

# Fact sheet

## Attending a Health Assessment Health Pathway

## Summary

### What

The *Health Practitioner Regulation National Law (NSW)* (National Law (NSW)) gives us the power to require you to attend a health assessment (assessment).

An independent assessment with a Council-appointed practitioner helps us to determine:

- your current health status
- if you have an *impairment* under the National Law (NSW)
- any further action we need to take to ensure public safety.

### Impairment

You will only be found to have an 'impairment' under section 5 of the National Law (NSW) if you have a health issue, which is likely to affect or does affect the safe practice of your 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 you have a health issue, which is well managed by medical, professional and personal support, we may find that you do not have an impairment under the National Law (NSW).

### Who

A Council-appointed practitioner will carry out the Assessment and form an opinion as to whether you have an impairment under the National Law (NSW).

Council-appointed practitioners can be psychiatrists, psychologists, neuropsychologists, neurologists, drug and alcohol specialist physicians or other health practitioners with expertise in your health issue.

If you are attending a follow-up assessment to review your health status and progress, the same Council-appointed practitioner will usually assess you.

We appoint Council-appointed practitioners for their independence, expertise as health practitioners and understanding of our role and legislative function under the National Law (NSW).

For this reason, your treating practitioner is not able to act as an independent Council-appointed practitioner.

### How

We will organise your appointment with a Council-appointed practitioner.

We will then send you a letter confirming:

- the name of the Council-appointed practitioner
- the date, time and location of the assessment.

### What to do next

- Check the date, time and location of your assessment.
- Contact us on 1300 197 177 to confirm your attendance.
- Arrange transport to the assessment to arrive at least 10 minutes before.
- Provide us with any information you wish the Council-appointed practitioner to consider (please see '*what can you do to prepare?*' below).

### What to do on the day

- Take any of your regular medications as normal.
- Bring a list of any current medications.
- Avoid using alcohol for at least 12 hours before.
- Bring a form of official photo identification (i.e. driver licence or passport).
- Bring your reading glasses, contact lenses or hearing aids.

### Further details

This fact sheet details the following topics:

1. Who pays for the assessment?
2. What happens if you cannot attend?
3. What documents we provide to the Council-appointed practitioner?
4. What can you do to prepare?
5. What happens at the assessment?
6. What happens after the assessment?
7. Is the assessment report confidential?
8. Where can you get support or advice?

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## Further details

### 1. Who pays for the assessment?

We will pay for the assessment and Council-appointed practitioner's report. However, you will need to pay for your transport and, if necessary, accommodation.

If you live over 100km from the Assessment, you may apply for limited financial assistance to travel to the Assessment. To apply you must submit an application form at least five working days before travelling. We will only approve funding in limited circumstances at our discretion.

The application form can be found on our website by using the drop down menu under 'Resources' and clicking on 'Our policies' and 'Travel policies and forms for practitioners'.

### 2. What happens if you cannot attend?

If you wish to discuss your appointment, please phone us on 1300 197 177 or the telephone number stated in our letter. If you cannot attend the assessment, you must write to us (by email or letter) as follows:

When	What	Contact details
As soon as possible and no less than five full business days before the date of the appointment.	Provide your reasons for rescheduling the appointment and any supporting documentation.	<b>Email:</b> mail@nursingandmidwiferycouncil.nsw.gov.au <b>OR</b> <b>Letter:</b> Nursing and Midwifery Council, Locked Mail Bag 20, Haymarket, NSW 1238

Please do not contact the Council-appointed practitioner directly to cancel or reschedule your appointment. Only we can reschedule your appointment.

If you do not reschedule your appointment and fail to attend without a reasonable excuse:

- your non-attendance can be evidence of an impairment under the National Law (NSW)
- we will also consider taking further action, including urgent action, if necessary to protect the public.

### 3. What documents do we provide to the Council-appointed practitioner?

We will provide the Council-appointed practitioner with documents to assist them independently assess your health and form an opinion on whether you have an impairment under the National Law (NSW). These documents are likely to include:

- the complaint or (for a follow-up assessment) triggering matter
- your response (where available)
- any relevant reports such as a medical assessment report or a hospital discharge report
- any relevant practice history, including any previous assessment reports.

### 4. What can you do to prepare?

If you would like the Council-appointed practitioner to consider any additional information, please send us documents at least fourteen days before your assessment. Relevant additional information may include the following:

- information on current or previous treatment of any ill health or substance misuse
- a copy of a discharge report from a hospital
- a letter from any treating health practitioner who has information about your health, including information about your current wellbeing and fitness to practise your profession

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- a copy of any other Assessment report that may be relevant
- any drug or alcohol test results.

### 5. What happens at the assessment?

Please arrive 10 minutes before the assessment time set out in our notice to you.

The assessment consists of an interview between you and the Council-appointed practitioner. After the initial interview, you may also be asked to carry out tests to assess your cognitive/psychological functions.

It is important that you provide accurate and complete information to the Council-appointed practitioner during the initial interview so they can tailor tests to any needs/conditions you may have.

The Council-appointed practitioner may ask you questions on a number of areas, including:

- your professional qualifications
- employment history
- medical history
- current health status (mental and psychological state)
- any treatment prescribed by a treating practitioner.

The length of the assessment depends on whether you are required to do further tests and how many breaks you need. In total, the assessment can last up to four hours, if cognitive/psychological testing is needed.

### 6. What happens after the assessment?

After the assessment, the Council-appointed practitioner will provide us with a report on your health. You will be provided with a copy of the report as soon as possible either:

- sent directly to you by us; or
- at an appointment with your treating practitioner so they can explain its contents to you.

We will review the report and any information you provide to decide whether further action is needed to protect the public. We may take the following action:

- close the matter and take no further action, if the Council-appointed practitioner finds no evidence of impairment and we have no further concerns
- counsel you 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
- other action such as referring the matter for further assessment or investigation
- take immediate interim action under s150 of the National Law (NSW), if we believe the health and safety of the public is immediately at risk or it is otherwise in the public interest (*reference s150 fact sheet*).

### 7. Is the assessment report confidential?

The assessment report is a protected report, which means it will only be disclosed to third parties for the purpose of managing the complaint about you or further investigation by the Health Care Complaints Commission.

If we would like your treating practitioner to explain the contents of the assessment report to you, we will ask for your consent to send the assessment report to them.

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### 8. Where can you get support or advice?

We are available to answer any questions you have about our role and processes. We recognise that having a complaint made against you can be stressful.

You may want a support person to accompany you to the assessment. Your support person can be a friend or family member but must not be your legal counsel or treating practitioner and cannot advocate for you.

If you are concerned about your mental health and wellbeing, or need other assistance, you can speak to:

- your general practitioner
- your treating psychiatrist or psychologist
- a mental health help line:

Mental Health Help Line	Contact details
NSW Mental Health Line	1800 011 511
Beyond Blue	1300 22 4636
Lifeline	13 11 14

If you would like advice on employment matters, you can contact any of the following:

- NSW Nurses and Midwives' Association on either 02 8595 1234 (for Sydney metropolitan areas) or 1300 367 962 (for regional areas)
- your insurer
- your lawyer