

Te tirohanga whānui o te tukanga e pā ana te hauora

Overview of health process

Introduction

Te Kaunihera Manapou Paramedic Council (Te Kaunihera) is a regulatory authority which is governed by the Health Practitioners Competence Assurance Act 2003 (HPCA Act).

The HPCA Act sets out several functions concerning the registration, continuing competence, and fitness to practise of paramedics. One of the functions under section 45 – 51 of the HPCA Act is to consider paramedics with a mental or physical condition which can impact their ability to practise their profession – this includes impairment caused by alcohol or drug abuse.

Although Te Kaunihera's main purpose is to protect public safety it makes every effort to assist and support paramedics through the health process. Kaunihera kaimahi/employees are available as a point of contact for paramedics.

Kaunihera acknowledge that health conditions can be stressful and encourages any paramedic involved with a health process to seek support. Paramedics are encouraged to contact a support person, their employers, unions/ associations and/or legal representative to assist them during this process.

Notifications

Notifications

It is *mandatory* for the following people to notify Kaunihera if they believe a paramedic is unable to perform the functions required for the practice of paramedicine due to a mental or physical condition -

Any person who is:

- in charge of an organisation that provides health services
- a health practitioner
- an employer of health practitioners
- a medical officer of health
- in charge of an educational programme in Aotearoa New Zealand that provides a course of study that leads to a prescribed qualification for a paramedic scope of practice.

Any other person who believes a paramedic is unable to perform the functions required for the practice of paramedicine due to a mental or physical condition *may* notify Te Kaunihera in writing.

Any person who makes a notification about a paramedic cannot be made the subject of civil or disciplinary proceedings unless they have acted in bad faith.

Self-notifications from paramedics

A paramedic must notify Te Kaunihera if they are unable to perform the functions required for the practice of paramedicine because of a mental or physical condition.

A paramedic is also required to declare any mental or physical condition in their application for an annual practising certificate (APC). If the paramedic declares a health condition, they will be asked to provide a brief explanation for the Registrar of Te Kaunihera to consider. Health conditions that are temporary in nature and/or do not impact on a paramedic's ability to practise do not need to be declared.

The paramedic may be asked to supply further information to enable the Registrar to determine the nature and severity of the health condition and whether the paramedic needs further consideration. The paramedic will be advised in writing of any decision made by the Registrar with the reasons for that decision.

Notifications from other committees

A Professional Conduct Committee or Competence Review Committee may make a recommendation to the Register if it believes the paramedic requires a health review.

Grounds for making a notification

Any person making a notification must have reason to believe a paramedic is unable to perform the functions required for paramedicine due to a mental or physical condition. The person making the notification may seek whatever medical advice they consider appropriate to assist in forming that opinion. The written notification to the Registrar must include any medical advice obtained.

In the interests of natural justice, the paramedic concerned will be provided with a copy of the notification.

Form of notification

The notification must be submitted in writing to the Registrar and provide details of all the circumstances. You can also use our online form which is available [here](#).

Kaunihera processes

Assessment of the notification

When a notification is received, it will be assessed by the Registrar or Kaunihera and a decision will be made to either take no further action, request further information, or refer the paramedic for a medical examination to review their health.

Where possible, Te Kaunihera will seek the practitioners' comments on the notification before a decision is made. This generally happens when a notification is received, and it is not the paramedic making a self-notification.

Te Kaunihera may decide to take no action if the paramedic is managing their own health in conjunction with their employer and clinician. The paramedic and the person making the notification will be advised of that decision.

Interim suspension

If, after receiving the notification, Te Kaunihera considers that the paramedic is unable to perform the functions required for paramedicine due to a mental or physical condition, the Registrar may suspend the paramedic's practising certificate or alter their scope of practice. This is generally done by including conditions in the scope of practice. Te Kaunihera does not have to give the paramedic notice that it intends to suspend their practising certificate or include conditions in their scope of practice. The paramedic will be informed of this decision by email and, where possible, by phone.

This suspension or inclusion of conditions remains in place for up to 20 working days from the date the paramedic receives the order. Te Kaunihera may extend the suspension for a further 20 working days to allow the paramedic to complete a medical assessment. The paramedic will be advised in writing of the order and the reasons it has been made.

Notification of risk of harm to other agencies

If Te Kaunihera believes the practice of a paramedic may pose a risk of harm to the public, it must promptly notify the following in writing including the circumstances that have led to that belief:

- Accident Compensation Corporation
- Director-General of Health
- Health and Disability Commissioner
- employer of the paramedic

A copy of this notice is also given to the paramedic. If Te Kaunihera concludes the paramedic's practice never posed or no longer poses a risk to the public, it must notify the above agencies.

Initial notification to paramedic

Once the paramedic has been referred for a review of their health, Kaunihera may require the paramedic to have a medical examination or test by a medical practitioner/specialist.

Medical examination

The paramedic is given the opportunity to discuss the date of assessment and suggest which medical practitioner they would prefer to conduct the examination.

Generally, Kaunihera requires an examination from a practitioner who specialises in a particular area and may not accept a report from a paramedic's general practitioner or treating psychiatrist. Te Kaunihera has preferred medical practitioners who are familiar with the requirements of the report.

Te Kaunihera covers the cost of obtaining the medical report.

Once the medical practitioner has been agreed upon, the paramedic is notified in writing of the:

- name and address of the medical practitioner who is to carry out the assessment
- date by which the paramedic must see the practitioner
- tentative date of any scheduled meetings with Kaunihera or a health committee.

If the paramedic is unable to attend the medical assessment, they must notify Kaunihera Kaimahi as soon as possible, and another date will be arranged.

Kaunihera acknowledge that health conditions can be stressful and encourages any paramedic involved with a health process to seek support. The paramedic may take a support person to their medical assessment as an observer; however their costs (if any) will not be covered.

Medical report

The medical practitioner completing the assessment is asked to provide a comprehensive report to Kaunihera, which may ask them to comment on the following questions:

- whether the paramedic has the condition named in the notification and, if so, to detail their condition, including any current treatment plan
- whether the paramedic has any other physical/mental condition
- whether that health condition means the paramedic is unable to perform the functions required for paramedicine
- whether that health condition means the paramedic would be able to perform the functions required for paramedicine, but only if conditions were placed on their practice

- an indication of what conditions the practitioner would consider necessary to enable the paramedic to practise safely.

The medical practitioner may consult with any other health practitioners they consider are able to assist in the completion of the assessment – for example, cognitive testing by a psychologist.

The paramedic is given a copy of the medical report and is able to provide their comments on the report to Kaunihera.

Non-attendance at medical examination

If the paramedic does not attend an examination by the date noted in the letter, the notification will remain active. Kaunihera may make orders suspending practice or include conditions in the paramedic's scope of practice.

Kaunihera options

Once a medical report is received, Kaunihera has the following options:

- take no further action on the notification
- allow the paramedic to practise with conditions included in their scope of practice
- suspend the paramedic from practice
- defer making their decision until a later date.

No further action

Kaunihera may decide to take no further action if it is satisfied the paramedic does not have a mental or physical condition that prevents them from performing the functions of paramedicine.

Conditions on scope of practice

Kaunihera may allow the paramedic to practise with conditions included in their scope of practice for a limited period, which will be removed provided the reports are satisfactory.

If the paramedic does not comply with the conditions, and Kaunihera is not satisfied the paramedic is able to perform the functions required for the practice of paramedicine, it may suspend the paramedic from practice.

Examples of conditions are as follows:

- Kaunihera-approved employer

If the paramedic is already employed by a Kaunihera-approved employer, they will be issued with a practising certificate. If the paramedic is seeking employment, the approval of the Kaunihera is required before a practising certificate is issued. This

ensures the employer is aware of the conditions in the paramedic's scope of practice and that the paramedic is working within a supportive environment.

- Employer progress reports

A report from the paramedic's employer provides Kaunihera with information about the paramedic's practice. The person providing the report must be approved by the Kaunihera.

- Health professional progress report

A report from a health professional involved in the paramedic's care and treatment, such as a counsellor, GP, psychiatrist, or key worker, may be required to provide Kaunihera information regarding the paramedic's health status and progress.

- Test results for alcohol and drug use, or remaining abstinent from alcohol and/or drugs.

These tests are organised through the paramedic's employer, GP, or other agencies. If the paramedic provides a positive test result, they will be requested to provide an explanation to Kaunihera.

Annual practising certificate

If Kaunihera decides a paramedic is only able to practise with conditions on their scope of practice, their practising certificate and the public register will be updated to reflect the conditions listed, except for those that may identify a health condition, which remain confidential. Confidential conditions will only be available to a prospective employer or person with a legitimate reason to access that information, such as an overseas regulatory authority where the paramedic is registered.

Monitoring and review

Kaunihera will reconsider the conditions or suspension at the paramedic's request. Kaunihera may also reconsider the conditions if it receives further information about the paramedic's practice. The paramedic is encouraged to contact Kaunihera staff to discuss their ability to comply with the conditions within the timeframes specified.

Suspension

Kaunihera may decide to suspend the paramedic from practice if it is not satisfied the paramedic is able to perform the functions required for the practice of paramedicine, or if the paramedic has failed to attend a medical assessment. This suspension continues until Kaunihera is satisfied that the paramedic is again able to practise paramedicine satisfactorily.

The suspension takes effect from the date the paramedic receives the letter advising of the suspension. The letter must be sent to the paramedic within five working days after the decision is made by Kaunihera.

Revocation or variation meetings

At any time, the paramedic may request that Kaunihera's decisions be revoked or varied. They may be invited to attend and is able to provide any information they would like Kaunihera to consider. The paramedic may be asked to have a further medical assessment before the meeting.

Kaunihera can decide to:

- make no changes to the existing conditions
- vary the existing conditions on the basis that the variation should have been part of the original condition or because of a change in circumstances
- revoke the existing conditions on the basis that those conditions are no longer necessary
- revoke a suspension on the basis that the paramedic is again able to practise paramedicine satisfactorily.

Review and appeal rights

A paramedic may ask for a review of the Registrar or, where applicable, a health committee's decision by the full Kaunihera. The paramedic must make this request in writing within 20 working days of receiving a decision. A review will be conducted on the information provided to the Registrar/Committee and any submission the paramedic may wish Kaunihera to consider.

Alternatively, the paramedic may appeal the decision to the District Court within 20 working days of receiving the decision.

The decision or order continues in force unless the District Court orders otherwise.

Judicial review

Decisions of the Kaunihera may be reviewed in the High Court. The purpose of a judicial review is to assess the process the decision maker used to come to a decision and to ensure a fair and reasonable process resulted in a fair and reasonable outcome.

Enquiries

Any enquiries about the health process should be addressed to the Registrar of Te Kaunihera – registrar@paramediccouncil.org.nz.