



# HPCA Guide – health assessment reports

## Introduction

Health professional Councils manage complaints about practitioners and students (practitioner) to protect public health and safety. If Councils are concerned about the health of a practitioner, they can require them to attend a health assessment under the *Health Practitioner Regulation National Law (NSW)* (National Law (NSW)). The aim of the assessment is to determine:

- the current health status of a practitioner.
- if a practitioner has an impairment under the Law.
- any further action we need to take to ensure public safety.

You may be referred an assessment by the HPCA to:

- conduct an independent (initial or review) assessment of a practitioner.
- provide us with a report of your findings and recommendations.

Under section 176F of the National Law (NSW), the report is protected, which means it will only be disclosed to third parties for the purpose of managing a complaint or further investigation by the Health Care Complaints Commission.

You will need to determine whether a practitioner has an ‘impairment’ as defined in section 5 of the *National Law (NSW)*. The practitioner will only be impaired if they have a health issue, which is likely to affect or does affect the safe practice of their profession or (for students) clinical training.

A health issue can be a physical or mental condition, disability, or disorder, including substance abuse or dependence.

If a practitioner has a health issue, which is stable and well managed by medical, professional and personal support, they may not have an impairment.

A Council will review your report and any information the practitioner provides to decide what further action is needed to protect the public. We will also send a copy of the report to the practitioner, unless they are particularly vulnerable. In this case, we may seek your permission to send your report to their treating practitioner instead, so they can explain its contents to the practitioner.

Following your assessment, we may:

- close the matter and take no further action, if there is no evidence of an impairment and we have no further concerns
- counsel the practitioner to work within the limitations of any impairment
- refer the matter to an Impaired Registrants Panel to consider whether conditions or suspension of registration are needed to protect public safety
- take other action, such as referring the matter for further assessment or investigation
- take immediate interim action if we believe the health and safety of the public is immediately at risk or it is otherwise in the public interest.

If conditions are placed on a practitioner’s registration, we will monitor the practitioner’s compliance, which may include specific testing and regular review assessments.



## Part 1: How to structure your report

Your report should address the following sections and issues:

### 1. Findings

Does the practitioner have an impairment?

### 2. Recommendations and reasons

For public safety, should the practitioner stop working while seeking treatment?

What practice restrictions are required (if any) to maintain patient safety, such as:

- supervision
- restriction to drug access and/or withdrawal of drug authority (as applicable to the practitioner's profession)
- limited hours of work per week
- not to work night or weekend shifts

Does the practitioner need health conditions to ensure they work safely, such as:

- regularly attending appropriate treating practitioner/s
- regular alcohol / drug screening in line with Council protocol/s

If the practitioner is particularly vulnerable should your report be provided to the practitioner's GP directly, rather than the practitioner?

### 3. Introduction

Confirm that the practitioner was informed of the purpose of the assessment

Confirm that the practitioner has consented to the assessment

Confirm that you do not have a conflict of interest in providing this assessment

### 4. Documents reviewed

List all documents reviewed to assess the practitioner

### 5. Health issues

Current health issue(s) and diagnosis of the practitioner

Background of health issues, including cause or stressors / recent hospitalisations

Changes and progress since last assessment

Any criminal history

### 6. Influence of health issues

Is the health issue likely to or does it affect safe practice or clinical training? Consider:

- critical thinking
- judgment
- problem solving
- organisation skills

Does the practitioner understand their health issue and its effects?

Is the practitioner taking appropriate medication (if applicable)?

Does the practitioner have appropriate support networks?

Is the practitioner well engaged with appropriate treating practitioner/s?

Is the practitioner complying with current conditions (including commentary on any test results)?

Are there other factors which may impact on the health of the practitioner?

What is the future vulnerability / risk of relapse of the practitioner?



## Part 2: How to think about the assessment

Application of decision parameters at critical decision points

1. Complaint received about health impairment	2. Easing conditions, approving employment	3. Breaches of conditions	4. Approval of exit from the Health Pathway
<b>Nature of the possible impairment</b>			
<ul style="list-style-type: none"> <li>Is there agreement about the presence and nature of the illness?</li> <li>Does the practitioner's illness constitute an impairment within the meaning of the National Law (NSW)?</li> <li>Does the practitioner have sufficient information and understanding of their condition?</li> <li>Is the practitioner likely to benefit from inclusion in the pathway?</li> <li>How can public protection best be assured (conditions/suspension)?</li> </ul>	<ul style="list-style-type: none"> <li>How can public protection best be assured, given the history of the illness?</li> <li>Are the conditions serving a useful purpose in terms of public protection and/or the wellbeing of the practitioner?</li> </ul>	<ul style="list-style-type: none"> <li>Is the breach an expected manifestation of the illness at an early stage of involvement in the Council's health pathway?</li> <li>Is public safety compromised by the breach?</li> <li>How can public protection be assured, given the history of the illness?</li> </ul>	<ul style="list-style-type: none"> <li>How can public protection be assured if the practitioner exits the pathway given the history of their illness?</li> <li>Is the practitioner willing to exit the pathway?</li> <li>Has the practitioner recovered from their illness?</li> <li>Has the practitioner accomplished the treatment goals articulated on or subsequent to entry to the pathway?</li> </ul>
<b>Compliance with conditions</b>			
N/A	<ul style="list-style-type: none"> <li>Has the practitioner been fully compliant with all?</li> </ul>	<ul style="list-style-type: none"> <li>Is the breach isolated, or repeated?</li> <li>Are other conditions being strictly adhered to?</li> </ul>	<ul style="list-style-type: none"> <li>Has the practitioner been fully compliant with all conditions?</li> </ul>
<b>Support from friends, family and colleagues</b>			
<ul style="list-style-type: none"> <li>Has the practitioner spoken to key work associates about their condition, or do they intend to do so?</li> <li>Has the practitioner spoken to family and friends about their condition, or do they intend to do so?</li> </ul>	<ul style="list-style-type: none"> <li>Who has the practitioner confided in?</li> <li>Will a suitable level of professional support be available to the practitioner?</li> <li>Will the practitioner have sufficient support from colleagues to cope in the</li> </ul>	<ul style="list-style-type: none"> <li>Who has the practitioner confided in?</li> <li>Is the practitioner well supported in their professional life?</li> </ul>	<ul style="list-style-type: none"> <li>Who has the practitioner confided in?</li> <li>Will a suitable level of professional support be available to the practitioner?</li> <li>Will the practitioner have sufficient support from colleagues?</li> </ul>



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	position?		

**Understanding of the illness and its effects**

<ul style="list-style-type: none"> <li>Is there agreement about the effect their illness is having on the practitioner's work and professional life, and what needs to be done?</li> </ul>	<ul style="list-style-type: none"> <li>Is there agreement about the effect their illness is having on the practitioner's work and professional life?</li> <li>What progress has the practitioner made in their understanding of their illness?</li> <li>Has the practitioner made detailed and realistic plans?</li> </ul>	<ul style="list-style-type: none"> <li>Is there agreement about the effect their illness is having on the practitioner's work and professional life?</li> <li>What progress had the practitioner made in their understanding of their illness?</li> </ul>	<ul style="list-style-type: none"> <li>Is there agreement about the effect their illness has had on the practitioner's work and professional life?</li> <li>What progress has the practitioner made in their understanding of their illness?</li> <li>Has the practitioner made detailed and realistic plans about their future?</li> </ul>
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**Motivation to change**

<ul style="list-style-type: none"> <li>What does the practitioner think can be done?</li> <li>What is the practitioner thinking of doing/changing?</li> <li>What are likely barriers?</li> <li>How is the practitioner planning to deal with these barriers?</li> </ul>
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<b>5. Referral to the Conduct pathway</b>  Referral to the Conduct Pathway may occur when there have been repeated breaches of agreed conditions, with no prospect of resolution.	<b>6. Conditions for allowing return to work following suspension</b>  What conditions are required to ensure the public remains protected?	<b>7. Applications to the NSW Civil and Administrative Tribunal from suspended or deregistered impaired practitioners requesting restoration to the National Register</b>
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**Nature of the possible impairment**

<ul style="list-style-type: none"> <li>How can public protection best be assured, given the history of the illness?</li> </ul>	<ul style="list-style-type: none"> <li>Can public protection be assured if the practitioner returns to work?</li> <li>What treatment plan is in place?</li> </ul>	<ul style="list-style-type: none"> <li>Can public protection be assured if the applicant returns to work?</li> <li>What treatment plan is in place?</li> <li>Has there been improvement in the practitioner's health and wellbeing?</li> <li>Can the applicant demonstrate control and self-management of their impairment e.g. a period of negative drug testing, positive reports from treating and CAPs, etc?</li> </ul>
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**Compliance with conditions**

<ul style="list-style-type: none"> <li>Are breaches serious and/or repeated?</li> <li>Are breaches wilful, or a manifestation of the practitioner's illness?</li> <li>Can the Council rely on conditions to ensure public protection?</li> </ul>	N/A	N/A
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**Support from friends, family and colleagues**

N/A	<ul style="list-style-type: none"> <li>Who has the practitioner confided in?</li> <li>Is the practitioner well supported in their professional life?</li> </ul>	<ul style="list-style-type: none"> <li>What is the applicant's attitude to advising work associates about their condition?</li> <li>Does the applicant have the support of family and friends in their application?</li> </ul>
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**Understanding of the illness and its effects**

<ul style="list-style-type: none"> <li>Is there agreement about the effect their illness is having on the practitioner's work and professional life?</li> <li>What progress had the practitioner made in their understanding of their illness?</li> </ul>	<ul style="list-style-type: none"> <li>Is there agreement about the effect their illness is having on the practitioner's work and professional life?</li> <li>What progress had the practitioner made in their understanding of their illness?</li> </ul>	<ul style="list-style-type: none"> <li>What is the applicant's attitude to the circumstances of their suspension or deregistration?</li> </ul>
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