter to a PCC if it has concerns about the conduct or safety of the doctor's practice. A conviction against a doctor for an offence that is punishable by three months' imprisonment or longer, or one of the offences listed under section 67(b) of the HPCAA, must automatically be referred to a PCC¹.

What is a PCC?

The HPCAA requires the Medical Council to appoint a PCC that consists of three people – two doctors and one layperson – to consider concern(s) about the appropriateness of a doctor's conduct or the safety of the doctor's practice.²

The Medical Council must give you the details of the information referred to the PCC for investigation within 14 working days.³

¹ HPCAA, s68

² HPCAA, s71

³ HPCAA, s74

Who sits on a PCC?

The PCC is appointed by the Medical Council, but is independent and runs its own investigation process.⁴ PCC members are selected from a pool of people approved and trained by the Medical Council. The Medical Council appoints one PCC member as convenor of the PCC, and that person facilitates the PCC process.

Can you object to the members of the PCC?

Yes. We will tell you (and the notifier if applicable) the names of the proposed members and you will have an opportunity to object to any member. The Medical Council will consider your objection and will make the final decision on who sits on the PCC.

Should you get legal advice?

Your medicolegal indemnity insurer may recommend you disclose to it that you have been referred to a PCC.

What will the investigation involve?

The PCC must apply the rules of natural justice in everything it does. This means that the PCC's process must be fair and transparent.

The PCC may hear evidence in person or receive written statements from people, including you, your employer, your colleagues, the notifier, and an expert adviser.⁶ The

⁴ HPCAA, s72

⁵ HPCAA, s75

⁶ HPCAA, s76

PCC will contact other people it identifies as relevant to its investigation.

The PCC may appoint a legal adviser, approved by the Medical Council, to advise it on matters of law, procedure, or evidence.⁷ It may also appoint an investigator to make enquiries and collect information.

Within 14 working days of completing its investigation, the PCC must make a determination and/or recommendation about what further action, if any, is necessary. The PCC will provide you with its decision.⁸

Will you get a chance to respond?

If you are investigated by a PCC, you will be invited to comment on the concern(s) and provide submissions and meet with the PCC. If you choose to meet with the PCC, you will have the opportunity to have a support person attend with you, for example, a lawyer, friend, family member or colleague.

What are the possible outcomes of the process?

The PCC may recommend that the Medical Council:

- reviews your competence;
- reviews your scope of practice;
- reviews your fitness to practise;
- refers the subject matter of the investigation to the police; and/or
- counsels you.

⁷ HPCAA, s73

⁸ HPCAA, s80

The PCC may also, or alternatively, make one of the following determinations:

- Take no further steps.
- Bring a charge against you before the Health Practitioners Disciplinary Tribunal (**HPDT**). The PCC will draft the charge and present it to the HPDT in writing. Information about the role of the HPDT and its processes is available at www.hpdt.org.nz.
- Refer the notification to an independent conciliator to help resolve it by agreement. If the notification is not successfully resolved, the PCC must promptly decide whether to:
 - Bring a charge against you before the HPDT.
 - Make one or more recommendations to the Medical Council.
 - Take no further action in relation to the notification.

How long will the PCC need to make a decision?

A PCC aims to complete any investigation within 8 to 12 months from the date the PCC is established (not the date when the notification is received), depending on the nature and complexity of the case.

The PCC will keep you or your lawyer, if you have one, updated about its progress every 6 – 8 weeks, and will let you know the outcome within 14 working days after the investigation is concluded.

How will you find out the outcome?

The PCC will write to you and the Medical Council's registrar with its decision. It will also advise the notifier if there is one. The Medical Council must then consider any recommendation/s and any action that may be appropriate.

Can you appeal the outcome of a PCC?

No. The decisions and recommendations of the PCC are final and cannot be appealed.

Can you appeal a decision of the Health Practitioners Disciplinary Tribunal?

Yes, you can appeal decisions of the HPDT.⁹ The HPDT will tell you how to do this when it has made its decision.

Will you incur any costs participating in the PCC process?

The Medical Council pays the costs of a PCC. If a charge is laid in the HPDT and an adverse finding is made, the HPDT may order that you pay some of the costs incurred by the PCC.

⁹ HPCAA, s106

What help is available?

The Medical Council recognises that an investigation by a PCC can be stressful. You may wish to talk to someone who can give you collegial support. You may also wish to contact:

- The confidential helpline for doctors, jointly run by the Medical Protection Society and Medical Assurance Society. You can call them on 0800 225 567.

For more information

If you have further questions about the PCC process in general, please contact the Medical Council office on 0800 286 801. Alternatively, if you have questions about a current PCC, please contact the PCC convenor directly.



Contact Details

Medical Council of New Zealand
Level 24, 1 Willis Street
Wellington, 6011
New Zealand

PO Box 10509
The Terrace
Wellington, 6143

Phone: **+64 4 384 7635** - for calls from
outside New Zealand

Freephone: **0800 286 801** (toll-free within
New Zealand)