



Information for supervisors 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 supervisor for a health practitioner¹ and are approved by the Health Ombudsman to undertake this role.

This fact sheet is to be read in conjunction with the *Health Ombudsman Act 2013* (the Act), the *Health Practitioner Regulation National Law (Queensland)* (the National Law) and/or the National Code of Conduct for Health Care Workers (Queensland) (the code of conduct).

Background

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 action³ against a health practitioner 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 public⁴ *or*
- it is otherwise in the public interest.

Immediate action can include:

- taking immediate registration action⁵ by suspending or imposing conditions on a registered practitioner's registration
- issuing an interim prohibition order⁶ to a practitioner, who is not acting in the capacity of a registered practitioner, prohibiting them from providing any health services or imposing restrictions on their right to practise.

¹ For the purposes of this fact sheet, *practitioner* means any individual who provides a health service and includes the following terms and definitions:

- a *health service* is defined in section 7 of the *Health Ombudsman Act 2013* (the Act)
- a *health service provider* is defined in section 8 of the Act
- a *registered health practitioner* is defined in schedule 1 of the Act and section 5 of the *Health Practitioner Regulation National Law (Queensland)* (the National Law)
- the term *practitioner* includes all students who are enrolled in an approved program of study or who are undertaking clinical training and who are required under the National Law to be registered with their respective national board
- a *health care worker* is defined in the National Code of Conduct for Health Care Workers (Queensland) (the code of conduct).

² Section 3 of the Act.

³ Part 7 of the Act.

⁴ Sections 58 and 68 of the Act.

⁵ Section 57 of the Act.

⁶ Section 67 of the Act.



Conditions and/or restrictions imposed on a practitioner may include a requirement for the practitioner to work under the supervision of another practitioner. Supervisor conditions or restrictions are used as a protective measure while further relevant action is taken under the Act, such as carrying out an investigation.⁷

What is a supervisor?

A supervisor is a suitably trained, qualified and experienced practitioner who is registered, or otherwise accredited, or holds a membership/affiliation, in the same profession as the practitioner, and who is able to observe and discuss the management and care of patients and the performance of the practitioner when necessary.

As a supervisor you will assess, monitor, and provide feedback and reports to the Office of the Health Ombudsman (OHO) about the conduct and/or performance of the practitioner under your supervision.

When is a supervisor required?

The conditions imposed on a practitioner's registration and/or the restrictions imposed on a practitioner's right to practise outline when a supervisor is required. As their supervisor, the practitioner is required to provide a copy of their schedule of conditions and/or schedule of restrictions to you.

For the purposes of the practitioner's conditions and/or restrictions, supervision can include:

- Direct supervision—the practitioner must consult and follow the directions of the supervisor about the management and care of each patient before care is delivered and must be directly observed by the supervisor who is required to be physically present at all times.
- Indirect supervision—the practitioner must consult with the supervisor, who is required to be available to observe and discuss the management and care of patients and the performance of the practitioner, when necessary and otherwise at predetermined intervals (as outlined in the conditions and/or restrictions). The supervisor may or may not be required to be always physically present in the workplace. In certain circumstances, the supervisor may be only required to be accessible in person outside the workplace, or by telephone or other means of communication.

Can I act as a supervisor?

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

- be at least 18 years of age
- not have a close collegiate, family, social, contractual, financial or treating relationship with the practitioner
- be suitably trained, quality and experienced to provide the supervision required
- not have any current conditions, undertakings or restrictions on your registration/or your right to practise as a result of disciplinary action

⁷ Sections 64 and 75 of the Act.



- not have been the subject of any adverse findings in previous disciplinary proceedings
- meet any additional criteria outlines in the practitioner's schedule of conditions and/or schedule or restrictions.

What should I consider before agreeing to be nominated to act as a supervisor?

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

- you have read this fact sheet and agree to accept the responsibilities of the role
- you have been provided with and have read a copy of the practitioner's schedule of conditions and/or schedule of restrictions
- you are eligible, willing and able to act as a supervisor as required in the schedule of conditions and/or schedule of restrictions
- you are aware of your obligations and responsibilities as a health practitioner, whether registered or unregistered, under the Act, the National Law and/or the code of conduct.

What is the process to be approved to act as a supervisor?

The practitioner will provide you with a copy of the OHO's *Nomination of supervisor* form for you to complete.

The form requires you to confirm that you are eligible to act as a supervisor and that you are willing to act in the role and undertake the required responsibilities.

The form also requires you to provide certain personal information to allow the OHO to assess your suitability to act as a supervisor for the practitioner and to contact you as necessary. This includes a copy of your current curriculum vitae and a certified copy of your driver's licence, passport or other valid photographic identification that includes your signature.

Once completed, the practitioner will return the form to the OHO, along with a signed copy of the OHO's *Authority to contact supervisor* form completed by the practitioner.

If you are approved to act as a supervisor by the Health Ombudsman, you and the practitioner will be notified in writing. You are not permitted to act as a supervisor for the practitioner prior to receiving this notification.

What must I do as a supervisor?

If you are approved to act as a supervisor by the Health Ombudsman you must

- take reasonable steps to ensure that the practitioner is practising safely and in line with their schedule of conditions and/or schedule of restrictions
- agree to be contacted by the OHO as necessary for the purposes of monitoring the practitioner's compliance with their schedule of conditions and/or schedule of restrictions
- provide honest, accurate and responsible reports to the OHO on request or as otherwise required in the schedule of conditions and/or schedule of restrictions
- immediately contact the OHO monitoring officer if you have a concern or become aware of a concern about
 - the practitioner's compliance with their schedule of conditions and/or schedule of restrictions
 - the practitioner's conduct or professional performance
- immediately contact the OHO monitoring officer if
 - your relationship with the practitioner breaks down
 - you are no longer able to provide the level of supervision required under the schedule of conditions and/or schedule of restrictions
 - you wish withdraw from the role of supervisor.

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

You may contact the OHO monitoring officer by phone on 07 3158 1329 to discuss any questions or concerns that you have in relation to:

- the practitioner's supervision requirements
- the role and responsibilities of a supervisor approved by the Health Ombudsman
- the practitioner's conduct or performance
- the practitioner's compliance with the supervision requirements
- if you feel personally vulnerable, intimidated or threatened while acting as a supervisor.

Obligations as a 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 supervisor.

If you are an unregistered health practitioner you should be aware that your obligations for reporting under the code of conduct remain applicable when you are acting as a supervisor.