



Meeting with a Professional Conduct Committee

The Medical Council

The Medical Council promotes and protects the health and safety of members of the public by providing mechanisms to ensure that health practitioners are competent and fit to practise in accordance with the Health Practitioners Competence Assurance Act 2003 (HPCAA). It is responsible for registering doctors, setting standards and guidelines for doctors, and monitoring doctors' conduct and competence.

This fact sheet is intended to provide information to those people who meet with a Professional Conduct Committee (PCC) as part of its investigation.

Professional Conduct Committees

The Medical Council may appoint a PCC to investigate concerns about the conduct or safety of a doctor.

A PCC comprises two doctors and a layperson. One of the members will be appointed as the convenor and will coordinate the investigation process. Often, one of the doctors will be a specialist practising in the same or similar area of medicine as the doctor who is the subject of the notification. The other doctor will generally be selected from a more general area (i.e. general practice) to ensure there is an appropriate mix of general and specific medical knowledge. Each PCC is appointed a legal adviser to assist with the investigation.

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General information

The PCC appreciates your assistance and cooperation in this process. The PCC understands that this may be stressful for you. Below are some general information guidelines which may be useful to you:

- You are welcome to bring a support person to a meeting with the PCC, however this cannot be someone the PCC is also meeting with. Please let the PCC know in advance if you intend to bring a support person with you.
- If you don't recall a certain event, or can't remember it exactly, that's OK!
- Please don't talk to your colleagues about the matter.
- A copy of the transcript from your meeting with the PCC will be provided to the doctor who is the subject of the PCC investigation.

PCC Investigation Process

Under the HPCAA, a PCC may investigate a matter however it sees fit. This almost always involves speaking with people who know the doctor concerned, such as patients or colleagues, or others whom the PCC considers will be able to assist. A PCC may also request and/or require information or documents from any person, in accordance with sections 76 and 77 of the HPCAA.

Care is taken to ensure that the investigation is carried out fairly to everyone concerned.

The information gathered during the course of the PCC's investigation is disclosed to the doctor concerned. The doctor has an opportunity to provide evidence and/or submissions to the PCC. A PCC also gives the doctor the opportunity to meet with the PCC in person; however they are not required to meet with the PCC.

Your role

The PCC has asked to speak or meet with you because it considers you know or have information that will assist it in properly assessing the conduct or concerns it has been asked to investigate. Your assistance and cooperation is much appreciated. The PCC considers this to be a very valuable part of the PCC investigation.

It is important that the information you give during your conversation with the PCC is accurate to the best of your knowledge. The events that you talk about may have occurred some time ago - if you don't recall a certain event, or can't remember it exactly, let the PCC know. It is important that you are completely honest at all times. If at any time the PCC misunderstands you or is mistaken, please clarify this for the PCC so that everyone is 'on the same page'.

Where possible, a PCC will often meet with individuals in person; other times, the PCC will speak with individuals by teleconference. The PCC will do its best to arrange a time and place that are convenient for you. If you are speaking with the PCC on the telephone, please ensure you have a quiet and private space to talk.

The PCC understands it may be uncomfortable or stressful for you to provide information about the doctor concerned (depending on your relationship with him or her). You may have a support person with you when you speak with the PCC: if you wish to do this, please inform the PCC in advance to ensure that your support person is not someone the PCC also wishes to speak to.

Your conversation with the PCC will be recorded, and a copy of the transcript will be sent to you. Please read the transcript carefully and confirm that it is accurate, or let the PCC know should it contain any errors or inaccuracies that need amending (for example, the incorrect spelling of a name). You are also most welcome to provide to the PCC any further comment you may have in addition to the transcript. A copy of the transcript, together with any further comment you may have, will be provided to the doctor the subject of the PCC's investigation.

Confidentiality

Please treat as confidential any information that the PCC tells you about the matter under investigation. Please don't talk to anyone else about the matter.

Outcome of the PCC Process

The PCC's role is to recommend and/or determine an appropriate course of action, in light of the information it has gathered. The PCC may recommend the Medical Council should:

- review the doctor's competence;
- review the doctor's fitness to practise medicine;
- review the doctor's scope of practice;
- refer the subject matter of the investigation to the Police; and/or
- counsel the doctor.

The PCC may also make a determination that:

- no further steps be taken in relation to the notification or conviction;
- in the case of a notification, the notification should be submitted to conciliation; or
- a charge should be brought against the doctor before the Health Practitioners Disciplinary Tribunal (Tribunal).

If the PCC decides that a charge should be laid before the Tribunal, you may be asked to be a witness for those proceedings. If that is the case, you will be contacted by the lawyer acting for the PCC and provided with more information at that time.

Thank You

Thank you for your assistance in this matter. As already mentioned, the PCC appreciates the opportunity to speak with you. If you have any queries, please discuss them with the convenor of the PCC or the PCC's legal adviser.