

Terms of Reference

Section 150 Committee

1. Purpose

The Section 150 Committee deals with complaints referred by the Council to determine whether urgent interim action is required on a practitioner's or student's registration to maintain the health or safety of any person or persons, or if it is otherwise in the public interest.

2. Functions

The functions of the Committee include:

- a) assessing complaints for risk to public safety and/or public interest issues
- b) deciding whether to conduct urgent action interim proceedings
- c) conducting urgent interim action proceedings including reviews face-to-face where the practitioner or student is present in person, by video or audio conference or without the person being present (on the papers)
- d) taking urgent interim action where necessary including by imposing:
 - a. suspension
 - b. conditions
 - c. a critical impairment condition
- e) deciding not to take urgent interim action where it is not necessary to protect the public or in the public interest
- f) where urgent action is taken, recommending the appropriate referral pathway
- g) recording and explaining the reasons for decision within timeframes set by the Council.

3. Delegations

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

- i. section 150(1) - interim emergency power to suspend or impose conditions
- ii. section 150A(2)(a) - refuse review of decision
- iii. section 150A - review a decision
- iv. section 150C - alter or remove conditions or end suspension
- v. section 150J - to obtain information, records and evidence
- vi. 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
- vii. section 150FA - to determine that a critical impairment condition on the registration of a nurse or midwife has been contravened

Terms of Reference



4. Membership

The membership of the Committee includes a minimum:

1. one member who has not at any time been registered as a nurse or midwife or as a nursing or midwifery student; and
2. two members of either profession:
 - a. registered nurse (Division 1)
 - b. enrolled nurse (Division 2)
 - c. registered midwife

5. Quorum

A quorum comprises of two members, one being a member who has not at any time been registered as a nurse or midwife or as a nursing or midwifery student and one being a member of either profession.

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

6. Meeting Requirements

The Committee meets 48 times per calendar year, with at least four meetings per month.

Audio recording is required where the practitioner or student is present in person, by video or audio conference.

7. Expectations and Obligations

Members prepare for the meeting in advance by undertaking a detailed review of matters.

RAPPS (Risk, Assessment, Professional Programs and Scheduling) team is obliged to notify members if there is late material, in advance.

8. Records and Reporting

Section 150 reports are considered by the Council at its bi-monthly meeting.

Any recommendations or comments about specific matters must be reported to the Council in a separate brief.

9. Resources

The RAPPS team is responsible for the Committee's meeting requirements, preparation of hearing documents and ensuring decisions are actioned within the timeframe specified.

Terms of Reference



10. 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.

11. Review

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