

Terms of Reference

Monitoring and Review Committee

1. Purpose

The Monitoring and Review Committee oversees monitoring and reviews of registered health practitioners and students with restrictions on registration related to health, performance and conduct pathways. The Committee's purpose is to protect the public by ensuring safe professional practice, maintaining public safety, and proactively identifying and minimising risk early.

2. Functions

The functions of the Committee include:

- a) Evaluating whether the strategies used to monitor compliance of practitioners and students with restrictions imposed on their registration are effective and efficient
- b) assessing non-compliance issues for any risk to public health and safety and/or public interest issues
- c) deciding the course of action for managing non-compliance by:
 - i. referring a practitioner or student to a compliance interview
 - ii. making a complaint to the Health Care Complaints Commission of:
 - i. non-compliance
 - ii. suitability to be registered
 - iii. unsatisfactory professional conduct or professional misconduct
 - iii. referring a practitioner or student for performance or health assessments, including urine and hair screening for drugs and/or alcohol
 - iv. referring a practitioner or student to urgent interim action proceedings;
 - v. referring a practitioner or student to an Impaired Registrants Panel; or
 - vi. any other appropriate action under the *Health Practitioner Regulation National Law (NSW)*
- d) taking urgent interim action where necessary including by imposing:
 - i. suspension
 - ii. conditions
 - iii. a critical impairment condition
- e) recording and explaining the reasons for decision
- f) consideration of Impaired Registrants Panel reports of recommendations of an Impaired Registrants Panel only if there is evidence that the practitioner or student has voluntarily agreed to:
 - i. suspend registration
 - ii. impose conditions on registration
 - iii. vary or amend conditions or suspension.If satisfied, impose conditions or suspension.
- g) reviewing practitioners and students in the health pathway to determine whether:
 - i. a referral to an Impaired Registrants Panel is appropriate; or

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- ii. to be further assessed by a Council appointed practitioner in accordance with condition(s) on registration.
- h) providing approval in circumstances where condition(s) on a practitioner or student's registration or order(s) made by an adjudication body require the Council's approval for specific action, such as:
 - i. Place of practice/employment
 - ii. Supervisor
 - iii. Educational program/s
 - iv. Alternative arrangements for drug screening
- i) reviewing conditions when it has been identified that the Council is the appropriate review body
- j) make recommendations to the Council on policy matters related to monitoring and review

3. Delegations

The Council has delegated any two members of the Committee with the following powers under the *Health Practitioner Regulation National Law (NSW)*:

- i. section 144B - to make a complaint
- ii. section 145E - to direct a practitioner or student to undergo an examination by a specified registered health practitioner at a specified reasonable time and place
- iii. section 145I - decision not to refer under part 8, Division 3, Subdivision 2 – Practitioner or Student not registered
- iv. section 146E(1) - to refer a matter to the Tribunal, where it is reasonably believed that a nurse or midwife has contravened any conditions imposed under a direction made by a Professional Standards Committee
- v. section 150(1) - interim emergency power to suspend or impose conditions
- vi. section 150A(2)(a) - refuse review of decision
- vii. section 150A - review a decision
- viii. section 150C - alter or remove conditions or end suspension
- ix. section 150J - to obtain information, records and evidence
- x. section 150FA - to order that a condition on the registration of a practitioner that is imposed or altered because of the impairment of the practitioner is a critical impairment condition
- xi. section 150FA - to determine that a critical impairment condition on the registration of a nurse or midwife has been contravened
- xii. section 152B - to require a practitioner to undergo an examination by another registered health practitioner
- xiii. section 152C(1) - to require a student to undergo an examination by another registered health practitioner
- xiv. section 152C(4) - to suspend a student's registration, until the student undergoes the examination, if the student fails to comply with the requirement of undergoing examination without reasonable excuse

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- xv. section 152D - to refer a matter to an Impaired Registrants Panel, if the matter indicates a registered health practitioner or student has or may have an impairment
- xvi. section 152J - to impose conditions or suspend a practitioner or student's registration, if recommended by an Impaired Registrants Panel
- xvii. section 152K(3) & (5) - to refuse to alter or remove conditions, or refuse to terminate or shorten the suspension
- xviii. section 152M - to suspend or impose conditions on student's registration in the public interest
- xix. section 154 - to have the professional performance of a registered health practitioner assessed
- xx. section 155C - to take any action, as provided in section 155C (1) of the Law, after receiving the performance assessment report
- xxi. section 156C(5) - to make a complaint in respect of a matter that has been considered by a Performance Review Panel
- xxii. section 157 - to take any action under the Law, following the monitoring and evaluation of the effectiveness of conditions imposed by a Performance Review Panel
- xxiii. section 163 - conduct review proceedings in circumstances where the Council has been designated as the appropriate review body
- xxiv. section 164A(2) - to approve an authorised person to enter and inspect specified premises being used for the carrying on of the practice of nursing or midwifery
- xxv. section 164G - to require a practitioner or student to provide further information about any complaint or other matter

4. Membership

The Committee comprises of at least four members, with at least two members being Council members.

The membership is made up of:

- one community member
- one registered nurse (Division 1)
- one enrolled nurse (Division 2)
- one registered midwife

A legal member may also be a member of the committee.

5. Quorum

A quorum comprises of two members, one member being a community member and the other member can be of either profession.

The **chairperson** is a member nominated by the Committee.

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6. Meeting Requirements

The Committee meet 12 times per calendar year, with one meeting each month.

7. Records and Reporting

The minutes of the Monitoring and Committee is a record of all decisions made at the meeting. The minutes must be approved and signed by the chairperson of the meeting.

The minutes are considered by the Council at its bi-monthly meeting.

8. Resources

The RAPPS (Risk, Assessment, Professional Programs and Scheduling) team are responsible for the Committee's meeting requirements, preparation of the agenda and ensuring decisions are actioned within the timeframe specified.

9. Remuneration

Members of the Committee are remunerated for performing regulatory functions delegated by the Council under the schedule of fees approved by the NSW Health Minister.

10. Expectations and Obligations

Member are expected to prepare for the Committee meeting in advance by reviewing all the complaint material on the agenda.

The chairperson delegates agenda items to members to ensure a detailed review of cases. Members are responsible for any follow up actions.

11. Review

The terms of reference are to be reviewed every 12 months.