Te Rōpū Hauora[1] | the Health Committee
Ngā Tikanga Tohutoro | Terms of Reference

1 Te Aronga | Purpose

Te Rōpū Hauora | the Health Committee is a standing committee of Te Kaunihera Rata o Aotearoa | Medical Council of New Zealand (Council) to advise Council on:

a Ways in which the health and safety of members of the public can be protected when Council is notified that a doctor is, or may be, unable to perform the functions required for the practice of medicine due to a mental or physical condition.

b Mechanisms to examine and assess the ability of doctors to perform the functions required for the practice of medicine who have been notified to Council as possibly suffering from some mental or physical condition, while at the same time taking steps to safeguard the public.

c Mechanisms that promote and help to ensure early identification of mental or physical conditions that have the capacity to affect a doctor's ability to perform the functions required for the practice of medicine.

d Programmes for the supervision of doctors who have, or are recovering from, mental or physical conditions that affect their ability to perform the functions required for the practice of medicine.

These should all be underpinned by a compassionate approach to supporting doctors back to safe practice.

2 Delegations to the Health Committee

Council delegates to the Health Committee the following functions, duties and powers under the HPCAA as follows:

a Under s 16 (d), to consider a doctor's fitness for registration and to advise Te Pouroki[2] | the Registrar accordingly.

b Under s 27 (1) (e), to consider a doctor's application for a practising certificate and to advise the Registrar accordingly.

[1] Definitions (Source: https://maoridictionary.co.nz/)
Rōpū: 1. *(noun) group, party of people, company, gang, association, entourage, committee, organisation, category*
[2] Definitions (Source: https://maoridictionary.co.nz/)
This is a compound word, used also in other RAs to designate the Registrar; the understandings come from the following
Pou: 5. *(noun) post, upright, support, pole, pillar, goalpost, sustenance*
6. *(noun) support, supporter, stalwart, mentor, symbol of support, metaphoric post - someone, a group, tribe*

c Under ss 48 (1), (2) and (3), to form a view that a doctor may be unable to perform the functions required for the practice of medicine (the required functions) due to a mental or physical condition and to make orders (and to extend such orders) relating to the suspension of their practising certificate or alterations to their scope of practice.

d Under ss 49 (1) and (3), to form a view that a doctor may be unable to perform the required functions due to a mental or physical condition, and to require them to submit to examination or testing, and to consult with the doctor about who is to conduct the examination or testing.

e Under s 49 (6), to receive and consider any written report provided to the Registrar by an assessor who has examined or tested a doctor.

f Under ss 50 (1)(b) and (2), to consider any written report provided under s 49(2) and all relevant circumstances and to receive, hear and consider written and oral submissions made by or on behalf of a doctor.

g Under ss 50 (3) and (4), to order that a doctor's registration be suspended or that conditions be included in their scope of practice.

h Under ss 51 (1) to (5), in so far as those provisions relate to orders made by the Health Committee under s 50, to impose suspension or conditions.

i The authority to act for Council where a doctor voluntarily agrees to any or all of the following:

- Council obtaining information or an opinion on the doctor's fitness to practise and ability to perform the required functions from their treating doctor(s).
- Council obtaining independent advice on the doctor's fitness to practise and ability to perform the required functions.
- Council negotiating with doctors recovering from mental and physical conditions affecting their ability to perform the required functions, to ensure safety and a suitable programme for supervision, and if necessary, monitoring of the doctor's practice, and compliance with any requirements of the programme.
- Council asking a doctor to voluntarily withdraw from practice, if continuing in practice would be a risk to the health and safety of the doctor's patients.

j In any case where Te Rōpū Whakatika Kaimahi Hauora| The Health Practitioners Disciplinary Tribunal has imposed a condition under s 102, which falls within the scope of s 102 (2)(b) or which otherwise relates to the doctor's mental or physical health, the Health Committee can consider and determine whether that condition has been satisfied before the doctor can make an application for registration

3 Council delegates to the Health Committee the authority to exercise the power of Council

a Under s 23 (4) of the Misuse of Drugs Act 1975 to inquire into any prescribing of controlled drugs by a doctor where information is required to assist or enable Council to determine whether to make a recommendation to the Minister of Health to exercise their power under s 23 (1) of the Misuse of Drugs Act 1975 (prohibition on prescribing controlled drugs).

b Under s 48A (1) of the Medicines Act 1981 to inquire into any prescribing of medicines by a doctor where information is required to assist or enable Council to determine whether to

make a recommendation to the Minister of Health to exercise their power under s 48(1) of the Medicines Act 1981 (prohibition on prescribing of medicines).

4 Delegations to the Registrar

Council delegates to the Registrar, for the purpose of supporting, and giving effect to, the functions and decisions of the Health Committee, the authority to exercise of the following functions, duties, or powers of Council:

a Under s 49 (3) to consult with a doctor about who is to conduct the examination or test required under s 49(1).

b Under s 50 (5) to provide and sign an order made under ss 50 (3) or (4).

c Selecting and approving suitably qualified assessors to undertake independent medical examinations and testing.

d Changes in personnel in doctors' monitoring programmes – in response to requests from doctors, approving changes in medical and health practitioners, and other parties named in doctors' agreements with the Health Committee, and informing each of the background to the doctors' involvement with the Health Committee.

e Authority to increase frequency of drug, alcohol, or medication screening – approving increases in the frequency of screening for a period, or the initiating of extra test(s) if information comes to hand, or concerns are raised that, could indicate a doctor is at increased risk.

f Determine when a notification is received whether to approach the Health Committee to order a doctor to have a medical examination or testing or to proceed straight to this with the doctor's cooperation.

g Review practising certificate disclosures to consider whether further information is required, including
- information from the doctor to clarify the nature of the illness/treatment and how it potentially impacts on the doctor's fitness to practise and ability to perform the required functions
- reports from the treating doctor and relevant health practitioners, and the relevant employers, organisations, and workplace associates(s) with particular regard to whether the condition impacts on the doctor's capacity to provide safe patient care
- confirmation of the doctor's fitness and ability to practise from relevant parties involved in the doctor's treatment and management
- whether the doctor has the insight necessary to monitor his or her own health and practice, and seek advice appropriately.

h Determine whether the disclosure goes to the Health Committee as a notification or whether there is a further follow up to ensure the doctor's ongoing fitness to practise.

i Initiate alcohol, or drug screening when a doctor discloses an addiction illness.

5 Authority to Registrar to delegate

Council authorises the Registrar to delegate, to persons employed, engaged or authorised by Council, any of the functions, duties or powers delegated under this document, on such terms and conditions and for such period or periods as the Registrar determines.

6 Membership

Persons with a range of suitable experience, skill mix, and judgement to enable the Health Committee to carry out its responsibilities under the terms of reference/statement of delegation from Council.
Council has determined the Health Committee's membership as:

a five members: two lay members, three medical members

b consideration of inclusion of a mix of some of the following: a vocationally registered primary care clinician, a psychiatrist or addiction medicine specialist, and a public sector hospital-based clinician

c the Tumuaki | Chair of Council is ex officio an additional member of the Health Committee and will attend as able

d Council will appoint the Health Committee Chair. This can be a lay or medical member.

Council has determined that any member can appoint a representative from Council to represent that member on the Health Committee whenever the member is absent or unable to act as a member of the Health Committee for one or more specific meetings.

Council will:

- review the Health Committee's membership at its first meeting of each calendar year or as needed
- consider any request from the Health Committee to co-opt a member if expertise or sensitivity is required to inform its discussion and decision-making on a particular case.

7 Quorum

The quorum be three, comprising one lay member and two medical members.

8 Review

a The Terms of Reference for Council's Health Committee are reviewed annually.

Date	Details
December 2025	Approved by Council
December 2026	**Scheduled for review**
Terms of reference – Te Rōpū Hauora | the Health Committee December 2025 DM#22671027	