



## Policy on appointment of clinical observers

### Policy Statement

The Medical Council of New Zealand recognises that unregistered doctors are given opportunities to familiarise themselves with the New Zealand health system as doctors. Clinical Observers must abide by the Council's requirements.

### Criteria

The criteria to be eligible to be a "honorary" clinical observer:

- the applicant must be accepted to sit NZREX Clinical or;
- the applicant must have passed NZREX Clinical within twelve months.

### Rationale

Observers must observe the protocols and adhere to the policies of the DHB providing the opportunity.

The period of eligibility for observer status is twelve months following confirmation from the Council that the eligibility criteria have been met.

The period of observation should be defined in time and is to be no longer than three months. This period can be for one continuous appointment, or in segments of shorter duration, making a total of three months maximum.

The observer must acknowledge that the DHB has the right to withhold the observer programme (where there is one in place), at any time, without giving any reason or explanation.

DHB's are not required to provide an observer programme.

Any person who transgresses specific requirements will be denied further access.

### Notes

#### Identification

All observers must wear a photo ID badge and an observer lapel label which designates them as being observers and displays the duration of the observership. These are to be supplied by the DHB allowing observers on site and must be handed in at the end of the period of observation.

An appropriate standard of dress and conduct is required.

---

### **Patient contact**

Observers must not prescribe, treat or have anything to do with the treatment or investigation of patients, except in a teaching situation with the patient's permission, and under supervision.

The patient must be informed of the observer's status.

If sensitive personal issues are to be discussed/examined, patient permission for the observer to remain should be obtained first.

There should only be one observer per shift, unless by prior arrangement. The observer can be asked to leave the clinical area by any staff member if it is thought to be appropriate. The observer must comply immediately.

Observers should not be alone with patients in areas not visible by other staff members.

### **Named staff member**

All observers must be supervised by a named DHB staff member. Observers must be attached to consultants who are responsible for their presence in clinical areas.

### **Confidentiality**

Every person must comply with statutes and regulations which relate to health information and in particular the following statutes and regulations:

- (a) the Privacy Act 1993;
- (b) the Health Information Privacy Code of Practice 1994;
- (c) the Health Act 1956; and
- (d) the Hospitals Act 1957.

An observer must not disclose any personal information or information concerning the health, disabilities or medical history of any patient, unless disclosing the information in a manner authorised by the Code of Practice. This rule is contained in the Privacy Act 1993.

Any person who breaches the Privacy Act 1993 may be subject to investigation by the Privacy Commission, who may refer the matter for proceedings before the Complaints Review Tribunal under the Privacy Act 1993. The Tribunal has the power to award damages of up to \$200,000, as well as to make relevant declarations and orders, in respect of any successful complaint. The Tribunal may also refer a complaint to the High Court in appropriate circumstances.

Observers must not, at any time, except so far as may be necessary for the proper performance of their duties or as may be required by law:

- breach any of the legal requirements described above
  - disclose to any person, other than to a person authorised to receive the same, any knowledge or information concerning the business,
-

affairs, property or other activities of the DHB which has come to the observer's knowledge in the course of the observer's employment

- disclose to any person, other than authorised employees, personal information concerning current, potential or past employees
- use or attempt to use any of the information specified above for the observer's own personal benefit, or for the benefit of any other person or organisation, or in any manner whatsoever, other than in accordance with the observer's duties and consistent with the obligation of confidentiality expected for a person in the observer's position.

Breaches of any of the above obligations will be considered to terminate status as an observer. Please note however, that the above obligations are not intended to prevent free speech or speaking out on matters of professional or ethical concern.

---

Recommended by Examinations

Committee:

20 October 2003

Approved by Council:

10 December 2003

Updated for HPCAA 2003:

June 2004