



Te Kaunihera
Rata o
Aotearoa

Medical
Council of
New Zealand

Notifications – available options

This document outlines the various options available to Te Kaunihera Rata o Aotearoa | Medical Council of New Zealand (the Council) when considering a notification about a doctor's practice and/or conduct.

When considering what, if any, action to take, we must comply with the Health Practitioners Competence Assurance Act 2003 (HPCAA). This document refers to various sections of the [HPCAA](#).

Notifications are typically considered by our Rōpū Tātari Whakaaturanga | Notifications Triage Team (NTT) in the first instance; However, if the notification raises concerns that may warrant consideration of proposing to impose interim conditions or interim suspension of the doctor's practising certificate, they can be considered by a full meeting of Council at the outset.

Any decision(s) made will be communicated to the doctor and the notifier(s).

Referrals to the Health and Disability Commissioner

When we receive concerns alleging that a doctor's practice or conduct has affected a patient, we are [required](#) to refer that information to the HDC.

If the concerns relate to the doctor's competence, we may decide to commence our process alongside that of the HDC's. However, we [cannot](#) investigate concerns about a doctor's conduct while the concerns are with the HDC.

Interim action

While our process is ongoing, the Council will consider what, if any, *interim action* is required to mitigate any perceived risk of harm to public health and safety. This can include suspension of the doctor's practising certificate, conditions on their scope of practice, or asking them to sign a Voluntary Undertaking (VU) with temporary changes to their practice. Some of the changes may include a regular clinical notes review, working under supervision, limiting the number of patient consultations or prescribing, or requiring a Practice Monitor to be present at consultations and/or examinations. Interim action is tailored to the perceived risk of harm from the concerns raised in the notification and doctor's particular circumstance. A VU will not be made public; however, a term of the VU can include a requirement that the doctor or Council notify the doctor's present or future employers of the VU, and/or any persons/organisations that the Council considers appropriate.

The Council can also issue a notice to the HDC, the Accident Compensation Corporation (ACC), the Director-General of Health and the doctor's employer, advising that the doctor's practice *may* pose a risk of harm ([section 35 of the HPCAA](#)).

Options available to Council and the Notifications Triage Team

No further action/Education letter

The NTT or Council can decide to take no further action on a matter, or send the doctor an educational letter. An educational letter typically sets out recommended actions/learnings to assist with the doctor's future practice.

Await the outcome of an investigation

We are often notified by other organisations such as the HDC, New Zealand Police (Police), the Ministry of Health, or the doctor's employer, when they are investigating concerns about a doctor. In these situations, we can decide to await the outcome of that investigation, as the findings may be helpful when deciding on what, if any, next steps to take.

Preliminary Competence Inquiry

Further information about the doctor's current practice may assist the Council when deciding on any appropriate next steps. To obtain this information, the doctor may be asked to participate in a Preliminary Competence Inquiry (PCI). The PCI involves a broad-based interview with the doctor by a Council-approved vocationally registered doctor and a random review of patients' medical records.

Participating in a PCI is voluntary; however, if the doctor declines to take part in a PCI, the NTT or Council would be limited to considering the available information when deciding what, if any, next steps to take.

Referral to a Professional Conduct Committee

The Registrar (under delegation and on advice from the NTT), or Council, can refer information about a doctor's conduct to a Professional Conduct Committee (PCC) for investigation.

A PCC is appointed by Council and is made up of two doctors and a lay person. The PCC's role is to investigate the concerns and decide on the appropriateness of the doctor's conduct or the safety of their practice. Although a PCC is appointed by Council, it is independent from the Council and regulates its own procedures.

PCC investigations can vary, but they usually involve gathering further information from the doctor, the notifier(s), and any other witnesses or organisations. A copy of all information obtained by the PCC is provided to the doctor, and the doctor is given an opportunity to respond.

The Council recommends a doctor seeks legal representation and/or other support with any PCC process.

At the conclusion of the investigation, the PCC may determine to take no further action or lay a charge against the doctor before the Health Practitioners Disciplinary Tribunal. The PCC can also make one or more of the following recommendations to the Council:

- review the doctor's competence
- review the doctor's fitness to practise
- review the doctor's scope of practice
- refer the matter to Police
- counsel the doctor (this can include providing further education, supervision and/or mentorship).

You can find more information about PCCs on our [website](#).

Review of the doctor's competence

Where a notification raises wider concerns about the doctor's practice, the Registrar (under delegation and on advice from the NTT) or Council, can require the doctor to undergo a performance assessment. A performance assessment is carried out by a Performance Assessment Committee who will review the doctor's current practice to assess if they are practising at the required standard. The assessment involves a visit to the doctor's practice(s), a broad-based assessment of their practice, including observations, interviews with them and their colleagues, and a notes review.

You can find more information about performance assessments on our [website](#).

Referral to the Health Committee

If the notification raises concerns about a doctor's health which may affect their ability to practise safely, the concerns can be referred to the Council's Rōpū Hauora | Health Committee. You can find more information about the Health Committee [here](#).

Referral to Council

If the NTT considers that a full meeting of Council is best placed to consider the concerns, they can refer all information (including any response provided by the doctor) to the next available Council meeting. Council usually meets every second month to discuss performance and conduct concerns. The options additional options available to Council are outlined below.

Council only options

Recertification programme

Council may require a doctor undergo a [programme](#) of education to address any concern(s) raised in the notification or during further enquiries. The programme is designed by the Council's Medical Adviser and a copy will be provided to the doctor for comment before it is finalised. The programme is designed to be completed within 6 to 12 months. A Council-approved vocationally registered supervisor is typically appointed to meet with the doctor and discuss their progress with their programme. The supervisor reports back to the Council about the doctor's progress. At the end of the programme, the Registrar (under delegation from Council), on advice from the Medical Adviser, reviews the reports and any reflections from the doctor, to confirm whether the programme has been satisfactory completed.

Conditions

Council may consider whether placing conditions on the doctor's scope of practice is required in order to protect public health and safety while an investigation (a PCC) or a performance assessment is ongoing.

Doctors are advised of any proposed conditions and are given an opportunity to comment on them before a final decision is made on whether to impose them. Any conditions imposed may be in place for the full duration of any other Council process(es) and, in most circumstances, they are publicly available.

Interim suspension

If Council has sufficient reason to believe that a doctor's practice poses a risk of serious harm, or their actions cast doubt on the appropriateness of their conduct, Council may propose interim suspension of the doctor's practising certificate. The doctor 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 the doctor, or they are under investigation by a PCC or the HDC, and Council considers the doctor poses a risk of *serious* harm, Council may immediately suspend their practising certificate without providing notice to the doctor. In such circumstances, the doctor is provided with an opportunity to comment *after* the suspension has been imposed. Council will then consider whether the continued suspension of the doctor's practising certificate remains necessary.

Council may make any of the above decisions and may make more than one decision regarding the same concern(s). Full information on any decision(s) made will be communicated to the doctor in writing following Council's meeting.