



Policy on the management of health impaired veterinarians

1 Purpose

To manage situations where veterinarians suffer or are affected by conditions that affect their fitness to practise as veterinarians.

2 Legislation

Part III of the Veterinarians Act 2005 (Sections 55, 56 & 57) provides the Council with powers:

- to medically assess veterinarians who appear to be suffering from a mental or physical disability or condition that may affect their ability to practise satisfactorily.
- to put in place measures to protect the public interest and rehabilitate the veterinarian concerned

Section 4 of the Act contains the following definition:

Mental or physical condition includes, without limitation -

- a) any mental or physical impairment; and
- b) any condition or impairment caused by alcohol or drug abuse

Council has defined minimum standards for practising as a veterinarian (NZ Gazette Notice of 18/9/08). These state that a veterinarian must be fit in order to maintain his or her practising certificate and to practise as a veterinarian. Matters that may bring a veterinarian's fitness to practise into question can include:

- The contracting of any addictive, mental or physical condition;
- Any addictive or inappropriate taking of drugs or alcohol

3 Fitness to Practise

A veterinarian may be unfit to practise if he or she:

- is unable to make safe judgements; or
- is unable to demonstrate the level of skill or knowledge required for safe practice; or
- behaves inappropriately; or
- risks infecting patients or clients with whom he or she comes into contact; or
- acts or omits to act in ways that impact adversely on patient or client safety.

Conditions that a person may suffer from include alcohol or drug dependence, other psychiatric disorders, a temporary stress condition, an infection with a transmissible disease and certain illnesses or injuries or physical disabilities.

4 Management of health impaired veterinarians

The Veterinary Council has delegated authority to manage health-impaired veterinarians to the Health Committee. The Committee can enter into voluntary agreements with the veterinarian concerned (eg to undergo a medical assessment or agreements, to limit or cease practice pending medical assessment and requirements following medical assessment). The Committee can also make recommendations to the Council to invoke the statutory provisions (for example for a veterinarian to undergo a medical assessment or suspension or conditions on practice). The statutory provisions are normally only used in situations where the veterinarian is non co-operative or there is a serious threat to the public interest.

The Health Committee consists of three persons, two veterinarians who are Council members and one medical practitioner (who may be a member or an advisor)

The Health Committee acts immediately upon receiving information. The Registrar will contact the veterinarian and the committee will then evaluate the concern.

If it considers that it is necessary to protect public safety, the Health Committee may, pending further investigation, seek the veterinarian's agreement to limit or cease practise. Should it be necessary the Health Committee may ask the Council to suspend the veterinarian's practising certificate, under section 56 of the Act.

The Health Committee may seek the veterinarian's agreement to submit him or herself to a medical assessment at the Council's expense.

If required, the Health Committee can recommend that the Council invoke its power, under Section 55 of the Act, to require the veterinarian to submit him or herself to a medical assessment at the Council's expense

The costs of any further medical assessments which may be required as part of a subsequent rehabilitation and/or monitoring programme are met by the veterinarian concerned.

5 Health Committee consideration

Upon receipt of the medical assessment report the Health Committee considers the veterinarian's fitness to practise at a physical or teleconference meeting. The veterinarian is entitled to attend and be heard (with a support person) or make written submissions.

The Health Committee generally decides on one or more of the following:

- No further action
- To seek a voluntary agreement with the veterinarian to conform to certain conditions on their practise relevant to their condition
- To recommend that the Council place conditions on the veterinarian's practice relevant to their condition [s61}
- To recommend that the Council cancel or suspend the veterinarian's registration or cancel or suspend their practising certificate while treatment is carried out [s57}

The usual outcome is a voluntary agreement with the veterinarian underpinned by the acknowledgement that a breach may result in conditions on or suspension of practise.

The process is designed to separate health issues from those of discipline. The committee's approach is non-judgemental with a focus on rehabilitation. The committee recognises that with treatment and/or limitations on practise most veterinarians should be able to remain in work safely.

The Health Committee may also see it as beneficial to meet with an employer representative, if that is appropriate, to ensure that the practice requirements of the veterinarian are being met and that the employer is aware of the risks. In this case the veterinarian must agree to the sharing of information between the employer and the veterinarian

6 Voluntary agreements or conditions on practice

A typical programme for managing an unwell veterinarian might include some or all of the following:

- limiting the veterinarian's practice to certain procedures, locations, times
- requiring the veterinarian's practice to be supervised
- requiring the veterinarian to inform work colleagues about the relevant health issues
- requiring the veterinarian to undergo treatment, counselling or other therapy
- carrying out random urine and occasional blood or other testing to check for the presence of drugs or alcohol
- requiring the veterinarian to arrange with their general practitioner to provide regular supervision
- imposing prescribing restrictions
- requiring the veterinarian to attend peer support groups such as Alcoholics anonymous and Narcotics Anonymous
- appointing a senior veterinarian as a mentor.

7 Release of Health Information

If the Council is required to suspend the person or impose conditions on registration under section 56(1)(a) or (b) or 57(1) of the Act, then it has a requirement under s 22, 23 and 27 to note on the public register that conditions apply.

In accordance with the Privacy Act 1983 the Veterinary Council will not release any personal health information other than to those directly involved in the treatment and monitoring of the veterinarian. Inquirers will be directed to seek information from the veterinarian concerned.

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