



## Monitoring plan FAQs

### For unregistered health practitioners subject to immediate action restrictions

#### What is a monitoring plan?

When the Health Ombudsman takes immediate action under Part 7 of the *Health Ombudsman Act 2013* (the Act) by imposing restrictions on a practitioner's provision of any health service, or a stated health service, the restrictions are the primary regulatory tool used to protect the public. The purpose of the monitoring plan is to advise how a practitioner's compliance with the restrictions will be assessed.

#### Why have I been asked to participate in a monitoring plan discussion?

Open and transparent communication around the compliance requirements is necessary to ensure a mutual understanding of expectations, including dates to be adhered to by you and activities that will be conducted by office staff in monitoring your compliance. Compliance with your restrictions will likely avoid further action under the Act, as well as providing assurance to the Health Ombudsman that public health or safety is protected.

#### Who will attend the monitoring plan discussion?

The monitoring plan discussion will take place between you and monitoring staff. You may be accompanied by your legal representative or support person, however a support person may not participate in the discussion.

#### Where will the discussion take place?

The discussion will generally take place at either your place of practice or at the Office of the Health Ombudsman. Sometimes approval will be given for the discussion to occur using a communication device (e.g. phone or skype).

#### Will the discussion be recorded?

Yes. The discussion will be recorded on a digital recording device and a copy of the recording

will be provided to you. The primary purpose of the recording is to ensure either party can access the discussion content at any time. As well as answering any questions, monitoring staff will provide advice about monitoring activities and address any concerns you may have.

#### Can I also record the discussion?

Yes. You may use a digital recording device to record the discussion simultaneously.

#### Can I refuse to have the discussion recorded?

Yes. However, you are encouraged to proceed with the recording so that you have a contemporaneous and accurate record of what was discussed. Having a point of reference will assist in minimising misunderstandings around the compliance requirements of your restrictions.

#### Will the recording be used to support an allegation of non-compliance?

The recording may be used to support the fact that compliance requirements have been discussed and monitoring expectations outlined. However, the primary purpose of the recording is to provide a contemporaneous record of the monitoring discussion to assist in your continued compliance.

#### How will the recording be stored?

The recording will be stored in digital format on the office's complaints database software in the practitioner's confidential electronic file. This file is only accessible to certain staff of the Office of the Health Ombudsman and will only be accessed if required. All staff must comply with s272 of the *Health Ombudsman Act 2013* with respect to the disclosure of information and related matters. A current policy for the retention of records is currently under review by this office, however in the interim all records are kept indefinitely.