



Te Kaunihera  
Rata o  
Aotearoa

**Medical  
Council of  
New Zealand**

# Notifications – available options

## How we manage notifications

This document outlines the various options available to the Notifications Triage Team and Council when considering a notification about a doctor.

All notifications are sent to the doctor for response and referred to the Notifications Triage Team. The membership of the Notifications Triage Team includes the Chair and Deputy Chair of Council, Medical Advisers and senior Council staff. After considering the notification, the Notifications Triage Team have several options available. One of the options is to refer the notification to Council.

When considering these options, we must comply with the Health Practitioners Competence Assurance Act 2003 (HPCAA). This document refers to various sections of the HPCAA, which you can find [here](#).

## Options available to the Notifications Triage Team

### *Interim Action*

In all cases, the Notifications Triage Team will consider if any *interim action* is required to manage any risk to patient safety or the public while any of its other decisions are being carried out. This can include asking you to sign a voluntary undertaking with some temporary changes to your practice such as: clinical notes reviews, supervision, limits on consultations, prescribing or chaperone requirements, or other requirements on a case by case basis.

### *No further action / Education letter*

The Notifications Triage Team may decide to take no further action.

The Notifications Triage Team may send you an education letter. An education letter typically sets out recommended actions/learnings to assist with your future practise.

### *Await outcome of investigation*

We are often notified of concerns by the Health and Disability Commissioner when they have a notification about the health care provided to a patient by a doctor. In these situations, the Notifications Triage Team may decide wait the outcome of the Health and Disability Commissioner investigation, as the findings can be valuable when helping the Notifications Triage Team decide on next steps.

### *Preliminary Competence Inquiry*

The Notifications Triage Team may request further information from you before making a decision. A way that the Notifications Triage Team does that is to ask you to participate in a Preliminary Competence Inquiry (PCI). The PCI involves a broad based interview with you by a Council approved, vocationally registered practitioner. The interview will include discussion of your circumstances and current practise. It also includes a random review of your patients' medical records. The purpose of the PCI is to provide the Notifications Triage Team with more information about your practice.

The Preliminary Competence Inquiry is voluntary; however, if you decline to take part in a Preliminary Competence Inquiry, the Notifications Triage Team will be limited by the available information when deciding next steps.

#### *Notification to Health and Disability Commissioner*

The Notifications Triage Team may decide that the notification should also be referred to the Health and Disability Commissioner. This referral is required<sup>1</sup> if the Notifications Triage Team consider that you provided a service to a health consumer, usually your patient, and that the health consumer has been affected.

If the health services provided relate to your competence as a doctor then we can also consider competence options available (for example: a performance assessment). However, if the services relate to conduct concerns and the Health and Disability Commissioner is still investigating or the file is open we cannot consider conduct options (for example: referral to a Professional Conduct Committee).

#### *Referral to Council*

If the Notifications Triage Team identifies concerns that it decides are best considered by a full meeting of Council, it will refer the notification to the next available Council meeting. Council usually meets every second month to discuss performance and conduct concerns.

You will be given another opportunity to respond. Council will be provided with all information that was before the Notifications Triage Team, and your further response. Council will consider the notification in light of any conduct or competence concerns.

The options available to Council are outlined below.

#### **Options available to Council**

If the Notifications Triage Team refers a notification to Council, Council will consider all available information. The Council has the same options available to it as the Notifications Triage Team along with the following additional possible outcomes:

#### *Recertification programme*

Council may order a programme of study to address concerns raised in the notification or during further enquiries<sup>2</sup>. The programme will be designed by our Medical Adviser and you will be provided with a copy for comment before it is finalised. The programme is set for around 6 to 12 months. You will be required to provide evidence that you have completed the required tasks for each objective. When you have completed all tasks within the timeframe, all evidence will be reviewed by the Medical Adviser, along with any further comments from you, before being passed to our Deputy Registrar or to Council for confirmation that the programme has been completed.

#### *Performance assessment*

The Council may review your competence by ordering a performance assessment<sup>3</sup>. This involves a practice visit by two medical members and a lay member, appointed by the Council, to form a Performance Assessment Committee (PAC). The performance assessment usually takes place over 2 days at your workplace and involves a broad based assessment of your practice, including observations, interviews with you and colleagues, and a notes review.

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<sup>1</sup>Section 64 of the HPCAA.

<sup>2</sup> Section 41 of the HPCAA.

<sup>3</sup> Section 36 of the HPCAA.

You will be advised of the proposed PAC members and terms of reference for the assessment, and you have an opportunity to comment before these are finalised. Further information about the performance assessment can be found at: <http://www.mcnz.org.nz/fitness-to-practise/competence-concerns/performance-assessment/>

#### *Professional Conduct Committee*

Council may refer the notification to a Professional Conduct Committee (PCC) for investigation<sup>4</sup>. A PCC includes two medical members and a lay member appointed by Council. The PCC's role is to formally investigate concerns about a doctor's conduct. PCC investigations can vary, but they usually involve seeking more information from you, the notifier, and any other witnesses or organisations. A copy of all information collected by the PCC is provided to you and you are given a chance to respond. You are strongly advised to seek legal representation or other additional support with the PCC process.

At the conclusion of the investigation, the PCC may decide to take no further action or the PCC may refer you to the Health Practitioners Disciplinary Tribunal. The PCC may also make recommendations to Council, including recommending that Council:

- review your performance to practise
- review your fitness to practise
- review your scope of practice
- refer the matter to the Police
- counsel you with an educational letter and advice

Further information about the PCC can be found at:

<http://www.mcnz.org.nz/fitness-to-practise/conduct-concerns/professional-conduct-committee/>

#### *Conditions*

Council may propose conditions in the interest of public health and safety. You will be advised of the proposed conditions and be given a chance to comment before Council makes a decision to impose the conditions. Conditions are visible on the public register and may be in place for the full duration of any other Council process.

#### *Interim suspension*

If Council has sufficient reason to believe that your practice poses a risk of serious harm, or that your actions cast doubt on the appropriateness of your professional conduct, Council may propose interim suspension of your practising certificate. You will be provided with the opportunity to comment on the proposal before Council decides whether or not to impose interim suspension. Interim suspension may be in place for the full duration of any other Council process.

#### *Immediate suspension*

If there is a criminal proceeding pending against you, or you are under investigation by a PCC or the Health and Disability Commissioner, and Council considers you pose a risk of serious harm, Council may immediately suspend you without giving you notice that it intends to stop you practising immediately.

**Council may make any of the above decisions and is not restricted to choosing just one option. Full information will be provided at the time of Council's decision.**

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<sup>4</sup> Section 68 of the HPCAA.