

# National Code of Conduct for Health Care Workers (Queensland)

## Frequently asked questions

### What is the *National Code of Conduct for Health Care Workers (Queensland)*?

In early 2015, all Australian State and Territory government health ministers agreed to a *National Code of conduct for healthcare workers* (National Code) to help give greater protection to consumers for services provided by certain health care practitioners.

The purpose of the National Code is to protect the public by setting minimum standards of conduct and practice for all unregistered health care workers who provide a health service and for registered health practitioners who provide a service unrelated to their registration.

In Queensland, the National Code will be recognised as the *National Code of Conduct for Health Care Workers (Queensland)* (Queensland Code).

### Why a National Code of Conduct?

Health care workers generally deliver services to improve the health of their clients, but sometimes a health care worker may operate outside the bounds of what is ethical or safe health care and present a risk to the public.

The National Code sets standards which are to be implemented in each state and territory, and provides a framework in which complaints against health care workers may be considered and actions taken if necessary, including the issuing of prohibition orders which may prohibit or set conditions on practice.

In Queensland, the National Code will be recognised as the *National Code of Conduct for Health Care Workers (Queensland)* (Queensland Code).

### When does the Queensland Code take effect?

The Queensland Code applies from **1 October 2015**.

### To which health care workers does the Queensland Code apply?

The Queensland Code applies to health services provided by:

- unregistered health practitioners, who are those health practitioners not required to be registered under the [Health Practitioner Regulation National Law](#) (including deregistered health practitioners)
- registered health practitioners under the [Health Practitioner Regulation National Law](#) who provide health services that are unrelated to their registration.

### What professions are covered under the Queensland Code?

There is no list of health professions or types of health care workers to whom the Queensland Code applies; however, the Queensland Code applies to health care workers providing a health service, which is defined in the *Health Ombudsman Act 2013* as a service, including any support service that maintains, improves, restores, or manages people's health and wellbeing.

The health service may be provided at any place including a hospital, residential care facility, community health facility or home. It also includes services dealing with public health programs or activities for the prevention and control of disease or sickness, injury prevention, or the protection and promotion of health.

It is recognised that health professions can change over time. The Health Ombudsman can determine whether or not a particular worker has provided a health service.

A full definition of a health service can be found in Section 7 of the [Health Ombudsman Act 2013](#).

## **What do health care workers have to do to comply with the Queensland Code?**

It is recommended all health care workers delivering health services in Queensland familiarise themselves and comply with the *National Code of Conduct for Health Care Workers (Queensland)*.

Clause 17 of the Queensland Code states all health care workers must display, or make available, a copy of the code in all premises where they work. This will also apply to mobile services. They must also make available a document which outlines how a complaint can be made. There are some exemptions which are outlined in Clause 17.

The Queensland Code can be downloaded from the [Queensland Health website](#). A poster and flyers are also available to download.

## **How do I make a complaint about a health care worker or service?**

The Queensland Code describes what you should expect from your health care worker. If you're not satisfied with a health service provided by them, or you're concerned with the health, conduct, or performance of an unregistered or registered health practitioner, then you have the right to make a complaint.

Before lodging a complaint, please talk with your health service provider as they may be able to resolve your concern or fix the problem. If you're not satisfied with the response, or feel uncomfortable talking with the provider directly, you can lodge a complaint with the [Office of the Health Ombudsman](#).

## **What happens if a health care worker does not comply with the Queensland Code?**

The Queensland Code will be made a prescribed conduct document under the *Health Ombudsman Regulation 2014*.

Unlike national registration, where restrictions are placed on entry into practice, the Queensland Code forms part of a negative licensing scheme. This means that the Queensland Code establishes a set of clear standards against which a health care worker's conduct and practice can be assessed, including if there is a complaint made against them.

The Health Ombudsman already has powers to take action in relation to health care workers who are not registered. Once the Health Ombudsman has accepted a complaint, actions may include:

- assessing the complaint
- facilitating local resolution
- taking immediate action, including making an interim prohibition order
- investigating the matter
- undertaking conciliation
- referring to a government entity, such as the police service
- referring internally to the Director of Proceedings for a decision about whether to refer the complaint to the Queensland Civil and Administrative Tribunal (QCAT)
- undertaking an inquiry into the matter of the complaint.

From 1 October 2015, the Health Ombudsman and the Queensland Civil and Administrative Tribunal (QCAT) may also have regard to the Queensland Code when considering what actions to take, including the issuing of interim prohibition orders or prohibition orders respectively.

## What is an interim prohibition order or prohibition order?

Interim prohibition orders and prohibition orders are legally enforceable orders which either restrict or stop a health care worker from practicing.

The Health Ombudsman may issue an interim prohibition order if the Health Ombudsman is satisfied on reasonable grounds that the practitioner poses a serious risk to persons because of the practitioner's health, conduct, or performance, and it is necessary to issue the order to protect public health or safety.

The Health Ombudsman may issue an interim prohibition order to protect the health and safety of the public, whether or not a complaint has been made, and the order applies until the Health Ombudsman revokes it or QCAT sets aside the decision.

There are a number of provisions relating to the issuing of a prohibition order outlined in the *Health Ombudsman Act 2013* including the:

- requirement for a show cause process
- ability for the Health Ombudsman to waive this process if it is necessary to do so to ensure the health and safety of an individual or the public
- option for a person (the health care worker to which the interim prohibition order applies) to apply to QCAT within 28 days to have the interim prohibition order reviewed
- requirement for the Health Ombudsman to notify an employer if an interim prohibition order is issued or if a complaint is investigated
- penalty of 200 penalty units if a person contravenes an interim prohibition order, a prohibition order, or a corresponding interim prohibition order.

## Where can I find which health care workers have an interim prohibition order or prohibition order against them?

It is intended that there will be mutual recognition of interim prohibition orders and prohibition orders between States and Territories, so that a corresponding order issued in one State or Territory will be recognised across borders.

Queensland currently recognises interim prohibition orders and prohibition orders issued in New South Wales and South Australia, and this will expand as other States and Territories implement the National Code. A national website is being established to register prohibition orders to enable cross-jurisdiction searching of prohibition orders issued against health practitioners.

Anyone will be able to check online to see if a health care worker is subject to an order. Until the national site is established, prohibition orders can be found online at:

Queensland: [Office of the Health Ombudsman](#)

Queensland Civil and Administrative Tribunal decisions at <http://www.qcat.qld.gov.au/qcat-decisions/published-decisions>

NSW: Health Care Complaints Commission at <http://www.hccc.nsw.gov.au/Hearings---decisions/Public-Statements-Warnings>

SA: Health and Community Services Complaints Commission at: <http://www.hcsc.sa.gov.au/orders-issued-code-conduct-unregistered-health-practitioners/>