

Response from VNHP to Consultation Paper on proposed arrangements for handling complaints and dealing with performance, health and conduct matters.

14<sup>th</sup> November 2008

The Victorian Nurses Health Program (VNHP) Board and staff are grateful for the opportunity to respond to the consultation paper on the proposed arrangements for handling complaints and dealing with performance, health and conduct matters. We are particularly interested in providing a response to the matters relating to health issues.

We provided a submission to the Supplementary Issues to IGA in September that included some background regarding our program. We will briefly refer to that background, make some comments on the proposed philosophy and framework outlined in this current paper and provide recommendations regarding the relevant proposals.

We advocate for these recommendations to be considered in the consultation process and at the March 2009 State and Territory forums.

As noted in our previous submission the establishment of the Victorian Nurses Health Program (VNHP) in 2006 was an Australian first in the nursing profession, originally based on the model used by the Victorian Doctors Health Program. Our program was initiated by the Nurses Board Victoria, the Australian Nursing Federation Victorian Branch and some interested individuals from within the nursing community.

*The following VNHP mission statement guides the business of the organisation:*

- *Provide an initial point of contact, referral and case management support for nurses and students of nursing with alcohol and other drug problems and/or mental health concerns in order to promote individual health and well being;*
- *Reduce risks to those who use nursing services by assisting nurses to maintain their health; and*
- *Provide advice and a pathway of support for employers managing nurses with health issues relating to drug and alcohol and/or mental health.*

The need for the VNHP has been demonstrated by a continuing increase in the number of nurses accessing the program through both self and employer referrals and the significant positive health outcomes experienced by participants. We have also been approached by staff from both the NSW and the Tasmanian nurse registration bodies seeking advice regarding the development of similar programs.

### **Implementation:**

It appears from agreement reached regarding the structure of the National Registration process that there will be provision for separate processes for performance (competence) and health (impairment) management. This suggests that the management of these distinct issues would be quite different from each other.

Although some registrants may be managed within both performance and health streams, the provision of health programs such as the Victorian Nurses Health Program not only supports the aforementioned separation in terms of processing the issues, but also in the management and monitoring of the individuals.

### **Overview of proposed system:**

#### **Background:**

As stated in the current paper, it is crucial that there be separate streams for addressing concerns about practitioner's performance (health or conduct). The paper also confirms that the aim of any health management stream is to protect the public by identifying registrants whose practice or approach to practice causes concern but who have not caused harm to any person and that the system addresses the issues before harm or potential for harm eventuates.

Health Programs such as the VNHP encourage early intervention as not only a crucial aspect of health intervention but also in protecting the community. We have found that when registrants feel safe to approach a confidential professional-specific service they address their health concerns before they experience a personal or professional crisis that may lead to a real or potential risk to the public.

Employers have also expressed their gratitude for a service that is responsive to their needs, supportive of registrants and accountable to the registration board.

The establishment and maintenance of such a service is proactive and in keeping with the aims and principles of the proposed national scheme. In addition, it aids the preservation of community confidence in health services and assists employers to support individuals, manage their workforce effectively and

meet their commitments to the public regarding safe effective and accessible health care.

The VNHP supports the statement made under **principles and proposal 1.5.1 b** that the final National Registration arrangements should be based on the best aspects of State and Territory schemes rather than lowest common denominator.

As the only program of our kind in Australia, there has been significant interest in our service from other states by both registration boards and advocacy organisations.

We have developed outcome measurements that indicate we have been successful in helping participants address their health concerns and the Nurses Board of Victoria expanded our program from a pilot scheme to an ongoing funded program.

We hope that the VNHP will remain in place beyond the move to National Registration.

As stated in **1.5.1 c** the overarching purpose of the National registration arrangements is to balance the rights and interests of consumers with those of health practitioners.

- *Ensure that public protection is paramount;*
- *Maintain a high degree of transparency; and*
- *Be appropriately accountable.*

Health Programs encourage early intervention and early identification and have the capacity to work seamlessly with employers and boards within a high level of trust and cooperation. Whilst existing as separate entities from the registration boards they operate within board approved guidelines and treatment models and remain accountable to the profession through regular reports, funding and outcome measures.

Board funded health organisations are also more likely to feed relevant information back to the boards regarding program take up, incidence within the profession, trends, occupational health and safety 'hotspots', other health-related recommendations and be part of discussions and negotiations regarding health issues.

## **VNHP Recommendations:**

1/ The VNHP supports Proposal 7.1.1 from the consultation paper that proposes that:

The legislation will make provision for boards to deal *flexibly* (our italics) with practitioners who have a health condition or whose habitual use of alcohol and drugs is compromising or may compromise their capacity to practice. Such provisions would enable a board to:

- refer the practitioner to a *range* (our italics) of support programs designed to assist with resolution of their health issues and a successful return to unrestricted practice if possible, and

The VNHP recommends that this range include Board offered and funded health programs providing health practitioners with an industry aware service, return-to-work support and liaison with employers and the profession where required.

2/ VNHP supports Proposal 7.1.2 and option 1 where:

In addition to the board having powers to conduct health assessments, deal cooperatively and flexibly with impaired registrants (rather than through the disciplinary stream) and monitor their compliance with conditions (if any) on their registration, it is proposed that the legislation provide for boards, at their discretion, to offer health programs for impaired registrants nationally.

Option 1 is our preferred option, that is;

Health programs, if provided for by a board, are funded by the board through a component of all registrants' fees for their respective profession.

Additionally, if these programs are provided at the discretion of the boards, then this discretion must be reflected in any funding and transition arrangements.

VNHP recommends any programs thus funded have the authority to develop their own local health service response, utilising evidence based guidelines in relation to what has been working so far in this area, within the profession.

Each State and Territory has different service systems and local frameworks within which it operates and this local diversity needs to be reflected in the operations of the program. VNHP offers its consultation services, model and experience in the growth of the Victorian program to relevant State and Territory offices or National program.

This submission enjoys support from:

The Nurses Board of Victoria;  
The Australian Nurses Federation National Office;  
The Australian Nurses Federation Victorian Branch; and  
The Health and Community Services Union

*Please note VNHP would be eager to speak with any committee member or members to respond to queries or provide further information. In addition, the VNHP requests placement on the mailing list for any further consultation opportunities.*