



What to do when you have concerns about another doctor

Key points about what to do when you have concerns about another doctor

Sometimes, a doctor's conduct, competence or health can compromise patient safety, or undermine the public's trust and confidence in the medical profession.

All doctors have an ethical responsibility to protect patients from any risk of harm that another doctor may pose. Any concerns about another doctor should be raised promptly to reduce this risk.

Where possible, raise your concerns directly with the doctor involved. Sometimes, the concerns may need to be escalated internally or to external organisations.

If you remain concerned that another doctor's conduct, competence or health might pose a risk of harm, you should notify the Medical Council.

If you have concerns about the standard of care another doctor provided to a patient, you should contact the Health and Disability Commissioner's Office (HDC).

About this statement

- 1 How a doctor conducts themselves can affect patients and their family/whānau, those the doctor works with, and the wider medical profession. Sometimes, a doctor's conduct, competence or health can compromise patient safety. Patient safety should come first so you have an ethical responsibility to protect patients from the risk of harm that another doctor may pose.
- 2 The purpose of this statement is to:
 - a discuss the different types of concerns that could arise about another doctor and the appropriate options for raising these concerns internally and/or externally; and
 - b outline when you should notify the Medical Council of your concerns about another doctor's conduct, competence or health.
- 3 The guidance in this statement is not exhaustive, so you will need to exercise your judgement when applying it to your situation. If you are unsure what you should do, you should seek advice.

Factors to consider if you are unsure whether to act on your concerns about another doctor

- 4 Sometimes, it can be difficult to know what to do when you have concerns about another doctor. You may worry that raising your concerns could cause problems for other colleagues, impact on working relationships, impact on your career or result in a complaint about you.

- 5 However, you need to remember that:
 - a. Patient safety comes first; you have a responsibility to protect patients from the risk of harm that another doctor's conduct, competence, or health may pose.
 - b. Even if your concerns turn out to be unfounded, it is still appropriate to act on them if you do so based on reasonable belief.
- 6 While all doctors have a duty to act on concerns about another doctor, doctors in management roles have additional responsibilities to ensure that there are appropriate procedures in place for staff to raise their concerns, and that these are known to staff who may need to use them.

It is important to raise your concerns promptly

- 7 Raising your concerns promptly allows issues to be addressed before they develop further and potentially harm patients. You should get to know the systems and processes in your organisation for raising concerns and familiarise yourself with external organisations¹ that you may need to involve.

Raising concerns directly with the doctor involved

- 8 If you have concerns about a doctor, consider raising your concerns directly with the doctor in the first instance. Be constructive in your approach and manner of communication. Outline the concerns you have, the basis for your concerns and the perceived impact of that doctor's actions or behaviour.
- 9 Some doctors may find feedback hard to receive and may become defensive. If the doctor does not respond to your concerns and continues to act inappropriately or unprofessionally, consider escalating your concerns further.

Raising concerns internally/within an organisation

- 10 If you have reasonable grounds to believe that another doctor may be putting patients at risk of harm, do your best to find out more.² Do not delay raising your concerns, and follow your organisation's procedures or policies when you do.
- 11 Consider raising your concerns with your manager, human resources staff or an appropriate senior colleague – such as the consultant in charge of the team, the Chief Medical Officer³ or a practice partner.⁴ Provide them with the relevant information. If you are practising under supervision, discuss your concerns with your supervisor. You should follow any organisation procedure or policy for reporting concerns, adverse events, and near-misses.
- 12 Be clear, honest, and objective about the concerns you have, and make patient safety your focus.
- 13 Keep a record of your concerns and any steps you have taken to address those concerns.

Raising concerns externally

- 14 Sometimes, it may be appropriate to raise your concerns with an external organisation. For example:
 - a. if there is no one that you can raise your concerns with internally
 - b. if it is not appropriate to raise your concerns internally because you consider someone in the organisation is part of the problem
 - c. if a doctor poses an immediate risk to patients such that an external body should be alerted straight away (in that event, you should also inform the doctor's workplace of the actions you have taken)

¹ Examples include the Medical Council for concerns about a doctor's health, competence or conduct, or the Health and Disability Commissioner for concerns about the standard of care a doctor provided.

² Although you should have reasonable grounds, you may not have access to all the information needed to assess the concern in detail. In most cases, early notification of a concern is still advisable.

³ Within a hospital, the credentialling process might be a useful tool for helping an individual in a confidential way.

⁴ If your concern is about a partner, it may be appropriate to raise your concern with someone outside the practice – for example with the Medical Director of a Primary Health Organisation or the relevant branch advisory body (such as a medical college).

- d. if you are not satisfied with how your concerns have been handled after raising them internally
 - e. if you have a statutory or ethical responsibility to report your concerns (see below).
- 15 If you are concerned about another doctor's conduct, competence or health and how that is impacting on their practice, you should notify the Medical Council.
- 16 If you have concerns about the standard of care another doctor provided to a patient, you should contact the Health and Disability Commissioner's Office (HDCO).
- 17 Exercise caution when discussing personal information about patients with an external body. Ensure that you adhere to the Health Information Privacy Code 2020 which sets out how health information should be handled.

When you should notify the Medical Council

- 18 As a regulator, our priority is to protect the health and safety of the public. Under the Health Practitioners Competence Assurance Act 2003 (HPCAA), there are instances where you should notify us about a doctor.

When there are concerns about another doctor's competence

- 19 You are encouraged to report any concerns about a colleague's competence to us. If there is a serious concern, you should inform Council's Registrar immediately.
- 20 An employer must write to Council's Registrar where an employee resigns or is dismissed because of competence concerns. Set out the reasons for that resignation or dismissal.

When there are concerns about another doctor's professionalism

- 21 Recognising and managing unprofessional behaviour is important in protecting public health and safety, and maintaining the public's trust and confidence in the medical profession. Unprofessional behaviour includes repeated inappropriate behaviour, as well as one-off incidents that may be disruptive.
- 22 Unprofessional behaviour has wide-ranging implications beyond the doctor who acts unprofessionally in that it can impact on patient care, and with interactions with other health professionals and colleagues. Unprofessional behaviour, whether in a professional or personal setting, can damage the trust and confidence that patients have in their doctor, and how the public perceives the medical profession. You should contact us when unprofessional behaviour by a doctor poses a risk of harm to the public.⁵

When there are concerns about sexual misconduct by another doctor

- 23 Sexual misconduct is an abuse of the doctor-patient relationship and can cause significant and lasting harm to patients. If you are concerned that another doctor may have breached sexual boundaries with a patient, you have an ethical obligation to act which includes notifying us about your concerns. Your first priority must be the patient's safety. Please refer to our statement on Sexual boundaries in the doctor-patient relationship for more information.

When there are concerns about another doctor's health

- 24 Under the HPCAA, you as a doctor must inform us if you believe that another doctor's mental or physical condition may be impacting their practice. The same obligations apply to those in charge of organisations that provide health services, and employers of doctors. Those involved in medical education must also inform us if a student undergoing that course has a mental or physical condition that makes them unable to carry out the functions of a doctor⁶.

⁵ Refer to our statement on *Unprofessional behaviour* for more information.

⁶ See sections 45 to 50 of the Health Practitioners Competence Assurance Act 2003.

- 25 Council's Health Manager can provide general advice on when and how to notify us of health concerns regarding a doctor. You should write to the Council's Registrar if you have serious concerns about a doctor's health. Include the following in your notification:
- name and work details of the doctor you are concerned about; and
 - reasons for your concern.
- 26 Concerns about a doctor's health will be referred to the Health Committee. The Health Committee's priority is to protect the health and safety of the public by working with doctors who have health problems to help them regain and maintain their fitness to practise medicine.

What happens when you notify us?

- 27 When you notify us of a concern, we will discuss the situation with you and explain what action we may take. Our website also has information about our processes.
- 28 Your concerns about another doctor will not be treated as a formal notification unless you want us to take it further. If your concern is of a nature and level where it raises a risk of harm, we may have to act to protect public health and safety whether or not you want us to take it further.
- 29 Our processes are designed to be educative and supportive for the doctor involved. Because some of the details could be confidential, we may be limited in terms of what we tell you.

Raising concerns with the Health and Disability Commissioner

- 30 The Health and Disability Commissioner's purpose is to promote and protect the rights of consumers. This includes resolving notifications in a fair, timely and effective way. The HDC has several ways of handling a notification including a referral to an independent advocate or another agency, investigation, and sending the notification to the health provider to resolve.⁷
- 31 Before approaching the HDC, you should consider the patient's wishes and how they would like to address their concerns.
- 32 If a patient seeks your support when making a notification about another doctor, you should answer their questions honestly. Avoid commenting about another doctor's competence or conduct if you were not there when the patient was treated or if you do not have the full picture about what happened. If the patient is unsure how they should make a notification, tell them about any notifications process that the doctor's workplace may have and the patient's right to complain to the HDC.

If you have concerns about another health practitioner

- 33 If you have a concern about another health practitioner, most of this statement is still relevant. Consider raising your concerns directly with the health practitioner, their manager or employer.
- 34 If you are unable to resolve your concerns about another health practitioner's standard of care, you can notify the HDC. If that health practitioner is registered and you have concerns about their competence, conduct or health, contact the relevant regulator to discuss your concerns before making a formal notification.

Support for doctors going through an inquiry

- 35 Doctors involved in an adverse event or subject to a report or notification may find the experience stressful and upsetting. It is important for that doctor to be supported through different stages of an inquiry and to be made aware of resources that they may require, such as employee assistance or advice from their indemnity insurer.

⁷ HDC formally investigates a small number of complaints it receives. Refer to www.hdc.org.nz for more information.

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This statement was updated in August 2021. It replaces the December 2010 statement on *What to do when you have concerns about a colleague*. It is scheduled for review in August 2026. Any changes to the law before that review may make parts of this statement obsolete.

⁷ Purely paper-based reviews and the assessing doctor's report are usually outside the Commissioner's jurisdiction.