

# Supervisor 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 2023

## Summary

This procedure explains the requirements of breath-testing supervisors for practitioners and students who have breath-testing for alcohol conditions imposed on their registration.

## Applies to (Scope)

- Breath-testing supervisors
- The Nursing and Midwifery Council of NSW, its delegates and staff

Document Owner	Functional Group/Subgroup
Assistant Director – Council Services	Council Services, HPCA

# Supervisor procedure: Breath-testing for alcohol

## Table of Contents

Clause	Page Number
1. Purpose	3
2. Compliance Context	3
3. Key information	3
4. Responsibilities	4
5. Definitions and abbreviations	4
6. Approving a breath-testing supervisor	4
7. Administering a breath-test	6
8. Reporting to the Council	8
9. Contacts and further information	9
10. Legislation and References	9
11. Related Policies	9
12. Revision History	9
13. Appendices	10

# Supervisor procedure: Breath-testing for alcohol

## 1. Purpose

This procedure outlines what you need to do if you have been nominated to be a breath-testing supervisor or if you are an approved breath-testing supervisor. It explains:

- our approval process
- how to administer a breath-test
- how to manage a participant's results and reporting to us
- any other requirements of a breath-testing supervisor.

## 2. Compliance Context

If you are approved as a breath-testing supervisor we ask that you comply with the processes set out in this procedure.

Participants who are undergoing breath-testing for alcohol must comply with:

- our *Alcohol screening policy*
- our *Participant procedure: breath-testing for alcohol*
- any breath-testing conditions on their registration.

## 3. Key information

We use breath-testing 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.

All breath-tests must be administered by a breath-testing supervisor approved by us. We collaborate with all supervisors to ensure practitioners or students comply with breath-testing arrangements.

We understand that administering a breath-test can be inconvenient and time consuming. However, negative breath-test results are an effective way for us to know that practitioners or students are not affected by alcohol and can continue safely in practice or training.

Thank you for your cooperation in this process.

## 4. Responsibilities

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

## 5. Definitions and abbreviations

Word	Definition
AHPRA	Australian Health Professional Regulation Agency
Council / we / our	Nursing and Midwifery Council of NSW
device	breath-testing for alcohol device (see Appendix A)
HPCA	Health Professional Councils Authority
log	breath-testing for alcohol log
participant	a practitioner or student participating in alcohol screening because a condition on their registration requires it
Supervisor / you / your	breath-testing for alcohol supervisor

## 6. Approving a breath-testing supervisor

### 6.1 Participant requirements for breath-testing

<b>Requirements</b>	<p>Participants with breath-testing for alcohol conditions on their registration must only practise if all of the following apply:</p> <ul style="list-style-type: none"> <li>• they have a breath-test on a device approved by us</li> <li>• they have a breath-test administered by a supervisor approved by us</li> <li>• they have a breath-test at the times required by the <i>Participant procedure: breath-testing for alcohol</i></li> <li>• the result of their breath-test is 0%.</li> </ul>
---------------------	---

## 6.2 What to do if you are nominated as a supervisor

---

### Supervisor requirements

A supervisor must meet the following requirements:

- not be a 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 this procedure
- agree to tell us if the participant has a positive breath-test, does not attend for breath-testing as required, or if they have any other concerns about the participant's compliance with the conditions on their registration.

Participants are encouraged to nominate more than one supervisor to ensure a supervisor is available at all times.

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

### What information you receive?

The participant will give you our [Breath-testing supervisor nomination](#) form and a copy of:

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

### If you agree to the nomination

You must complete the [Breath-testing supervisor nomination](#) form indicating that you agree to the nomination and send it back to us.

While the participant is responsible for ensuring you complete this form and return it to us, we ask that you do this as soon as possible to ensure the participant's breath-testing arrangements can be approved and they can start breath-testing.

### If you do not agree to the nomination

You must complete the [Breath-testing supervisor nomination](#) form indicating that you do not agree to the nomination and send it back to us.

You should advise the participant that you do not agree to the nomination.

<b>If you are unsure what to do</b>	Please contact us if you have any questions about the nomination process.
-------------------------------------	---

## 6.3 Approving breath-testing supervisors

---

<b>Approval process</b>	<p>We will consider your completed <a href="#">Breath-testing supervisor nomination</a> form and any other information provided to us and decide whether you will be approved as a supervisor.</p> <p>We may contact you if we need more information.</p> <p>We will write to you and the participant and advise you of the outcome of your nomination.</p>
-------------------------	---

## 7. Administering a breath-test

### 7.1 Timing

---

<b>Starting breath-testing</b>	<p>The participant must start breath-testing within 24 hours of being told by us that their breath-testing arrangements are approved. The participant is responsible for organising when they require you to administer a breath-test.</p> <p>We will write to you if you are approved as a supervisor and tell you how often the participant must attend for breath-testing and if the requirements for breath-testing change.</p>
--------------------------------	---

<b>Frequency</b>	<p>A participant must breath-test every time they practise or, in the case of a student, attend for training, including weekends and public holidays.</p> <p>The participant must breath-test before they start practice or attend for training at each of the following times:</p> <ul style="list-style-type: none"> <li>• no more than 30 minutes before they start for the day</li> <li>• if they have taken a break of more than 30 minutes</li> <li>• no more than 30 minutes before they end the day</li> <li>• any other time we require it</li> </ul>
------------------	--

## 7.2 Requirements for administering a breath-test

---

<b>Requirements</b>	<p>Every breath-test must be administered by an approved supervisor.</p> <p>The participant must not consume any food or drink, smoke, or use any health or personal hygiene products for 20 minutes before a breath-test.</p> <p>At each breath-test you must:</p> <ul style="list-style-type: none"><li>• confirm the participant's identity by witnessing a government-issued photo identification such as a valid driver licence, identity card or passport</li><li>• administer the breath-test according to the device manufacturer's instructions and any specific requirements of the participant's conditions</li><li>• record the date, time, location and result of the breath-test, then sign and write your full name in the <a href="#">Breath-testing for alcohol log</a>.</li></ul> <p>The participant is responsible for maintaining their log and must sign every entry.</p>
---------------------	--

## 7.3 What to do if you are not available

---

<b>If you are unable to administer a breath-test</b>	<p>The participant is responsible for ensuring that a supervisor is available to administer a breath-test at any time they need to practise.</p> <p>If you are not available to administer a breath-test you must advise the participant as soon as possible so they can make alternative arrangements.</p> <p>The participant must follow the processes outlined in the <i>Participant procedure: breath-testing for alcohol</i>.</p> <p>We may contact you to provide information to support a participant's claim.</p>
--	---

## 7.4 Managing results

---

### Positive results

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

If the participant's breath-test is positive they must:

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

The participant should be observed by you during this time and must not consume any food or drink, smoke, or use any health or personal hygiene products.

If their second breath-test is positive you must tell us immediately.

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

### Disputing a breath-test

If the participant disagrees with their breath-test result and they want to dispute it, they can have a blood alcohol test. This process is outlined in the *Participant procedure: breath-testing for alcohol*.

You are not responsible for coordinating or taking any blood alcohol tests.

## 7.5 Costs

---

### Payment

The participant is responsible for all breath-testing costs, including any supervision costs.

## 8. Reporting to the Council

### 8.1 Reporting to the Council

---

#### Routine reporting

You are not required to send us any routine reporting information to us.

The participant must send us a copy of their log within 7 days of the start of each calendar month.

We may contact you to provide information to confirm the participant's log.



**When you must contact us immediately**

You must contact us immediately if:

- the participant has a second positive breath-test
- the participant's device fails or is not available
- the participant did not attend for breath-testing as required by their conditions
- you have any concerns about the participant's alcohol use, health or compliance with their conditions.

**If you are unsure what to do**

Please contact us if you have any questions about managing results.

## 9. Contacts and further information

Drug screening contacts	Device manufacturers
<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:hpca-nursingandmidwiferycouncil@health.nsw.gov.au">hpca-nursingandmidwiferycouncil@health.nsw.gov.au</a>	<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>
	<b>Lion Breathalysers Australia</b> Phone: 1300 728 287 Email: Customer service <a href="mailto:info@liona.us.com.au">info@liona.us.com.au</a> Visit: <a href="https://lionbreathalysersaustralia.com.au">https://lionbreathalysersaustralia.com.au</a>

## 10. Legislation and References

**Fact sheets**

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

## 11. Related Policies

Nursing and Midwifery Council of NSW *Alcohol screening policy*

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

## 12. Revision History

Version	Approved By	Amendment notes
N/A	N/A	N/A

## 13. Appendices

### Appendix A – Breath-testing for alcohol devices

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