

## Information for consumers about conditions on practice

### Our purpose

Our purpose is to protect the health and safety of the public by making sure all doctors are competent and fit to practise.

One of the ways we do this is by setting standards of behaviour, competence and education that all doctors must meet.

Sometimes, we have to provide a framework or way to help a doctor be a good doctor. We call this a 'condition'.

A condition is a legal requirement that a doctor does or does not do something as part of their day to day work.

### Reasons for a condition

There are several reasons why doctors may have conditions on their [scope of practice](#) (The scope of practice describes what the doctor is allowed to do, for example, surgery, general practice, or psychiatry). Conditions can be imposed on doctors by us in the following circumstances:

- as part of a registration process or
- if the doctor's physical or mental health requires monitoring or
- after a process relating to a doctor's competence or conduct. Conditions which result from concerns about a doctor's health, competence or conduct are imposed only after thorough processes of assessment or investigation.

The Health Practitioners Disciplinary Tribunal (HPDT) may also impose conditions on a doctor after finding the doctor guilty of disciplinary charges.

It is safe for you to see a doctor who has conditions on their practice.

The Council's main purpose is to protect the health and safety of the public. When considering the case of a doctor for whom concerns about health, competence or conduct have come up and been investigated we will also have considered whether the doctor should be suspended from working while they get treatment or undertake more education. However suspension is a last resort and conditions will be imposed if we are satisfied that, with the conditions in place and monitored the doctor can work safely.

### Finding out about whether a doctor has conditions

When we impose a condition on a doctor's practice, we record it against their name on our online medical register and it becomes public information. We also let the doctor's employer and/or colleagues know about any condition or conditions.

We are currently developing a website link to the Health Practitioners Disciplinary Tribunal (HPDT) website so that the public can easily find and read about doctors who have been convicted of disciplinary charges.

If no conditions are shown on our online medical register you can be confident that the doctor does not have any. You can also ask your doctor if they have any condition(s) on their practice.

A doctor doesn't have to tell you this information during a patient consultation; however it is public information available on Council's website. If you ask a direct question about whether the doctor has conditions, we would expect the doctor and his staff to tell you.

A doctor should explain openly to you what they are required by us to do or not do.

If you are uncomfortable or would prefer not to ask your doctor about their conditions or unhappy with their answer, you can email or phone us with your concerns. You will however, have to tell us your name and details about what happened and was said, so the doctor can answer your concerns.

You can also ask the receptionist, practice nurse or practice manager at your medical centre

We monitor all doctors with conditions to ensure they are complying with them. Some conditions require more frequent monitoring than others.

### **Your right to a chaperone or third person**

Sometimes a doctor may have a notice in the medical centre waiting room where you and other patients can see it. This is usually because a doctor needs a chaperone. This means that when the doctor sees patients attending by themselves, there must be another person or chaperone (usually a practice nurse) present, when the doctor does intimate examinations such as breast or cervical smear examinations.

A chaperone could also be any other person like whānau or family member or a friend who you feel comfortable with. The family member or friend will stay in the consulting room while you see the doctor.

Both women and men can ask for another person or chaperone to be present during their consultation with their doctor.

### **Monitoring conditions**

Many conditions require supervision, oversight or mentoring by another doctor who has to meet with the doctor regularly and tell us as soon as possible if any serious concerns about the doctor come up.

Doctors who break or ignore their condition are in breach of their scope of practice and we consider this a serious issue. Depending on the situation (for instance there may have been an emergency); it is possible we may refer the doctor to a [professional conduct committee](#) for investigation. We may also look at suspending the doctor if patient safety is at risk.

### **Endorsements on practice**

Doctors who qualified overseas and who want to work In New Zealand undergo a thorough checking process. If they are approved for registration they will be registered in a provisional [scope of practice](#) and have an endorsement that they are required to be supervised.

Typically, an endorsement might say :

*Dr Peter Pepper is permitted to practise medicine in the position of Registrar in Obstetrics and Gynaecology at Makebelieve Hospital under the supervision of Dr Stephanie Salt between 12 December 2010 and 15 June 2011. The purpose of this endorsement is to enable Dr Pepper to complete Council's requirements for registration within the general scope.*

This is a temporary requirement to ensure that doctors who trained overseas meet our standards of knowledge and cultural requirements within a certain period of time.

### **What do different conditions mean?**

Below are explanations of conditions commonly imposed by us or the HPDT and how they work.

- **Doctor must work in a group practice setting under on-site supervision:**  
The doctor is required to work in conjunction with other doctors – this usually applies to general practitioners (GPs). This means the doctor will always have other doctors around to discuss clinical or medical issues. An on-site supervisor is appointed by us and will be an experienced doctor who is vocationally registered and working in the same field of medicine, who must be available to help the doctor if needed. The supervisor is required to scrutinise and discuss aspects of the doctor's practise and to report to us regularly. The supervisor is bound by confidentiality. Patient details are not included in reports to us. An on-site supervisor is not required to always be present when the doctor sees patients.
- **Doctor may work only at a nominated location :**  
The doctor may only work at a place which has been approved by us. Authority to approve the work place is normally given to our Registrar and Medical Adviser. This condition ensures the doctor's workplace can provide the particular facilities, support and educational opportunities that the doctor must have for safe practise.
- **Doctor must work under supervision:**  
A supervisor will be appointed by us and will be an experienced doctor who is vocationally registered and working in the same field of medicine. The supervisor does not necessarily need to work at the same place as the doctor and is not required to be present when the doctor sees patients but acts as an educator and mentor to the doctor. For instance they might discuss medical topics that are related to the doctor's patients, review the doctor's prescribing to see whether it is appropriate and/or review the doctor's patient notes and discuss presenting symptoms and diagnoses. The supervisor is bound by confidentiality. Patient details are not included in reports to us.

- **Doctor's prescribing and clinical notes are monitored:**  
The doctor's prescribing and clinical notes are regularly and closely looked at by another experienced doctor who is vocationally registered and working in the same field of medicine. This allows educational discussion around types, dosages, and reasons for prescribing certain drugs. The monitoring doctor is appointed and has to report regularly to us.
- **Doctor is required to have a chaperone present:**  
Sometimes a doctor may need to have a notice in the medical centre waiting room where you and other patients can see it. This is usually because when that doctor sees patients attending by themselves, there must be another person or chaperone (usually a practice nurse) present as well for intimate examinations such as breast or cervical smear examinations. A chaperone can be anyone like whānau or a family member or friend with whom the patient feels comfortable who stays in the consultation room while the patient sees the doctor.

Both women and men can ask for another person or chaperone to be present during their consultation with their doctor.

- **Doctor must actively participate in a recertification programme:**  
All doctors have to participate in ongoing medical education or what is called recertification to ensure their skills are current. The need to take part in a particular recertification programme will usually be part of a broader educational programme with the doctor focussing on improving particular areas of their practice.
- **Doctor is required to attend counselling:**  
This condition can be imposed when a doctor would benefit from professional counselling to assist with events both in their professional or personal life. The counsellor is approved by us.
- **Doctor must comply with all directions of the Council's Health Committee:**  
This condition means that the doctor is being regularly monitored by our Health Committee. This committee has wide powers to protect public health and safety by helping the doctors get back to work if they have been sick or unable to work for some health reason. This includes (but is not limited to) making a doctor have a medical examination, undergo regular blood, hair or urine testing and briefly making the doctor stop work if they are mentally or physically unwell.
- **Doctor is not to undertake procedures which involve a specified forbidden procedure, (for example sedation):**  
Such a condition will specify the procedure which cannot be undertaken. The condition will last until the doctor has learnt new skills and been reassessed as competent in that procedure. Another experienced doctor (who is vocationally registered) will also be appointed to monitor the doctor's work and report regularly to us.

- **Doctor's participation in continuing medical education will be audited each time he/she applies for a practising certificate:**

All doctors have to take part in continuing medical education and some are randomly checked or audited every year when they apply for their practising certificate. Our objective is to make sure every doctor undertakes medical education. A practising certificate may not be issued unless the doctor provides evidence of taking part in continuing medical education or recertification.

- **Doctor's scope of practice is limited to a specific area (eg, medico legal assessments or non-operating orthopaedic consultancy).**

The doctor can only practise within the area defined. The doctor has to provide a written undertaking at least once a year that they are complying with the condition. We let the doctor's employer and/or colleagues know about the restriction and they have a responsibility to help in the monitoring of the doctor.