



# Information for chaperones approved by the Health Ombudsman

This fact sheet is to provide you with information regarding your role and responsibilities if you agree to act as a chaperone for a registered health practitioner<sup>1</sup> and are approved by the Health Ombudsman to undertake this role.

## Background

One of the main objectives of the *Health Ombudsman Act 2013* (the Act) is to protect the health and safety of the public.<sup>2</sup> To assist in achieving this, the Health Ombudsman may take immediate registration action on a registered 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 *and*
- it is necessary to take immediate registration action to protect the health or safety of the public<sup>3</sup> *or*
- it is otherwise in the public interest.

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 patient groups. Chaperone conditions are used as a protective measure while further relevant action is taken under the Act, such as investigation.

## What is a chaperone?

A chaperone is a person who is required to be physically present and directly observe all contact between a registered health practitioner and all patients or certain patient groups.

For the purposes of a practitioner's chaperone conditions, the words *contact* and *patient* have particular meanings.

**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, 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.

**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 or guardian/carer of the individual.

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<sup>1</sup> A 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).

<sup>2</sup> Section 3 of the *Health Ombudsman Act 2013*.

<sup>3</sup> Section 58 of the *Health Ombudsman Act 2013*.



## **When is a chaperone required?**

The schedule of conditions imposed on a practitioner's registration outlines when a chaperone is required and who is defined as a *patient*. The practitioner who you have agreed to act as a chaperone for is required to provide a copy of the schedule of conditions to you.

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.

## **Can I act as a chaperone?**

In order to be approved by the Health Ombudsman to act as a chaperone for the practitioner, you must:

- be at least 18 years of age
- not have a social or familial relationship with the practitioner
- not be a direct employee of the practitioner or otherwise have a direct contractual or financial relationship with the practitioner\*
- be a registered health practitioner\* without conditions, undertakings and/or restrictions on your registration and have not been the subject of any adverse findings in previous disciplinary proceedings
- not have a treating relationship with the practitioner
- meet any additional criteria required by the conditions imposed on the practitioner's registration.

*\*In limited circumstances, individuals who are not registered health practitioners and/or who are directly employed by the practitioner may be approved to act as chaperones. Where a proposed nominee does not meet the above criteria, the practitioner will need to contact the Office of the Health Ombudsman (OHO) monitoring officer for details of the process for nominating persons who do not meet this criteria.*

## **What should I consider before agreeing to be nominated to act as a chaperone?**

Before agreeing to be nominated to act as a chaperone approved by the Health Ombudsman, you should ensure that:

- you have been provided with and have read a copy of the Schedule of Conditions imposed on the practitioner's registration and are aware of when a chaperone is required, including whether this is for all patients or certain types of patients
- you have read this fact sheet and agree to accept the responsibilities of the role.

## **What is the process to be approved to act as a chaperone?**

The practitioner will nominate you to be approved by the Health Ombudsman to act as a chaperone. As part of the nomination, you and the practitioner are required to complete the OHO *Nomination of chaperone* form. This form requires you to confirm that you are eligible to act as a chaperone and that you are willing to act in the role and undertake various responsibilities required by the role. You must



also provide certain personal information to allow the monitoring officer<sup>4</sup> to contact you as necessary. A certified copy of your driver's licence, passport or other valid photographic identification that includes your signature is required to be submitted with this form.

If you are approved to act as a chaperone by the Health Ombudsman, you and the practitioner will be notified by the OHO monitoring officer. You are not permitted to act as a chaperone for the practitioner prior to receiving this notification.

### **What must I do as a chaperone?**

Prior to contact with any patient or certain patient groups requiring a chaperone, the practitioner or an appropriate staff member is required to inform each and every relevant patient that a chaperone is required to be present and directly observe any contact between the practitioner and the patient.

The patients will then be offered the choice of:

- the use of a chaperone of their choice (where applicable)
- the use of a chaperone approved by the Health Ombudsman
- contact with another registered health practitioner.

If the patient chooses to use you as a chaperone approved by the Health Ombudsman, you must be **physically present and directly observe all contact** between the practitioner and the patient.

#### *What do I do if the patient is unwilling or reluctant to have a chaperone present during the contact?*

If a patient is unwilling or reluctant to have a chaperone present during contact with the practitioner, you must take steps to attempt to ensure that the contact does not go ahead by informing the practitioner that:

1. the patient is unwilling or reluctant to have a chaperone
2. you cannot act as a chaperone for the contact
3. if the practitioner proceeds with the contact, they may be in breach of their conditions and you are required to report this unchaperoned contact immediately to the OHO monitoring officer.

If the contact has commenced but the patient is unwilling or reluctant to have a chaperone, you must take steps to attempt to ensure that the contact ceases immediately by asking the practitioner to cease the contact immediately and inform the practitioner of the information outlined in the steps above.

If the contact proceeds or continues in either of the above events, despite you taking the above steps, you must report the event to the OHO monitoring officer immediately. The practitioner should also offer the patient an appointment or other relevant contact with another registered health practitioner, where possible.

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<sup>4</sup> The OHO monitoring officer is responsible for monitoring practitioner compliance with conditions imposed on them by the Health Ombudsman.



*What do I do if I have concerns about the appropriateness of the contact or the practitioner's conduct?*

If you or a patient forms any concern as to the appropriateness of any contact, or the conduct of the practitioner during any contact, you must take steps to attempt to ensure that the contact is brought immediately to an end. You should:

1. Ask the practitioner to cease the contact immediately or invite the patient to ask the practitioner to cease the contact immediately.
2. If the practitioner does not cease the contact, inform the practitioner that:
  - a. you have concerns about the appropriateness of the contact and/or their conduct during the contact
  - b. you are no longer acting as a chaperone for the contact
  - c. by continuing the contact, they may be in breach of their conditions
  - d. you will continue to observe the contact and report what you have witnessed immediately to the OHO.

You must also contact the OHO monitoring officer immediately after the contact ceases to report the contact of concern.

*Chaperone log requirements*

The practitioner is required to maintain chaperone logs detailing every contact they have with a patient where a chaperone is required.

At the end of each contact between the practitioner and a patient where you acted as a chaperone, the following information must be recorded in an entry of the OHO's *Chaperone log 1 Health Ombudsman approved chaperone* in a way that cannot be edited or erased:

- The date and time of the contact.
- The full name of the patient and their date of birth.
- Your full name, as the chaperone present.
- Your contact address and telephone number.
- Your signature and date confirming that you were present and directly observed the entire contact.

You should ensure that your personal details are entered correctly into each entry of the chaperone log.

From time-to-time, the OHO monitoring officer may contact you, using the contact details you provided to the OHO, in order to monitor the practitioner's compliance with the chaperone conditions. By agreeing to be nominated to act as a chaperone, you agree to cooperate with any enquiries that the OHO may make of you in this regard.



### **What if I, or any patients, have questions or concerns?**

You may contact the monitoring officer by phone on 07 3158 1329 to discuss any questions or concerns that you have in relation to the practitioner's chaperone conditions; the role and responsibilities of a chaperone; the practitioner's conduct during contact with a patient; the practitioner's compliance with the chaperone conditions; or if you feel personally vulnerable, intimidated or threatened while acting as a chaperone.

### **Obligations as a registered health practitioner**

If you are a registered health practitioner, you should be aware that your obligations for mandatory reporting under the National Law remain applicable when you are acting as a chaperone.