



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 3 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 4 August 2011). 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 and where adequate steps have not been taken to eliminate the risk; 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 Council's health assessment and monitoring process is designed to separate health issues from those of conduct and discipline. The Council's approach is non-

judgemental, rehabilitative and confidential except in extreme cases where the veterinarian declines to co-operate and the public interest is threatened. The intention is that with treatment the veterinarian should be able to remain in work safely or return to work as quickly as possible.

The Council has delegated authority to manage health-impaired veterinarians to the Registrar in consultation with the Health Advisory Group (HAG), made up of Council's Medical Advisor, Professional Advisor and a Council lay member. After consultation with the HAG, the Registrar can enter into voluntary agreements with the veterinarian concerned (for example, conditions on their practice; to undergo a medical assessment; or agreements to limit or cease practice pending medical assessment; and requirements following medical assessment).

These actions are reported to the Council at each meeting.

The process is confidential to the veterinarian, their health practitioners, the Registrar and the HAG. However in circumstances where the veterinarian is not cooperating or where there is a significant threat to the public interest, the Registrar will recommend to Council that it invoke its statutory provisions to require a medical assessment; suspension following medical assessment; and/or public conditions on practice.

Veterinarians' health issues come to the Council's attention through notifications from the veterinarians themselves, colleagues; members of the public or health practitioners.

The majority of health cases are notified by veterinarians themselves. This can be through declarations made during the annual practising certificate (APC) renewal process; or notifications throughout the year. Veterinarians are advised to notify any new or continuing mental or physical conditions (such as neurological, psychiatric, depressive or addictive disorders and physical deterioration due to injury, disease or degeneration) at the time they arise, rather than waiting for the formal required APC declaration.

Supporting medical information is normally requested, along with the veterinarian's comments if not already provided.

General experience is that no further action is required for the majority of health notifications. In some cases a voluntary agreement may be put in place with this early intervention enabling veterinarians with a treatable illness to keep practising while receiving treatment. In others an independent medical assessment may be required.

5 The medical assessment process

In circumstances where a veterinarian is asked to undergo a medical assessment, an independent medical practitioner is appointed, following consultation with the veterinarian, to undertake and provide a report. This is at the Council's expense. In circumstances where the veterinarian does not agree to this assessment the Council may invoke its statutory provisions to require it. If a veterinarian refuses to undergo a medical assessment, the Council may cancel or suspend the veterinarian's registration or APC; order the veterinarian ineligible to hold a APC for a specified period of time; or impose conditions on their practise.

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

The medical assessment report is provided to the veterinarian for comment, and this and the veterinarian's comments are then reviewed by the Registrar in consultation with the Health Advisory Group (or the Council in circumstances where the statutory provisions were invoked). The veterinarian is entitled to attend and be heard or make written submissions. The veterinarian can attend the meeting or teleconference personally, with a support person if wished; or send a representative.

The Registrar, or Council, may decide 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.

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

In some cases it may be considered necessary to consult or meet with an employer representative, to ensure that the necessary practice requirements of the veterinarian can be met and that the employer is aware of the risks. In this case the veterinarian must agree to the sharing of information between the Council and the employer.

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 and times
- mentoring and/or supervision of the veterinarian's practice, often with reporting to Council
- requiring the veterinarian to inform work colleagues about the relevant health issues
- treatment, counselling or other therapy
- random urine and/or hair and/or blood testing to check for the presence of drugs or alcohol
- requiring the veterinarian to comply with the treatment recommendations of their health practitioners; and regular supervision and reporting to Council
- prescribing restrictions
- attending peer support groups such as Alcoholics anonymous and Narcotics Anonymous.

7 Release of Health Information

If the Council considers it necessary to invoke its statutory powers to suspend a veterinarian or impose conditions on their practice 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 record this in the online public Register of Veterinarians.

In accordance with the Privacy Act 1983 the 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.

December 2010

Reviewed and confirmed with minor amendment, September 2012

August 14 – changes to reflect disestablishment of Health Committee