



Chaperone information and requirements for registered health practitioners

This protocol applies to any registered health practitioner¹ against whom the Health Ombudsman has taken immediate registration action by imposing conditions on their registration and the conditions imposed include a requirement that:

- a chaperone be present when the practitioner has contact with all or certain patient groups
- the practitioner must comply with this chaperone protocol.

Why has the Health Ombudsman imposed chaperone conditions?

One of the main objectives of the *Health Ombudsman Act 2013* is to protect the health and safety of the public.² To assist in achieving this objective, the Health Ombudsman may take immediate registration action on a practitioner's registration if the Health Ombudsman reasonably believes that:

- because of the practitioner's health, conduct or performance, they pose a serious risk to persons
- it is necessary to take immediate registration action to protect the health or safety of the public.³

In circumstances where immediate registration action is necessary, the Health Ombudsman will decide whether to suspend or impose conditions on a practitioner's registration.

If conditions are imposed, these may include conditions that require the presence of a chaperone when the practitioner has contact with all patients or certain types of patients. Chaperone conditions are often used as a protective measure while further relevant action is taken under the Act, such as investigation.

The specific reasons for the Health Ombudsman's decision to take immediate registration action by imposing conditions on your registration (including the chaperone conditions) are outlined in the *Notice of immediate registration action* provided to you. The notice also included a schedule of conditions, which set out the conditions the Health Ombudsman imposed on your registration.

When is a chaperone required?

Chaperones are required to be *physically present and directly observe all contact* between you and either any patient or certain patient groups. Your conditions outline which patients require a chaperone. It is important that you are aware that, for the purposes of the chaperone conditions, the words *contact* and *patient* have particular meanings.

¹ *Registered health practitioner* is defined under schedule 1 of the Health Ombudsman Act 2013 and section 5 of the Health Practitioner Regulation National Law (Queensland) (the National Law)

² Section 4 of the *Health Ombudsman Act 2013*

³ Section 58 of the *Health Ombudsman Act 2013*



Contact is not confined to merely consultation with a patient, but includes and is not limited to an interview, examination or assessment of a patient and prescribing for, advising, treating or otherwise seeing or communicating with a patient, whether this is in-person or via a communication device. However, for the purposes of this protocol, it does not include a communication between the practitioner and the patient that is exclusively for the purpose of informing the patient of the requirement for a chaperone prior to any further contact.

Patient is defined as any individual awaiting, requiring or receiving the professional services of a practitioner with chaperone conditions or a registered health practitioner within the same place of practice as a practitioner with chaperone conditions. In some circumstances, the conditions will expand this definition to include any spouse, partner, parent, family member, friend, guardian or carer of the individual.

You should carefully review your conditions to determine who is defined as a patient.

Your chaperone conditions may specify that a chaperone is required for:

- all patients
- a group of patients including
 - patients within a certain age range
 - patients of a certain gender or gender identity
 - patients undergoing particular types of procedures, examinations or assessments.

It is your responsibility to ensure that you have a chaperone present for all patient contact where one is required by your conditions and this protocol.

Any patient contact that occurs between you and a patient in the absence of an appropriate chaperone will be considered a breach of the condition and may result in further action by the Health Ombudsman, including the suspension of your registration.

When should I inform my patients of the need for a chaperone?

Prior to any contact with any patient that requires a chaperone under your conditions, you or an appropriate staff member should inform each relevant patient that:

- a chaperone is required to be present and directly observe any contact between you and the patient at all times
- if they proceed with the contact, their personal information may be shared with the Office of the Health Ombudsman (OHO).

The patient must then be offered the choice of:

- the use of a chaperone of their choice*
- the use of a chaperone approved by the Health Ombudsman
- contact with another registered health practitioner.



Where a patient requiring a chaperone is under the age of 18, a parent or guardian must be present and informed of the need for a chaperone.

Where a patient refuses or demonstrates any reluctance to have a chaperone present, the contact must not go ahead or, if already commenced, must cease immediately. Where practical, the patient should then be offered an appointment or other relevant contact with another registered health practitioner.

**Some conditions may require that a chaperone approved by Health Ombudsman is present during all contact with patients. As such, a person chosen by the patient may not be permitted to act as a chaperone. You should carefully review your particular conditions to determine who may act as a chaperone.*

Who may act as a chaperone?

Chaperone of the patient's choice

Where a patient chooses to use a chaperone of their own choice, that chaperone must be at least 18 years of age and physically able and willing to directly observe any contact between the patient and practitioner. They may be a spouse, partner, parent, other family member, friend, guardian or carer of the patient.

A chaperone chosen by the patient must be given the OHO's *Information for a chaperone selected by a patient* fact sheet (which outlines the role of a chaperone) and confirm their agreement to act in the role after reading the information sheet. This must occur *prior* to any contact between the patient and the practitioner.

Individuals approved in advance by the Health Ombudsman

You are required to nominate individuals to be approved to act as chaperones where a chaperone of the patient's choice is not available or not permitted. It is advisable that you obtain approval for a number of chaperones in order to allow for chaperone absence or illness.

You should ensure that each nominee meets the following criteria, in addition to any other criteria outlined in your conditions:

1. The nominated chaperone is at least 18 years of age.
2. The nominated chaperone is not your relative or friend.
3. The nominated chaperone is not your direct employee or otherwise in a direct contractual or financial relationship with you.*
4. The nominated chaperone is a registered health practitioner* without restrictions, conditions or undertakings on their registration and has not been the subject of adverse findings in previous disciplinary proceedings.
5. You do not have a treating relationship with the nominated chaperone.

** In particular circumstances, where it can be demonstrated that it is not possible to access chaperones who meet the above criteria, individuals who are directly employed by you and/or who are not registered health practitioners may be approved as chaperones. If you consider that such circumstances apply, you will need to provide information to the OHO to support your nomination of a chaperone who does not meet these criteria. Further information may include, but is not limited to, why you have been unable to comply with the chaperone protocol, any steps you have taken to attempt to comply with the chaperone protocol and why the nominee/s is suitable to act as a chaperone to protect the health and safety of the public with specific regard to the complaint that has given rise to the requirement for chaperone conditions.*



For each nomination, you should submit:

1. The OHO's *Nomination of chaperone* or *Chaperone nomination submission* form completed by you and the nominated chaperone—please note that the nominated chaperone will need to fully complete the *Confirmation by nominee* section for the nomination to be considered, including providing their contact details.
2. A certified copy of the nominated chaperone's driver's licence, passport or other valid photographic identification that includes a sample of their signature.

You and your nominated chaperone will be notified once the nomination is approved by the Health Ombudsman. The approved chaperone can commence acting as a chaperone from the time this notification is received.

You will be in breach of your conditions if a nominated chaperone acts as a chaperone before they are approved by Health Ombudsman. This may result in further action being taken by the Health Ombudsman, including suspension of your registration.

Do I need to maintain a chaperone log?

You must maintain a chaperone log detailing every contact you have with a patient where a chaperone is required:

- *Chaperone log 1* must be maintained to record the presence and direct observation of contact between you and a patient by chaperones *approved by the Health Ombudsman*.
- *Chaperone log 2* must be maintained to record the presence and direct observation of contact between you and a patient by chaperones *chosen by the patient*.

Chaperone log 1: Chaperones approved by the Health Ombudsman

The following applies for every contact between you and a patient where a chaperone is required, and the chaperone present is a chaperone approved by the Health Ombudsman.

At the end of each contact between you and the patient, an entry in *Chaperone log 1* must be completed in a way that cannot be edited or erased. Each entry must detail:

- the date and time of the contact
- the full name of the patient and their date of birth
- the full name of the chaperone
- the chaperone's contact address and telephone number
- the chaperone's signature and date confirming their presence during and direct observation of the entire contact.

You must also enter your name and the location of the contact at the top of each page in *Chaperone log 1*. Where you have contact with patients at multiple locations, it is suggested that a separate log, using the *Chaperone log 1* template, be used at each location.



Chaperone log 2: Chaperones chosen by the patient

The following applies for every contact between you and a patient where a chaperone is required, and the chaperone present is an individual chosen by the patient.

At the end of each contact between you and the patient, the template entry in *Chaperone log 2* must be completed in a way that cannot be edited or erased. Each entry must be contained on a separate page and detail:

- your name and the location of the contact
- the date and time of the contact
- the full name of the patient and their date of birth
- the full name of the chaperone
- the chaperone's contact address and telephone number
- the chaperone's relationship to the patient
- the patient's signature, and the date of the signature, confirming that they chose to use the named chaperone
- the chaperone's signature, and the date of the signature, confirming that
 - they are at least 18 years of age
 - they received and read a copy of the OHO *Information for a chaperone selected by a patient* fact sheet prior to any contact between the practitioner and the patient and that after reading this information sheet, they agreed to act as a chaperone
 - they were *present throughout and directly observed* the entire contact between you and the patient
 - they acknowledge that the OHO may contact them in relation to their role as a chaperone and agree to cooperate with any enquiries the OHO may make of them for the purposes of monitoring your compliance with the chaperone condition(s).

Requirement to provide chaperone logs

You must provide a copy of all chaperone logs to the Office of the Health Ombudsman within five (5) business days of the end of every calendar month, or at such times as requested by the Office of the Health Ombudsman.