



## Participant procedure: Breath-testing for alcohol

*Procedures provide practical step by step guidance to describe processes and actions required to enable the implementation of a policy or guideline. They can also be developed to ensure compliance with legislative or policy requirements by members, staff or delegates of the Council*

Date of endorsement	Endorsed by	Publication date	Review date
1 June 2018	The Nursing and Midwifery Council of NSW	1 June 2018	1 June 2019

### Summary

This procedure explains to practitioners and students who have breath-testing for alcohol conditions imposed on their registration how to participate in breath-testing.

### Applies to (scope)

- NSW practitioners and students required to undergo breath-testing for alcohol
- The Nursing and Midwifery Council of NSW, its delegates and HPCA staff

Document owner	Functional group/subgroup
Assistant Director – Council Services	Council Services, HPCA

# Participant procedure: Breath-testing for alcohol

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# Participant procedure: Breath-testing for alcohol

## 1. Purpose

If you have breath-testing for alcohol conditions on your registration, this procedure explains how to:

- prepare for breath-testing
- breath-test at the required times
- manage your results and reporting to us
- manage any absences you need to take
- apply to decrease your screening.

## 2. Compliance context

You must comply with this procedure and:

- our *Alcohol screening policy*
- any breath-testing conditions on your registration

If a condition on your registration is inconsistent with this procedure or the *Alcohol screening policy*, the condition prevails.

If you must attend other types of alcohol screening you must also comply with the relevant alcohol screening procedure.

We will decide all aspects of screening, including how often you need to attend. Our monitoring team will monitor your compliance.

## 3. Key information

We use breath-testing for alcohol to monitor practitioners and students where there is a history of or concerns about alcohol misuse or dependence. We do this to protect the public.

We understand that breath-testing can be inconvenient, intrusive and expensive. However, negative breath-test results are an effective way for us to know you are not affected by alcohol and can continue safely in practice or training.

Once your breath-testing arrangements are approved by us, you can only practise if all of the following apply:

- you have a breath-test on a device approved by us
- you have a breath-test administered by a supervisor approved by us
- you have a breath-test at the times required by this procedure
- the result of your breath-test is 0%.

## 4. Responsibilities

Parties responsible (Positions/Groups/Bodies)	Key responsibilities
NSW practitioners and students	comply with processes for breath-testing for alcohol outlined in this procedure.
breath-testing supervisor	comply with processes for supervising a participant undergoing breath-testing for alcohol outlined in this procedure and the <i>Supervisor procedure: Breath-testing for alcohol</i> .
HPCA monitoring team	monitor compliance with this procedure on behalf of the Council.
the Council	make decisions about a participant's progress and compliance with the <i>Alcohol screening policy</i> and this procedure.

## 5. Definitions and abbreviations

Term	Explanation
AHPRA	Australian Health Professional Regulation Agency
Council / we / our	Nursing and Midwifery Council of NSW
device	breath-testing for alcohol device (see Appendix A)
log	breath-testing for alcohol log
participant / you / your	a practitioner or student participating in alcohol screening because a condition on their registration requires it
substance	any: <ul style="list-style-type: none"> <li>substance listed in Schedule 1 of the <i>Drug Misuse and Trafficking Act 1985</i></li> <li>pharmacist only, prescription only or controlled drug medication as contained in Schedule 3, 4 or 8 of the <a href="#">Poisons Standard (SUSMP)</a>.</li> </ul>
supervisor	breath-testing for alcohol supervisor

## 6. Preparing for breath-testing

### 6.1 Requirements for starting breath-testing

- Requirements** Before you can start breath-testing you must:
- complete our [Starting breath-testing for alcohol](#) form
  - ensure we receive this within 7 days of the breath-testing condition being placed on your registration.

This form contains information on:

- the breath-testing device
- the device service plan
- nominating a breath-testing supervisor

You must start breath-testing within 24 hours of being told by us that your breath-testing arrangements are approved.

We may take further action if the information you give us is inadequate or cannot be approved.

- Breath-testing device** You must purchase or hire a Council-approved breath-testing device and any consumables required for breath-testing.

Manufacturer	Model	Sampling mode
Lion Laboratories Limited	SD 400	Analyse mode
	SD 400 Touch	Analyse mode
Draeger Safety Pacific Pty Ltd	5820	Automatic measurement
	6820	Automatic measurement

- Device service plan** You must ensure that your device is serviced as per the manufacturer's instruction. This must occur at least every 6 months.

You must organise another device to use while your device is being serviced. This is your service plan. If you cannot organise another device to use you cannot practise.

You must include the date your device is due for its first service and your service plan on your [Starting breath-testing for alcohol](#) form.

- Breath-testing supervisor** All breath-tests must be administered by a supervisor approved by us.

You must nominate a supervisor on your [Starting breath-testing for alcohol](#) form. We encourage you to nominate more than one supervisor to ensure a supervisor is available at all times you need to breath-test.

Your supervisor must meet the following requirements:

- not be your friend, family member or employee
- if they are a health professional, be registered with AHPRA, not have any conditions on their registration and not be the subject of a complaint or active investigation
- comply with our *Supervisor procedure: breath-testing for alcohol*
- agree to tell us if you have a positive breath-test, do not attend for breath-testing as required, or if they have any other concerns about your compliance with your conditions on your registration.

You must give your nominated supervisor our [Breath-testing supervisor nomination](#) form. You are responsible for ensuring your nominated supervisor completes this form and returns it to us as soon as possible. Your nominated supervisor must acknowledge that they have received and understand:

- the operating instructions for your device
- our *Alcohol screening policy*, this procedure and our *Supervisor procedure: breath-testing for alcohol*.

We will decide whether your nominated supervisor will be approved.

If we think they are not suitable to administer your breath-tests we will not approve them. We may also remove our approval in the future if we receive information that indicates they are no longer suitable to administer your breath-tests.

## 6.2 Timing

**Start date** You must start breath-testing within 24 hours of being told by us that your breath-testing arrangements have been approved.

**Frequency** You must breath-test every time you practise or, in the case of a student, attend for training, including weekends and public holidays.

You must breath-test before you start practice or attend for training at each of the following times:

- no more than 30 minutes before you start for the day
- if you have taken a break of more than 30 minutes
- no more than 30 minutes before you end the day
- any other time we require it

## 6.3 Costs

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### Payment

You are responsible for all breath-testing costs. This includes:

- Device purchase/hire
- Mouth-pieces
- Device servicing
- Any supervision costs.

If you are experiencing financial hardship you may contact us and discuss meeting these costs.

## 6.4 What to avoid

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### Prescribed substances and over-the-counter preparations

Some prescription medicines and over-the-counter preparations may cause positive results. It is your responsibility to avoid these while you are attending for screening.

You must vigilantly check any over-the-counter preparations you take, including supplements and complementary medicines. Review the ingredient list for alcohol and any substance that may cause a positive result. If the exact ingredients are not listed or you are unsure, you must avoid the preparation.

### Some health and personal hygiene products, food and drink

Ingredients in health and personal hygiene products, and foods and drinks can cause positive results.

Before you use a health or personal hygiene product, or eat or drink anything, carefully check that it does not include alcohol or any other ingredients that may cause a positive result. If you cannot find out its exact ingredients, you must avoid it.

Do not use mouth wash that contains alcohol. You cannot use the use of mouth wash to explain a positive result.

## 7. Having a breath test

### 7.1 Requirements for breath-testing

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<b>Requirements</b>	<p>Every breath-test must be administered by one of your approved supervisors.</p> <p>Every breath-test must be conducted according to the device manufacturer's instructions and any specific requirements of your conditions.</p> <p>You must not consume any food or drink, smoker, or use any health or personal hygiene products for twenty minutes before a breath-test.</p> <p>At each breath-test your supervisor must:</p> <ul style="list-style-type: none"> <li>• confirm your identity by witnessing a government-issued photo identification such as a valid driver licence, identity card or passport</li> <li>• record the date, time, location and result of your breath-test, then sign and write their full name in your log.</li> </ul>
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<b>Disputing a breath-test result</b>	<p>If you disagree with your breath-test result and want to dispute it you can have a blood-alcohol test.</p> <p>You must:</p> <ul style="list-style-type: none"> <li>• have the blood test taken within 2 hours of the disputed breath test</li> <li>• send us the result, evidence of chain of custody of the sample and any other supporting information within 48 hours.</li> </ul> <p>You are responsible for all costs associated with blood alcohol tests.</p>
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### 7.2 Breath-testing log

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<b>Information recorded in the log</b>	<p>You must maintain a log of your breath-test results using our <a href="#">Breath-testing for alcohol log</a>. The following information must be written by your supervisor in your log:</p> <ul style="list-style-type: none"> <li>• date, time and location of each breath-test</li> <li>• result</li> <li>• signature and full name of the supervisor who administered your breath-test.</li> </ul> <p>You must sign every entry in your log.</p>
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## 8. Managing results

### 8.1 Results

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#### Positive results

A breath-test is positive if it is more than 0%.

If your breath-test is positive you must:

- stop practising immediately
- have a second breath-test in 15 minutes.

If your second breath-test is positive you must tell us immediately and provide an explanation.

#### Returning to work after a positive breath-test

You must not return to practise for at least 24 hours after a second positive breath-test.

When you return to practise you must attend for breath-testing as required by this procedure.

### 8.2 Reporting to the Council

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#### Routine reporting

You must send us the following information within 7 days of the start of each calendar month, or as directed by us:

- A copy of your log for the previous month
- Evidence of your practise such as your work roster or copy of your appointment book. Any evidence you supply must be verified and signed by your employer or accreditor.

We may confirm your results with the device manufacturer at time of service.

We recommend you keep your own records of your log and hours.

#### When your supervisor must contact us immediately

Your supervisor must contact us immediately if:

- your breath-test is positive
- your device fails or is not available
- you did not attend for breath-testing as required by your conditions
- they have any concerns about your alcohol use, health or compliance with your conditions.

## 9. Managing absences and operational issues

### 9.1 Absences from screening

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**All absences** If you are absent from practice, particularly if your absences follow a pattern, we may take further action.

**Missed breath-tests** If you realise you have missed your breath-test you must:

- stop practising immediately and breath-test
- notify us immediately and tell us why you missed your test
- provide us with evidence to support your missed breath-test within 5 business days.

### 9.2 Operational issues

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**Breath-testing device failure** If your breath-testing device fails, you must:

- tell us immediately
- arrange for your device to be serviced
- send us your supervisor's written confirmation of the device failure, and an alternative breath-testing proposal while your device is being serviced, within 5 business days.

You must not practise until you can breath-test on a Council-approved device.

You are responsible for all costs associated with servicing your device and your alternative breath-testing proposal.

**Supervisor issues** You are responsible for ensuring that a supervisor is available to administer your breath-test at any time you need to practise.

If your supervisor is not available you must:

- tell us immediately
- provide an alternative supervisor proposal.

You must not practise until a Council-approved supervisor can administer your breath-test.

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## 10. Ending your screening

### 10.1 Ending screening

<b>Reviews</b>	You can request a review of your screening requirements by writing to us.
<b>Considerations</b>	<p>We will decide whether to decrease your screening based on factors such as:</p> <ol style="list-style-type: none"> <li>your request and the evidence you provide</li> <li>your breath-testing results and other information from your supervisor or breath-testing device manufacturer</li> <li>any other alcohol screening results</li> <li>reports from your Council-appointed practitioner, treating practitioner and any interview or hearing with us</li> <li>your compliance with the conditions on your registration</li> <li>your engagement with treatment</li> <li>the history of your health disorder and current health status</li> </ol> <p>any other information about your progress.</p>

## 11. Contacts and further information

Drug screening contacts	Support services
<p><b>Lion Breathalysers Australia</b>            Phone: 1300 728 287            Email: Customer service <a href="mailto:info@lionaas.com.au">info@lionaas.com.au</a>            Visit: <a href="https://lionbreathalysersaustralia.com.au">https://lionbreathalysersaustralia.com.au</a></p>	<p><b>Nurse &amp; Midwife Support</b>            Phone: 1800 667 877            Visit: <a href="http://www.dhas.org.au">www.dhas.org.au</a></p>
<p><b>Draeger Safety Pacific Limited</b>            Phone: 1800 372 437            Person to contact: Clive Desira            Visit: <a href="http://www.draeger.com">www.draeger.com</a></p>	<p><b>NSW Nurses and Midwives Association</b>            Metro phone: (02) 8595 1234            Regional phone: 1300 367 962            Visit: <a href="http://www.nswnma.asn.au">www.nswnma.asn.au</a></p>
<p><b>Council details</b>            Phone: 1300 197 177            Visit: <a href="http://www.nursingandmidwiferycouncil.nsw.gov.au">www.nursingandmidwiferycouncil.nsw.gov.au</a>            Mail: <a href="mailto:mail@nursingandmidwiferycouncil.nsw.gov.au">mail@nursingandmidwiferycouncil.nsw.gov.au</a></p>	<p><b>Beyond Blue</b>            Phone: 1300 22 4636            Visit: <a href="http://www.beyondblue.org.au">www.beyondblue.org.au</a></p>
<p><b>Alcoholics Anonymous Australia</b>            Phone: 1300 222 222            Visit: <a href="http://www.aa.org.au">www.aa.org.au</a></p>	<p><b>Lifeline</b>            Phone: 13 11 14            Visit: <a href="http://www.lifeline.org.au">www.lifeline.org.au</a></p>

## 12. Legislation and references

**Laws and standards** N/A

**Fact sheets** We have a range of [fact sheets](#) providing information about alcohol screening.

## 13. Related policies

Nursing and Midwifery Council of NSW *Alcohol screening policy*

Nursing and Midwifery Council of NSW *Supervisor procedure: breath-testing for alcohol*

## 14. Revision history

Version	Approved By	Amendment notes
1 <sup>st</sup> Version	N/A	N/A