



**MEDICAL SCIENCES COUNCIL  
OF NEW ZEALAND**

TE KAUNIHERA PŪTAIAO HAUORA O AOTEAROA

# POLICY AND GUIDELINES: MANAGING THE REGISTERS

JUNE 2020

<b>Policy Title</b>	<b>Managing the Registers</b>
<b>Reference Number</b>	2020-Jun-V1-MSC Managing Registers
<b>Scope</b>	This policy applies to any person who is currently, or has previously been registered with the Medical Sciences Council under the Health Practitioners Competence Assurance Act 2003

Associated Policy Documents
Management of Personal Information policy

Revision Schedule			
Version Number	Version Date	Approved By	Next Review
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## Policy Overview

The Medical Sciences Council (the Council), under the Health Practitioners Competence Assurance Act 2003 (the Act), is the responsible authority that governs the practice of medical laboratory science and anaesthetic technology practitioners in New Zealand.

The Council is legislatively obliged under section 136 of the Act to protect the health and safety of the public through the provision and maintenance of a register of medical laboratory science practitioners and a register of anaesthetic technology practitioners who are registered with the Council.

## Legislative Context

The provisions for keeping a register of medical laboratory science practitioners and a register of anaesthetic technology practitioners are set out in sections 136-150 of the Act. The registers may be published in printed or electronic form.

When considering information published on the registers, the Council will have regard to its legislative obligations under part 7 (public register personal information) of the Privacy Act 1993.

## Information Published on the Registers

The registers are where members of the public can go to check if a practitioner is registered and holds an Annual Practising Certificate (APC). The registers are accessible to the public through the Council website. The Council registers update in real time, pulling information from the Medical Sciences Secretariat (MSS) database.

As per section 138 of the Act, the following information must be entered in the registers:

- the health practitioner's name; and
- the qualification(s) on which the health practitioner is registered; and
- the scope(s) of practice the health practitioner is registered in; and
- any change to the health practitioners' scope(s) of practice; and
- whether the health practitioner holds an annual practising certificate or an interim practising certificate; and
- If the registration of a health practitioner is suspended, the fact that it is suspended and any current conditions relating to its suspension.

In addition to the above, the Council can publish any other matters they consider appropriate.

The Registrar is responsible for ensuring any information entered in the database (either by a practitioner or MSS staff) is correct, including the information that is published on the registers. The Registrar may delegate this responsibility to MSS staff in the registrations team.

## Certificates of Registered Information

Upon request, and on payment of the relevant fee, section 139 of the Act requires the Registrar to issue a certificate stating all the current information entered in the relevant register in relation to a particular person, and stating that it is all the current information entered in the register in relation to the person.

The certificate must be signed and dated by the Registrar.

## Change of Name

Practitioners are required under section 141 of the act, to notify the Registrar of the Council of any changes to their name within one month of the change.

Any practitioner looking to change their name on a Council register must supply formal evidence of a legal name change such as a certified copy their marriage certificate, deed poll certificate or a statutory declaration.

Upon receipt of documentation evidencing that a practitioner has changed their name, or that it is entered incorrectly in the relevant register, the Registrar must correct the entry in the register relating to the practitioner.

## Practitioner Request for Registration to be Cancelled

All practitioners have the right to ask that their name be removed from the relevant register under section 142 of the Act.

Upon receipt of a written application from a practitioner, the Council may direct the Registrar to cancel the practitioner's entry in a register. However, the Council must not direct the Registrar to cancel the practitioner's entry if there are criminal or disciplinary actions pending against the practitioner.

## Updating of Register Following the Death of a Practitioner

As mandated by section 143 of the Act, promptly after receiving a formal notice under the Births Deaths Marriages and Relationships Registration Act 1995 of the death of a registered practitioner, the Registrar must as soon as practicable after receiving the notice, cancel the practitioner's registration.

Additionally, without having received a formal notice, the Council may direct the Registrar to cancel the entry in a register relating to a registered practitioner if it believes on reasonable grounds that a practitioner has died.

## Revision of the Registers

Section 144 of the Act stipulates that the Registrar may at any time, and must at the Council's request, ask whether a practitioner wishes to have their entry in the relevant register cancelled.

The Registrar must ask by letter addressed to the practitioner at their last known address. A letter will be sent to all practitioners who have not held an APC within the last five years (at the time of revision). The letter is to inform the practitioner of their right to request, at any time following their removal, that they be restored to the relevant register.

If a practitioner tells the Registrar in writing that they wish to have their entry in a register cancelled, the Registrar may cancel the entry in the relevant register.

If no response is received within the six month period after the letter was posted, or if the letter is returned as undeliverable, the Registrar may give the practitioner notice in writing that their entry in a register may be cancelled if they do not respond within 10 working days after the date of the notice. If no reply is received within the 10 working days, the Council may direct the Registrar to cancel the entry relating to the practitioner.

The Registrar will undertake a review of the registers on an annual basis.

## Restoration to the Registers

Under section 145 of the Act, upon receipt of a written application from the practitioner, the Registrar must restore the entry in the relevant register if a practitioner's registration had been cancelled based on:

- the Council's belief that the practitioner had died; or
- the practitioner had previously requested their entry in the register be cancelled; or
- the Council not receiving a response to their correspondence asking if the practitioner wishes to have their entry in the register cancelled.

However, a practitioner cannot be restored to the relevant register if they:

- do not meet the Council's fitness for registration requirements; or
- are subject to pending disciplinary proceedings by the Health and Disability Commissioner (HDC); or
- are subject to an order made by the Health Practitioners Disciplinary Tribunal (the Tribunal) that the registration of the practitioner be cancelled.

To support a practitioner's request to be restored to a register, the practitioner is required to provide a certified police check from each country they have lived in for 12-months or more since last practising their profession in New Zealand. The police check(s) must be no more than 6 months old. The practitioner must also pay the Council's restoration to the register fee as set out in the Council's current Gazette Notice.

Once a practitioner has been restored to the relevant register, they are eligible to apply for an APC. Their application for APC will be considered under the Council's *Return to Practice* policy.

## Cancellation of Registration

The Council may direct the Registrar to cancel a practitioner's entry in a register and give them notice of the cancellation, if it is satisfied that the practitioner:

- a. obtained registration by making a false or misleading representation or declaration (whether oral or written); or
- b. was not entitled to be registered.

Prior to making an order to cancel a practitioner's registration under section 146 of the Act, the Council must inform the practitioner of the reasons why it proposes to cancel their registration and give the practitioner a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative. For the purpose of this policy "reasonable opportunity" is the equivalent of at least 20 working days but may be longer depending on the individual circumstances.

If no appeal is made by the practitioner or their representative within the timeframe provided, the Council may direct the Registrar to notify the cancellation in any publications the Council directs.

## Review of Overseas Qualification or Cancellation of Registration

Under section 147 of the Act, the Council may review the registration of an overseas trained health practitioner if it is satisfied that:

- a. the health practitioner is registered by virtue of an overseas qualification and the educational establishment that gave the practitioner the qualification has cancelled or suspended it (or taken action equivalent to cancelling or suspending it); or

- b. an overseas authority that maintains a register of people registered or licensed as health professionals has, as a result of disciplinary action taken against the health practitioner, —
  - i. removed the practitioner’s name from the register; or
  - ii. suspended the practitioner’s registration; or
  - iii. taken action equivalent to removing the practitioner’s name from the register or suspending the practitioner’s registration.

All feasible steps must be taken to ensure that the practitioner is given a written notice regarding the grounds on which the Council has decided to carry out the review, this must include a copy of any information in the Council’s possession relating to the cancellation, suspension, or removal concerned. The practitioner must be given a reasonable opportunity to make written submissions and be heard on the matter, either personally or by his or her representative.

After the review, the Council may:

- a. direct the Registrar to note in the relevant register the cancellation, suspension, or removal concerned; and
- b. either—
  - i. suspend the health practitioner’s registration for any period it thinks fit and direct the Registrar to note the suspension in the register; or
  - ii. direct the Registrar to cancel the entry in the register relating to the health practitioner.

The Registrar must take all steps to ensure that the practitioner is given a copy of any suspension or cancellation notice.

## Inspection of the Registers

Section 150 of the act requires the Registrar to keep a published form of the registers open for public inspection at the Council offices during ordinary office hours. This includes ensuring that there are printed copies of the registers available on request.