

# Terms of Reference

## Notifications Committee

### 1. Purpose

The Notifications Committee manages notifications (complaints) about the conduct, performance and health of registered health practitioners and the health of students. 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, in accordance with Part 8 of the *Health Practitioner Regulation National Law (NSW)*, include:

- a. assessing complaints for risk to public safety and/or public interest issues
- b. deciding the course of action for managing a complaint, in consultation with the Health Care Complaints Commission (HCCC), including referring matters to the HCCC for:
  - i. Investigation
  - ii. Conciliation
  - iii. Complaint resolution
- c. managing complaints in the health, performance or conduct pathways, referred to the Council following consultation with the HCCC
- d. consultation with the HCCC following urgent interim action and agreement on the appropriate referral pathway
- e. deciding whether to conduct urgent action interim proceedings
- f. taking urgent interim action where necessary including by imposing:
  - i. suspension
  - ii. conditions
  - iii. a critical impairment condition
- g. not taking urgent interim action where it is assessed as unnecessary to protect the public or in the public interest
- h. recording and explaining the reasons for decision
- i. consideration of the Impaired Registrants Panel reports and their recommendations, 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 suspensionIf satisfied, impose conditions or suspension
- j. deciding the course of action for managing a complaint by referring to another entity, for example, a National Board
- k. deciding whether to refer a practitioner to a performance interview

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- I. consideration of performance interview reports and recommendations of the Performance Interview Committee, for example, refer the professional performance of the practitioner concerned for a performance assessment

## 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. sections 145A - to consult with the Health Care Complaints Commission
- iii. section 145B - to take a course of action in respect of a complaint
- iv. section 145BA(3) - to determine what, if any, additional information is to be included in a notice to a complainant notifying the outcome of their complaint
- v. section 145I - decision not to refer under part 8, Division 3, Subdivision 2 – Practitioner or Student not registered
- vi. section 145J - not to refer under Part 8, Division 3, Subdivision 2 – Complainant fail to provide further particulars
- vii. 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
- viii. section 150(1) - interim emergency power to suspend or impose conditions
- ix. section 150A(2)(a) - refuse review of decision
- x. section 150A - review a decision
- xi. section 150C - alter or remove conditions or end suspension
- xii. section 150J - to obtain information, records and evidence
- xiii. 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
- xiv. section 150FA - to determine that a critical impairment condition on the registration of a nurse or midwife has been contravened
- xv. section 152B - to require a practitioner to undergo an examination by another registered health practitioner
- xvi. section 152C(1) - to require a student to undergo an examination by another registered health practitioner
- xvii. 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
- xviii. 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
- xix. section 152J - to impose conditions or suspend a practitioner or student's registration, if recommended by an Impaired Registrants Panel
- xx. section 152K(3) & (5) - to refuse to alter or remove conditions, or refuse to terminate or shorten the suspension

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- xxi. section 152M - to suspend or impose conditions on student's registration in the public interest
- xxii. section 154 - to have the professional performance of a registered health practitioner assessed
- xxiii. section 155C - to take any action, as provided in section 155C (1) of the Law, after receiving the performance assessment report
- xxiv. section 156C(5) - to make a complaint in respect of a matter that has been considered by a Performance Review Panel
- xxv. 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
- xxvi. 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
- xxvii. section 164G - to require a practitioner or student to provide further information about any complaint or other matter
- xxviii. section 171E(4)(b) - to disseminate the Professional Standards Committee decision where the complaint is not proven or admitted in whole or in part
- xxix. 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

## 4. Membership

The Committee comprises of a minimum five 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
- one member of the profession with mental health expertise

## 5. Quorum

A quorum comprises of three members, one member being a community member and two members of either profession.

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

## 6. Meeting Requirements

The Committee meet 24 times per calendar year, with two meetings each month.

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## **7. Records and Reporting**

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

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

The chairperson may delegate 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.