Podiatrists Board of New Zealand

Guidelines for Competence Review Committee Members

Clinical Visits

Reference Part 3 Sections 34-40 of the Health Practitioners Competence Assurance Act 2003

PLEASE READ THE GUIDELINES CAREFULLY BEFORE COMMENCING

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Guidelines for Competence Review Committee Members (Clinical Visits)

Aim: To assist Registered Podiatrists appointed to undertake a Competence Review

Part 1

1. Nature of the Process[1]

Although specific concerns may have triggered a Competence Review ("Review"), this is a Review of a Registered Podiatrist's ("Podiatrist")competence, in the area specified by the terms of reference, rather than an investigation of any kind of complaint.

The Review process is part of an overall procedure that is essentially evaluative and educational in nature. If there is a competence concern, then the Podiatrists Board wishes to help the Podiatrist address it, and prevent any potential risk of harm to the public. The Review is a formal assessment, the outcome of which may have major effects on the Podiatrist, so there is a limit to how consultative and collegial you can be.

After reviewing the Podiatrist's competence, you are required to consider the following and then advise the Board whether the Podiatrist either:

a) meets the required standard of competence for a registered Podiatrist, or

b) does not meet the required standard of competence for a registered Podiatrist.

If, after considering the Competence Review Committee's ("Committee") report and recommendations, the Board has reason to believe the competence of the Podiatrist is deficient, then the Board will make one or more of the following Orders:

- that the Podiatrist undergoes a Competence Programme;
- that one or more conditions be placed on the Podiatrist's scope of practice;
- that the Podiatrist sits a specified examination or assessment;
- that the Podiatrist is counselled or assisted by one or more nominated persons.

2. Preliminary Process Prior to Confirmation of Review Committee

The Board will have issued the Podiatrist being reviewed with a Notice of Competence Review ("Notice"). This Notice informs the Podiatrist of the substance of the grounds on which the Board has decided to carry out its Review, together with any information relating to his/her competence that is in the possession of the Board.

The Podiatrist is given a reasonable opportunity to make initial submissions on the substance of the concerns and the composition of the Committee. Any submissions received by the Board will be forwarded to the Committee once membership has been confirmed. The Podiatrist will be expecting to hear from the Committee (via the Chair) **within the next three weeks** (i.e. twenty-one (21) days from the date the Committee membership was confirmed).

3. The Review Process

The recommended steps for conducting the Review are as follows:

1) **At the Committee's first meeting, each member of the Committee needs to complete and send to the Board the Confidentiality and Impartiality Declaration.**

2) **The Committee receives documentation from the Board about the Podiatrist undergoing the Review. This will include a copy of the Notice, any submissions received, and a copy of the correspondence prompting the Review. Committee members should read this thoroughly before contacting the Podiatrist.**

3) **The Committee Chair should contact the Podiatrist concerned (by phone, in person, or in writing, e.g. email or letter) within three (3) weeks to introduce him/herself and confirm with the Podiatrist that the Review process is underway.**

4) **The Committee Chair then makes arrangements for the Committee to meet either in person or by teleconference to discuss the Review process and set provisional dates for the Review. A representative of the Board's Competence Review Committee may attend this meeting to answer any questions and provide further procedural advice. The Board has a series of interview templates and file audit tools that can be adapted for the particular circumstances of the Review. If any interviews form part of the Review, these should be semi-structured and careful notes should be made.**

5) **The Committee Chair contacts the Podiatrist to confirm a suitable time and venue for the Review to take place. Efforts should be made to settle on a time and place that causes the least disruption to the Podiatrist's work and keeps the Review as confidential as possible.**

   The Committee Chair should guide the Podiatrist regarding any prior preparation he or she should make.

If there are any questions about the application of the assessment tools to the specific nature of the Podiatrist's practice, please contact the Board's Complaints Review Committee Chair for advice.

All details regarding practical arrangements and verbal requests for information from the Podiatrist should be supported by letters to the Podiatrist. In short, communicate your requests clearly, provide written evidence of having done so, and give the Podiatrist reasonable time to respond (i.e. within fourteen (14) working days). It is recommended that the Committee provides the Podiatrist with a timetable for the practical component of the Review, making it explicit what is required of the Podiatrist, where he/she needs to be, and when.

6) Many Reviews will be able to take place at the worksite of the Podiatrist. If this is not possible or desirable, you may need to hire a room for the day. In such circumstances, please contact the Board's Registrar for guidance on reasonable costs and billing arrangements.

7) If you require flight bookings, you should do this using the cheapest fares options available, and arrange such flights either yourself or through the Board's preferred travel agency, Orbit Corporate Travel - for details, contact the Board's Registrar.

4. The Day of the Practical Component

1) The Podiatrist is entitled to make oral submissions in the presence of a support person, or have a support person make submissions on their behalf. If there is to be a support person present, please ensure that this person signs the appropriate confidentiality form included in this package.

   The Committee should meet with the Podiatrist concerned on the day and at the time agreed. Complete all other activities scheduled for the day.

2) At the end of the time spent with the Podiatrist being reviewed, it is not appropriate to discuss the outcome of your report, or the Committee's recommendations, as these may be changed as a result of further deliberations by the Committee or Board.

3) Make detailed notes of your findings. Where possible, use pre-prepared templates.

AFTER THE SITE VISIT

The Committee meets in person or by teleconference to decide what recommendations and/or suggestions it will make to the Board.

4) **The Committee Chair, with the assistance of the other Committee member, writes a report in the required layout (Appendix B).**

5) **The Committee Chair sends the written report to the Board. All members of the Committee must have agreed to the contents of the report before signing and dating it.**

6) **It should be less than two months from when the papers are received (i.e. copy of the Notice issued to the Podiatrist and the Podiatrist's submissions, etc.) until the report is completed. It is the Committee Chair's responsibility to let the Board Registrar know if this time period is likely to be exceeded.**

7) **Within four weeks of the Review, a report will be prepared for the Board on the outcomes.**

8) **What decisions can the Committee make?**

The Board will consider the Committee's report. If the Committee has determined that the podiatrist **does not** meet the required competence standards, then the Board must make one or more of the following **Orders**:

- That the podiatrist undertakes a competence programme;
- That one or more conditions be included in the podiatrist's scope of practice;
- That the podiatrist sit a specified examination or assessment;
- That the podiatrist is counselled or assisted by one or more nominated persons.

9) **What are the confidentiality requirements of the Review Committee?**

Committee members sign a confidentiality agreement in which they undertake not to reveal or release any personal or health information obtained about the podiatrists or their clients, except as legally required during the course of the review. In addition, where specific cases are included in the report or discussed with the Board, no client identifying information is included. If client consultations are observed, the client must be requested to sign a consent form prior to the consultation.

10) Who knows that a Competence Review is taking place?

If the podiatrist is employed, it may be desirable that the employer be informed. Aspects of the Review such as reviewing patient/client records and interviewing colleagues often requires others in the workplace to be aware of the review. However, privacy concerns mean that, excepting those who must be notified of a Review (see item 11 below), the Board does not release information about a Podiatrist being reviewed without permission of that Podiatrist. Circumstances of *risk* or *harm* may override these matters of privacy or confidentially, where necessary.

AFTER THE REPORT HAS BEEN SUBMITTED AND THE COMPETENCE REVIEW HAS BEEN COMPLETED

1) **Compile all accumulated documents, material and notes into a clearly labeled file (i.e. Practitioner's first/last name: Competence Review Committee File). Send this file to the Board Registrar. This material will be kept by the Board until it is no longer legally required to do so.**

2) **At the next Board meeting, the Committee's report and recommendations will be considered.**

3) **The Board decides what action will be taken under the relevant sections of the HPCA Act 2003. If a Competence Programme is ordered, this will be drawn up by the Board, with due consideration given to any suggestions made by the Committee.**

4) **An evaluation form is sent to both Committee members and the reviewed Podiatrist to obtain feedback about the review process.**

5. Legal Indemnity

The Board provides indemnity for Committee members acting in accordance with the terms of their appointment to the Competence Review Committee as long as members act in good faith.

6. Costs and Expenses

Committee members are entitled to claim the following fees at the current Board rate for Professional Conduct Committee membership:

- Committee Chairperson: $500 per day for site visits involving one day;
- Committee Members: $50 per hour or $400 per day for site visits involving one day.

If the Committee believes that more than one site visit is necessary, or that it may accumulate more than 25 hours, the Committee Chair should contact the Board Registrar to obtain prior approval.

Claims should normally be made at the end of the Review process, but always before 31 March (the end of the Board's financial year). Payment of fees is subject to withholding tax. Withholding tax is deducted at a rate of 33% and will be paid on your behalf to the Inland Revenue Department. Please ensure you supply the Board with a completed IR330 form (only one IR330 form is required).

Claim forms received by the 8th day of any month will be paid by the 20th day of the following month. If you prefer your payment paid by direct credit into your bank account, please provide your bank account details with your claim.

Costs and fees incurred by the Committee will be borne by the Board, but where any remedial steps flow from the Review, the Podiatrist must pay for those. Costs incurred by the Podiatrist in meeting with the Committee (e.g. travel, time away from work), are the responsibility of the Podiatrist.

Receipts related to any Committee work (e.g. word processing, toll calls, postage, photocopying, and travel) must be attached to each claim form. If air travel is required, Committee members are expected to book discounted fares wherever possible.

7. Evaluation

Members of the Committee will be requested to complete an evaluation form after the Review is completed. The Podiatrist reviewed will also be asked for feedback on the process. This enables the Board to improve and refine it's processes.

Part 2. About Competence Programmes

WHEN COMPETENCE PROGRAMMES ARISE FROM A REVIEW

a) How is a Competence Programme developed following a Review?

A Programme will be:

- designed to fill gaps in the skills of the Podiatrist as described in the Review report;
- developed to include specific objectives and educational activities and an agreed process of reporting or reassessment at the end of the process;
- developed with the Podiatrist concerned to ensure the Programme is feasible.

When necessary, this may include the appointment of an educational or clinical mentor to guide the Podiatrist through the educational, clinical or practical activities required.

The Board drafts the requirements for the Programme based on the Review report, input from the Chair of the Committee and discussions with any other appropriate educational providers, and any Programme mentor.

b) What is included in a Competence Programme?

A Programme may include the following details:

- specific measurable objectives for the Programme;
- details of educational activities the podiatrist should participate in to meet these objectives, e.g. specified courses, audits, individual study, practice enhancement activities;
- the specific skills required of and tasks to be performed by any Programme Mentor when it is considered that the Programme is sufficiently extensive or complex to warrant such an appointment;
- the method for assessing whether the objectives have been met. Assessment may vary from simple reporting (e.g. that a specified educational activity has been completed along with a description of the learning that occurred and how that has been implemented in practice), to monthly Supervisor's reports followed by a repeat Review;
- The date by which the Programme should be completed.

The Board works collaboratively to discuss the proposed Programme to ensure that it is feasible and acceptable. The Board then approves the Programme, and an Order containing the details of the Programme is issued to the Podiatrist (and to the Supervisor where one is appointed) within twenty (20) working days of the Board's approval. If a further Review is required at the completion of the Programme, whenever possible, one or more of the original Committee members carries out the Review. The Supervisor is not normally part of the Review team. The Board covers the cost of any additional Review.

c) Who might become a Competence Programme Supervisor?

The following guiding criteria required of the person appointed as an educational or clinical Supervisor are - that the supervisor appointed must:

- be a peer working in the same broad scope or area as the Podiatrist concerned;
- possess good facilitation and interpersonal skills;
- have had significant experience as a Podiatrist educator or supervisor;
- be competent and have recognised experience in the area of concern;
- be acceptable to the Podiatrist concerned.

The Board appoints any Supervisor after discussions with you, other relevant education providers or professional organisations (e.g. Podiatry New Zealand and the New Zealand College of Podiatric Surgeons), and cultural advisors where necessary. The frequency and method of meetings i.e. face to face, via telephone, between the Podiatrist and the Supervisor.

d) Who pays for the costs of completing a Competence Programme?

Payment of costs of the Programme is the responsibility of the Podiatrist undergoing the Programme.