Information for practice monitors

*Updated April 2023*

# Information for practice monitors nominated for approval by the Health Ombudsman

This information sheet is to provide you with information regarding your role and responsibilities if you are approved by the Health Ombudsman to act as a practice monitor for a registered health practitioner[[1]](#footnote-1).

## Background

One of the main objectives of the *Health Ombudsman Act 2013* (the Act) is to protect the health and safety of the public.[[2]](#footnote-2) To assist in achieving this, the Health Ombudsman may take immediate registration action if the Health Ombudsman reasonably believes that:

* because of the practitioner’s health, conduct or performance, the practitioner poses a serious risk to persons *and*
* it is necessary to take immediate registration action to protect the health or safety of the public *or*
* it is otherwise in the public interest[[3]](#footnote-3).

In circumstances where immediate registration action is necessary, the Health Ombudsman may decide to impose conditions on a practitioner’s registration.

Conditions may require the presence of a practice monitor when the practitioner has contact with patients of an identified patient group[[4]](#footnote-4). Practice monitor conditions are used as a protective measure while further action is taken under the Act, such as investigation.

## What is a practice monitor?

A practice monitor is an individual who is required to be continuously physically present and directly observe (see and hear) all contact between a practitioner and any patient of an identified patient group as specified in the practitioner’s conditions.

## Definitions

For the purpose of practice monitor conditions, words have particular meanings, and these are identified in the definitions which are found in the Schedule of Conditions provided to the practitioner when the immediate registration action was taken.

## When is a practice monitor required?

The Schedule of Conditions outlines when a practice monitor is required and who is defined as a patient.

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

If a practice monitor is not available, a practitioner must not have contact with any patient that requires a practice monitor to be present.

## Can I act as a practice monitor?

**Practice monitors must be nominated by the practitioner and, unless otherwise directed by the Health Ombudsman, any individual nominated as a practice monitor must acknowledge and agree to the nomination by completing the acknowledgement at the base of this document.**

Prior to nominating you to act as their practice monitor, the practitioner must provide you with:

* a full copy of the conditions imposed on their registration
* a copy of any decision notice(s) issued by the Health Ombudsman to the practitioner (or tribunal referral notice) outlining the conduct that gave rise to the immediate action and the reasons for taking immediate action.

To perform the function of a practice monitor the following criteria must be met:

* you are a registered health practitioner with at least 5 years post registration experience as a health practitioner
* you do not have any conditions on your registration[[5]](#footnote-5), are not subject to investigation or other action under the National Law[[6]](#footnote-6) or *Health Ombudsman Act 2013* and did not have had an employment, contractual or financial relationship with the practitioner before the practice monitor conditions were imposed
* you have received a copy of the *Practice monitor protocol* and this information sheet, and understand the functions and requirements of a practice monitor detailed in these documents
* you satisfy any additional criteria outlined in the Schedule of Conditions regarding the nomination of a practice monitor
* you are not a patient of the practitioner, nor are you in a social or familial relationship with the practitioner
* if the practitioner requires an ‘independent practice monitor’, you will not be directly employed or engaged in a direct contractual or financial relationship with the practitioner (or a relative of the practitioner) at any practice location where the practitioner practises – that is, if the practitioner (or their relative) is the practice owner or employer you must be employed by an independent recruitment agency in these circumstances.
* you agree to participate in a discussion with monitoring staff of the Office of the Health Ombudsman about the practice monitor role to determine your suitability for performing the function of a practice monitor, and as needed throughout the duration that you act in the role of practice monitor
* if and when necessary, you agree to participate in scheduled meetings at the approved practice location/s with monitoring staff of the Office of the Health Ombudsman to ensure implemented processes in the workplace comply with the requirements of the practice monitor protocol and the practitioner’s conditions
* you understand that, if you are approved by the Health Ombudsman to act as a practice monitor for the practitioner and you knowingly breach a requirement of the *Practice monitor protocol* – for example, provide false or misleading information to the Office of the Health Ombudsman – you may be subject to disciplinary action under provisions of the National Law and the *Health Ombudsman Act 2013* (see footnote for an example of action taken)*[[7]](#footnote-7)*.

Your acknowledgement of the nomination must be accompanied by your curriculum vitae and a certified copy of your driver’s licence, passport or other valid photographic identification that includes a sample of your signature.

## What if I don’t meet the criteria for a practice monitor?

In limited circumstances, individuals who do not meet the specified criteria may be approved as practice monitors. Where a proposed nominee does not meet the above criteria, the practitioner will contact the Office of the Health Ombudsman for details of how to nominate persons who do not meet these criteria.

## What is the process to be approved to act as a practice monitor?

On return of this document to the Office of the Health Ombudsman, you will be contacted by monitoring staff to discuss the nomination and confirm your suitability to act as a practice monitor for the practitioner.

The nomination will then be considered by the Health Ombudsman or the Health Ombudsman’s delegate and, if approved, you and the practitioner will be notified of this decision by monitoring staff.

You are not permitted to act as a practice monitor prior to receiving this notification.

## Practice monitor log

The practitioner must maintain a *Practice monitor log* (the log) on the template provided by the Office of the Health Ombudsman, detailing every contact with any patient requiring a practice monitor under the practitioner’s conditions, confirming the continual presence and direct observation of a practice monitor for the entire contact. The log must be completed in the format provided and is subject to change.

Both the practitioner and practice monitor must sign each entry in the log. By signing the log, the practice monitor acknowledges the patient was provided with information regarding the practice monitor requirement and signed the *Patient information and acknowledgement form* prior to commencing the contact.

The practitioner is responsible for providing each completed log to the Office of the Health Ombudsman.

**Important note about using a communication device**

If the practitioner uses a communication device to contact a patient requiring a practice monitor, the patient must be informed at the commencement of the contact of the requirement for a practice monitor to be continuously present to observe the entire contact. The practice monitor must provide this information to patients, including that the practice monitor will be able to hear (and see, if the communication device has video capabilities) both the practitioner and patient throughout the entire contact, and must obtain consent from the patient to proceed (either via email or verbally) The consent process must be recorded on the patient’s medical record, and contact must not proceed if the patient demonstrates any reluctance to proceed with the contact in the presence of a practice monitor. Details of the contact must be recorded in the log.

## What should I do if a patient is reluctant or unwilling to have a practice monitor present?

Practice staff nominated by the practitioner will be responsible for advising patients of the requirement for a practice monitor at the time of booking an appointment or, in the case of an unbooked appointment, at the time of presenting at the practice seeking an appointment with the practitioner.

Where a patient refuses or demonstrates any reluctance to have a practice monitor present, the contact must not go ahead or, if started, must cease immediately. Where practical the patient should then be offered an appointment with another practitioner.

## What should I do if I become aware the practitioner has had contact with a patient (of an identified patient group) without the presence of a practice monitor?

Any patient contact that occurs between the practitioner and a patient of an identified patient group without the presence of a required practice monitor will be considered a breach of the conditions and may constitute behaviour for which the Health Ombudsman may take action, including more restrictive immediate action.

As an approved practice monitor, you have a responsibility to notify the Office of the Health Ombudsman of any suspected or confirmed non-compliance by the practitioner with the practice monitor condition or if you have any concerns regarding the appropriateness of any contact between the practitioner and the patient.

Similarly, you should contact the Office of the Health Ombudsman if you feel personally vulnerable, intimidated or threatened while acting as a practice monitor.

## 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 practice monitor.

## Contact details

If you have any concerns or questions about the practice monitor role and responsibilities, please contact monitoring staff of the Office of the Health Ombudsman on 07 3158 1329 or at [monitoring@oho.qld.gov.au](mailto:monitoring@oho.qld.gov.au).

### Practice monitor acknowledgement (to be completed by practice monitor nominee)

I acknowledge I have read this document and the *Practice monitor protocol for registered health practitioners* (the practice monitor protocol) and understand the requirements of a practice monitor.

I have received a copy of the conditions imposed on the practitioner’s registration, and a copy of the decision notice(s) issued by the Health Ombudsman (or tribunal referral notice) outlining the conduct that gave rise to the immediate action and the reasons for taking immediate action.

I declare that, to the best of my knowledge, I meet the criteria for performing the role of a practice monitor and, if approved by the Health Ombudsman, I agree to perform the functions of a practice monitor in accordance with the requirements set out in this document. I agree to notify the Office of the Health Ombudsman if I have any concerns about the practitioner’s compliance with the requirements of the practice monitor protocol.

I understand I am not employed by the Office of the Health Ombudsman, however that staff of the Office of the Health Ombudsman will monitor the practice monitor arrangement to ensure compliance with the requirements of the practice monitor protocol.

I have **attached** my curriculum vitae and a certified copy of my driver’s licence, passport or other valid photographic identification that includes a sample of my signature, to this nomination.

**Name of nominated practice monitor: *Insert full name of practice monitor nominee***

**Contact details: *Insert practice monitor phone number and email address***

**Practice name and location: *Insert full name and address of practice***

**Nominee signature: *Insert signature* Date: *Click here to enter a date.***

**Please return this form to the Office of the Health Ombudsman**

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Description automatically generated 07 3158 1329 Icon

Description automatically generated 07 3319 6350

PO Box 13281 George Street Brisbane Qld 4003

1. Health Practitioner Regulation National Law, as in force in each state and territory [↑](#footnote-ref-1)
2. Section 3 of the *Health Ombudsman Act 2013*. [↑](#footnote-ref-2)
3. Section 58 of the *Health Ombudsman Act 2013*. [↑](#footnote-ref-3)
4. ‘Identified patient group’ relates to a category of individuals referred to in a condition imposed on a practitioner's registration (e.g. all patients, patients of a particular age or gender, or patients with a particular health condition or history) [↑](#footnote-ref-4)
5. Practice monitors must not have any conditions on their registration arising from a health, conduct or performance complaint. In some circumstances, practitioners who have conditions/notations imposed arising from a registration decision may be considered. [↑](#footnote-ref-5)
6. Health Practitioner Regulation National Law, as in force in each state and territory (the National Law) [↑](#footnote-ref-6)
7. <https://www.nursingmidwiferyboard.gov.au/News/2019-02-15-chaperone-doctor.aspx> [↑](#footnote-ref-7)