



## Practice monitor and exclusion conditions Policy

*Medical Council Policies outline legislative principles and can also reflect the values/philosophies of the Medical Council. They direct conduct and decision making and must be complied with and implemented by members and staff or delegates of the Council and/or Medical Practitioners practicing in NSW.*

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Policy	DD19/18545	

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4 June 2019	Medical Council NSW	4 June 2019	June 2024

### Summary

This policy sets out permissible exclusionary conditions that delegates may impose in relation to the practice monitor and exclusion conditions listed in the Council's Conditions Handbook.

### Applies to (Scope)

- Medical Council of NSW, its delegates and secretariat staff

Document Owner	Functional Group/Subgroup
Principal, Monitoring	Monitoring

# Practice monitor and exclusion conditions Policy

## 1. Purpose

The Health Practitioner Regulation National Law (NSW) states that the protection of the health and safety of the public must be the paramount consideration when functions are being exercised under that law. Practice monitor and exclusion conditions are designed to protect the public whilst allegations of sexual assault or misconduct are dealt with by the appropriate body and may be imposed as a result of Council convening urgent proceedings under section 150 of the Health Practitioner Regulation National Law (NSW).

This policy sets out permissible exclusionary conditions that delegates may impose in relation to the practice monitor and exclusion conditions listed in the Council's Conditions Handbook.

## 2. Mandatory Requirements

Practice monitor and exclusion conditions either:

1. require a Council approved practice monitor to be present when the practitioner has contact with a patient in the identified patient group; or
2. prohibit the practitioner from having contact with a patient in the identified patient group.

Permissible exclusionary conditions in relation to sexual boundary crossing are:

- children/young person
- gender (as self-identified)
- all patients

Exclusion for other age ranges, for example female patients between the age of 12-50 years are not in accordance with this policy.

## 3. Definitions

Term	Explanation
child/children/young person	a person/s under the age of 18 years.
contact	includes any consultation, examination, treatment, procedure, interview, assessment, prescribing for, advising, or otherwise seeing a patient, whether or not the patient is physically in the presence of the practitioner.
identified patient group	a category of individuals referred to in a condition imposed on a practitioner's registration.
patient	a person who belongs to the identified patient group.
practice monitor	A medical practitioner, nurse or midwife with current Australian registration who has been approved by the Medical Council of NSW to monitor the practice of a practitioner who is the subject of a practice monitor condition.

## 4. Implementation

Implementing Party (Position/Groups/Bodies)	Key Actions Required by Identified Party to Implement the Policy
the Council and its delegates	impose conditions which comply with this policy
Monitoring and Fitness to Practise teams	inform Council and its delegates of this policy when Council or its delegates are considering imposing practice monitor or exclusion conditions

## 5. Legislation and References

**Laws and standards**            The Health Practitioner Regulation National Law (NSW) N0 86a

**Handbooks**            The Council's [Conditions Handbook](#) provides Council and its delegates with more information about imposing conditions.

## 6. Related Policies

Medical Council of NSW *Compliance Policy – practice monitor.*

## 7. Revision History

Version	Approved By	Amendment notes
N/A	N/A	N/A