

Competence review policy

Date last reviewed	May 2006
Scheduled review	
Approved by	Council

Purpose

The purpose of this document is to ensure oral health practitioner competence reviews and programmes are conducted in a consistent and fair manner, and meet the requirements of the Health Practitioners Competence Assurance Act 2003 ('the Act').

Scope

This policy applies to all registered oral health practitioners holding a current practising certificate.

Definitions

Competence: A competent practitioner is one who applies knowledge, skills, attitudes, communication and judgement consistently to the delivery of appropriate oral health care in accordance with the scope of practice within which they are registered.

Performance: Performance is the output, and its measurement assesses how well a practitioner is actually working.

Risk of serious harm: A risk of serious harm may be indicated when:

- A patient may be seriously harmed
- The practitioner may pose a threat to more than one patient and as such the harm is collectively considered 'serious'
- There is sufficient evidence to suggest that the alleged criminal offending is of such a nature that the practitioner poses a risk of serious harm to one or more members of the public

Risk of harm: *To follow.*

Policy

1. The Dental Council has the legal authority to review the competence of any oral health practitioner holding a current Annual Practising Certificate.

The Council may carry out a review regardless of whether or not there is a reason to believe that the practitioner's competence may be deficient. This authority is provided by the Act.

2. If the Council receives notice that a practitioner's practise falls below the required standard of competence, it must make inquiries into and may review the competence of the practitioner.

If a competence review is initiated, it will be carried out by a Competence Review Committee comprising two peers of the practitioner and one lay person (see details below). The form of the competence review is at the discretion of the Dental Council, but will include the processes required under the Act (see details below).

The competence review will assess whether the practitioner's '*practice of the profession meets the required standard of competence*'.

3. The Council can order an interim suspension of a practitioner's Annual Practising Certificate or place conditions on the practitioner's scope of practice while the practitioner is undergoing a competence review, if:
 - (a) There are reasonable grounds to believe that the practitioner poses a risk of serious harm to the public through practising below the required standard of competence.
4. An order ceases to have effect upon:
 - (a) the completion of the review; or
 - (b) the attainment of a pass in any examination or assessment ordered.
5. Where Council believes that the practitioner's practice may pose a risk of harm to the public, it is legally required to give written notice to the following parties of the circumstances that have given rise to that belief. The permission of the practitioner is not required:
 - (a) The Accident Compensation Corporation (ACC)
 - (b) The Director-General of Health
 - (c) The Health and Disability Commissioner
 - (d) The employer of the practitioner

The Dental Council may also notify any person who works in partnership or in association with the practitioner.

The Competence Review: Scope, Processes and Procedures

The aim of the competence review is to assess whether the practitioner has the skill and knowledge required to practise dentistry in accordance with his or her scope of practice.

Scope and methods

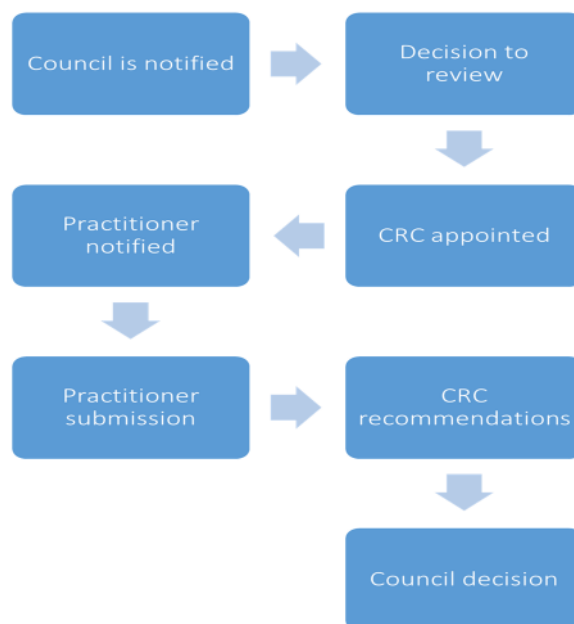
The Dental Council has agreed that the scope of any competence review will be limited to the area of concern prompting the review, unless there are indications of a general competence problem.

Wherever possible, the competence review will use assessment tools that normally would be understood and accepted as methods by which to assess knowledge, skills/aptitudes and attitudes, and have been developed for this purpose.

Costs

Council will meet the costs of a competence review. The practitioner will meet the costs of any competence programme required following the review.

Process: Quick summary



Process in detail

1. Establishing whether a Competence Review Committee (CRC) should be appointed

The relevant Professional Advisor (for the practitioner) in consultation with the Registrar, will consider the available information and decide whether to recommend to the Council whether a competence review should be carried out. Depending on the referral and available information, the practitioner may be contacted for information/comment. An interview with the practitioner and enquiries of other organisations may be undertaken. A competence review will not be carried out if the notification by a health practitioner is considered frivolous or vexatious.

2. Appointment of a Competence Review Committee

When a competence review will be undertaken, a CRC is appointed. This comprises two peers of the practitioner and one lay person. The peers usually include a practitioner familiar with education, examinations, peer review and a true peer. In rare instances, a one-person review may take place. The reviewer in this instance will be a practitioner who practises in the same scope(s) of practice as the practitioner under review.

Reviewers must be clinically competent, have good interpersonal skills, and have some knowledge of performance and educational assessment. Practitioners are not appointed as reviewers if they have previous complaints that are proven, have current complaints against them, or are currently undergoing a competence review or programme themselves.

Committee members must sign a confidentiality agreement in which they undertake not to reveal or release any personal or health information obtained about the practitioner or his or her clients except as legally required during the course of the review.

The practitioner being reviewed is informed of the names and qualifications of the CRC. The practitioner may request a change if he or she perceives a conflict of interest or lack of expertise to review his or her specific practice. Such a request will be carefully considered, but may not be granted.

3. Notice to practitioner about information held and Terms of Reference

The form of the competence review is at the discretion of the Dental Council. In every case, the Dental Council must give the practitioner notice (with sufficient particulars) to inform him or her of:

- (a) The substance of the concerns, and the grounds (if any) on which the Council has decided to carry out a review;
- (b) Information relevant to his/her competence that is in possession of the Council;
- (c) The terms of reference for the competence review.

The terms of reference provide a summary of why the competence review is being carried out, including: scope (breadth of the review, usually focussed on the area of concern, but may be more general) and process (guidance as to the assessment methods to be used). Where possible, verified and commonly accepted assessment tools are used (e.g. reviewing clinical management, record keeping and interviews with the practitioner), but some aspects may need to be tailor-made for the Review.

The CRC is informed that if any other competence issues are identified during the course of the review, which would normally be serious enough to warrant concern, these are to be notified to the Council. If other matters that pose a risk to patient safety are discovered during the course of the review, even if outside the terms of reference these must be addressed.

Normally the Council does not release information about a practitioner being reviewed without the permission of the practitioner. However, where the Council believes that the practitioner's practice may pose a risk of harm to the public, it must give the following persons written notice of the circumstances that have given rise to that belief:

- (a) The Accident Compensation Corporation;
- (b) The Director-General of Health;
- (c) The Health and Disability Commissioner;
- (d) The employer of the practitioner.

The Council may also notify any person who works in partnership or in association with the practitioner.

4. Practitioner may note concerns on the Terms of Reference

If the practitioner has concerns about the terms of reference, he or she should inform the Council within five working days.

5. Practitioner has an opportunity to be heard

The practitioner is given a reasonable opportunity to make written submissions and be heard on the matter, either personally or by his/her representative. If heard personally, the practitioner is entitled to the presence of selected support persons.

6. Competence Review Committee decision

Within a month of conducting the review, the CRC writes a report to the Council with a recommendation on whether the practitioner's *"practice of the profession meets the required*

standard of competence”, i.e. whether the practitioner has the skill and knowledge required to practise dentistry in accordance with his or her scope of practice.

The practitioner is provided with a copy of the report and invited to make a submission addressing any errors of fact.

7. Dental Council considers the recommendations and makes an order

The Council considers the CRC report and any submission from the practitioner. If the CRC has determined that the practitioner does not meet the required standard of competence, then the Council must make one or more of the following orders:

- (a) That the practitioner undertake a competence programme;
- (b) That one or more conditions be included in the practitioner’s scope of practice;
- (c) That the practitioner sit a specified examination or assessment;
- (d) That the practitioner be counselled or assisted by one or more nominated persons.

If the Dental Council is unable to conduct or complete a review of an oral health because of the practitioner's failure to respond adequately to a notice, the Council has reason to believe that the practitioner fails to meet the required standard of competence and will make one or more orders specified above.

8. Competence Review Committee decision is made available

The following must be given a copy of the Dental Council orders:

- (a) The practitioner;
- (b) Any employer of the practitioner;
- (c) Any person who works in partnership or association with the practitioner.

An order takes effect on the date stated in the order which, if the order is to be sent to the practitioner by post, may not be earlier than 4 days after it is posted.

Process: Interim Suspensions

1. If the Dental Council orders an interim suspension, the order takes effect from the day on which the practitioner receives a copy of the order or from any later date stated in the order.
2. As with other orders made by the Council, the practitioner is informed of this, and given an opportunity to make written or oral submissions on the matter before the order is issued.
3. The order issued ceases to have effect upon:
 - (a) the completion of the review; or
 - (b) the attainment of a pass in any examination or assessment ordered.

References

1. Policy for Dealing with Complaints and Concerns.
2. Policy of Risk of harm threshold.