



<b>HEALTH PROFESSIONS LICENSING AUTHORITY</b>	
<b>TITLE: Performance Assessment Policy</b>	
<b>EFFECTIVE DATE:</b> July 2004	<b>REVIEW DATE:</b> July 2005 (updated Feb 2005)
<b>BOARD: Medical Board of the Northern Territory</b>	

## **PURPOSE**

The Medical Board of the Northern Territory (the Board) is a statutory body responsible for ensuring the public is protected through the regulation of medical practitioners registered in the Northern Territory.

The Board carries out this mandate by:

- Ensuring that all practitioners have received educational preparation to an agreed national standard;
- Dealing with issues of conduct and taking any disciplinary action as required;
- Administering the framework under which impaired practitioners can be rehabilitated without necessarily losing their license to practice, and
- Assisting to improve practitioner's performance should it be found to be below accepted professional standards

The Health Professions Licensing Authority (HPLA) provides a bureau service to the Board and carries out administrative duties as directed by it.

Part 6 of the *Health Practitioners Act 2004* (the Act) empowers the Board to take action if it considers that a practitioner's professional performance is unsatisfactory. The Board has developed a Performance Assessment Program to assist it to carry out the requirements of the Act.

## **DEFINITION**

The Act defines professional performance in terms of the knowledge and skill possessed and applied by the practitioner in the category of health care practice for which he or she is registered or enrolled.

## **UNSATISFACTORY PROFESSIONAL PERFORMANCE**

The Act states that professional performance is deemed to be unsatisfactory if it is below the standard reasonably expected of a health practitioner of an equivalent level of training or experience.

## **How does the Performance Assessment Program work?**

The Performance Assessment Program provides a non-disciplinary approach to the assessment of practitioners for whom the Board has concerns about deficiencies in their general professional performance.

A person may notify the Board if he or she considers that a practitioner's professional performance is unsatisfactory. Also, the Board may on its own motion assess a practitioner's professional performance if any matter comes to its attention that indicates that the practitioner's professional performance is unsatisfactory.

For the purposes of Performance Assessment, a "person" is taken to mean:

- the practitioner themselves
- another health practitioner
- a patient
- a member of the general public
- the Health and Community Services Complaints Commissioner
- the practitioner's employer or supervisor
- an educational institution
- other registration Boards in Australia or from Overseas

Before notifying the Board of possible unsatisfactory professional performance the following question should always be answered "Yes":

***"Does this problem have the potential to influence patient care?"***

Upon receipt of a notice, or after determining to take own motion action, the Board will appoint, usually two (2) people, to assess the practitioner's professional performance.

The practitioner who is the subject of the Performance Assessment will be kept informed throughout the process.

Assessors must be practitioners who have the skills, knowledge or experience that is relevant to the particular assessment for which he or she has been appointed. For example, a general medical practitioner would be assessed by other general medical practitioners rather than medical specialists. The assessors will visit the practitioner's practice and assess their performance in a number of key areas including the review of a sample of patient records and direct clinical observation.

Once the assessment has been completed, the assessors must provide a written report with recommendations to the Board, and provide a copy of the report to the practitioner.

The report cannot be admitted or used in any civil proceedings before a court without the consent of the authors and the practitioner who is the subject of the report.

Upon receipt of consent of the doctor who is the subject of the Performance Assessment, the Board will provide a full copy or particulars of the Performance Assessment Report to the Doctor's workplace supervisor. Matters where no consent is forthcoming from the doctor will be considered on a case by case basis as the Act allows the Board to share information as it sees fit.

After considering the report the Board needs to establish whether the practitioner's professional practice meets the standard reasonably expected of a practitioner of an equivalent level of training or experience.

The Board may determine to take no further action or to seek an explanation from the practitioner either in writing or by the practitioner appearing before the Board.

If after receiving the report and the explanation, the Board is satisfied that the practitioner's professional performance is unsatisfactory, the Board may do one or more of the following:

- accept an undertaking from the practitioner to take or refrain from taking specified action;
- impose any condition that it thinks fit on the practitioner's registration;
- give notice of the decision and any action taken by the Board to any registration authority, body or person the Board considers appropriate to notify.

If the Board finds that a matter raises a prima facie case of professional misconduct or unsatisfactory professional conduct of a significant nature it may direct the matter be dealt with under the disciplinary provisions of the Act.

In any other case, the Board may, if it thinks it appropriate to do so, direct that the matter be dealt with under the disciplinary or impairment provisions of the Act.

The Board may re-assess the practitioner's professional performance at a later date.

Should the practitioner be aggrieved of a decision of the Board, he/she may appeal on a question of law to the Supreme Court.

The Board must refer the matter to the Health Professional Review Tribunal if the practitioner disputes the Board's findings that their professional performance is unsatisfactory.

### **Process Evaluation**

Upon completion of the Performance Assessment, the Board will seek feedback regarding the process from the following persons (as applicable) the doctor, the workplace supervisor, the practice manager and other relevant persons.

The Performance Assessment process is summarised in the flow-chart overleaf.