

Policy on public information on oral health practitioners

Approved by Council: July 2005

Introduction

The Dental Council holds a considerable amount of information on oral health practitioners including personal details, registration and annual practising certificate status, plus information on any complaints, convictions, Tribunal hearings and orders, competence reviews and conditions. Council has approved the following policy on public information on oral health practitioners.

Legislation

Council is legally required to exchange certain information with bodies such as the HDC or ACC. In other cases disclosure is in accordance with the Privacy Act 1993 and the information privacy principles.

Annotation of conditions on scopes of practice

Section 32 of the Health Practitioners Competence Assurance Act 2003 (HPCA) states that: "The Registrar must endorse on every annual practising certificate or interim practising certificate issued to a health practitioner the health practitioner's scope of practice."

Section 138 lists the information to be entered in the Register and includes

- the scope of practice in respect of which the health practitioner is registered
- any change to the scope of practice in respect of which the health practitioner is registered.
- Any other matters.... the authority thinks appropriate

Council has agreed that if a practitioner's scope of practice includes conditions their APC and the Register entry should note that the practitioner is "practising pursuant to conditions imposed under [insert appropriate section] of the HPCA Act 2003" and note the conditions imposed.

Examples of conditions include requirements that an oral health practitioner undertakes or has in place:

- Mentoring relationship
- Limited practice hours
- Prescribing restrictions
- Practising subject to supervision (*specific detail may be required*)
- Practising subject to oversight (*specific detail may be required*)
- Practising in association (*specific detail may be required*)
- Disclosure requirements
- Restrictions on clinical procedures (*specific detail*)
- Education requirements (*specific detail required*)
- Employment restrictions (*specific detail required*)
- Time limited registration (*specific detail required*)
- Health monitoring programme

Registration

Publicly available information

The following information is publicly available information:

- Information on the Dental Register (except address and/or phone, fax, e-mail address where an oral health practitioner has requested they not be disclosed under section 149(2) of the HPCA Act 2003) including conditions on scopes of practice
- The outcome of Tribunal hearings, as long as the practitioner has not been granted name suppression
- Information relating to competence reviews and health undertakings that are included in conditions imposed by the tribunal following a disciplinary hearing
- Any other information published following an order by the Council under section 157 of the HPCA Act 2003

Information that is usually not publicly available

Council's policy is to not disclose information beyond that publicly available unless:

- the oral health practitioner has agreed to it
- there is an express statutory requirement
- there is an urgent and overwhelming public interest in releasing information or an order of discovery from the Court

As a matter of policy, Council has agreed the following information should not be publicly available:

- The oral health practitioner's address and/or phone, fax, e-mail address where the practitioner has objected to it being published on the Register under section 149(2) of the HPCA Act 2003
- Current complaints
- Informal complaints
- Past complaints (unless the complaint resulted in a tribunal hearing)
- Competence review investigations
- Competence review reports
- Competence programmes
- Oral health practitioner's voluntary undertakings with the Health Committee