

Policy

Substance Use Management

Effective March 2026

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| Policy title | Substance Use Management |
| Reference number | 20260317 MSC Substance Use Management v3 |
| Scope | This policy applies to Te Kaunihera Pūtaiao Hauora o Aotearoa Medical Sciences Council of New Zealand |

| Associated documents | File name |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Health Practitioners Competence Assurance Act 2003 | Health Practitioners Competence Assurance Act 2003 No 48 (as at 15 June 2023), Public Act Contents – New Zealand Legislation |
| Te Tiriti o Waitangi Framework | Te Tiriti o Waitangi framework Ministry of Health NZ |
| Privacy Act 2020 | Privacy Act 2020 No 31 (as at 30 March 2025), Public Act Contents – New Zealand Legislation |
| Human Rights Act 1993 | Human Rights Act 1993 No 82 (as at 01 July 2024), Public Act Contents – New Zealand Legislation |
| Bill of Rights Act 1990 | New Zealand Bill of Rights Act 1990 No 109 (as at 30 August 2022), Public Act Contents – New Zealand Legislation |

| Revision schedule | | | |
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| Version number | Version date | Approved by | Next review |
| One | February 2022 | MSC | 2024 |
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| Three | March 2026 | MSC | 2028 |

Contents

| | |
|----------------------------------------------------|---|
| Legislative context | 1 |
| Definitions | 1 |
| Background | 2 |
| Risk of harm to the public | 2 |
| Addressing an identified substance use issue | 2 |
| Testing methods..... | 3 |
| Test results | 4 |

Legislative context

1. Te Kaunihera Pūtaiao Hauora o Aotearoa | Medical Sciences Council (MSC/the Council) is appointed under the Health Practitioners Competence Assurance Act 2003 (the Act) to protect the health and safety of the public of Aotearoa New Zealand by ensuring the practitioners it regulates are competent and fit to practise.
2. Section 16(d) of the Act provides for a situation where practitioners are unable to perform the functions required for practice because of a mental or physical condition at the point of registration. This includes impairment from alcohol or substance use which poses a risk of harm to the public.
3. Under Section 45 of the Act, a person in charge of an organisation that provides health services, a health practitioner, employers, and medical officers of health are obliged to notify the Council when they believe that a practitioner's health is impacting on their ability to practise. This includes when in practice they show signs of alcohol and/or substance use which poses a risk of harm to the public.

Definitions

4. **Substance use:** Refers to the use of substances such as alcohol, opioids, marijuana, and other psychoactive drugs including synthetic cannabis and cathinone.
5. **Substance use disorder:** A condition where there is uncontrolled use of a substance despite harmful consequences.
6. **Screening test:** A preliminary test that quickly detects the presence of the substance/s being tested for.
7. **Definitive test:** A more advanced test used to confirm and validate the initial screening test. A definitive test is highly accurate and provide specific information of the substance/s, such as metabolites and concentration. Where a definitive test returns a non-negative result, that test result will be used.
8. **Non-negative result:** A non-negative result means that the initial test has indicated there may be substances present in the sample.
9. **Positive result:** A positive result means that a follow up test has confirmed substances are present in the sample.

Background

10. The policy provides information for practitioners who are subject to a Council-required substance use testing regime, whether this is required under the Act, or through a voluntary undertaking. Having a policy provides a consistent approach for assessment and monitoring and for informing practitioners undergoing testing, which helps protect the health and wellbeing of the public.
11. The policy also provides a reference guide for employers who have a practitioner subject to a testing regime.

Risk of harm to the public

12. Substance use and abuse is considered to be a health problem and therefore treated without judgement.
13. Substance use can lead to impairment at work and is evidenced through behaviours such as poor concentration, carelessness, risk-taking, and errors in judgement. These can impact on a practitioner's safety to practise and pose a risk of harm to the public.
14. Where there is an identified issue with substance use the Council may require the practitioner to undergo testing to ensure they are, and continue to be, safe to practise.
15. Effective management of substance use is critical to ensuring the safety of the Aotearoa New Zealand public. When necessary, the issue may be dealt with on a longer-term basis to ensure any repeat behaviour is identified and appropriately addressed.

Addressing an identified substance use issue

16. Upon receipt of a notification or disclosure alleging that a practitioner has a substance use issue, the Council may refer the practitioner for a specialist assessment to determine whether there is reasonable cause to suspect substance use disorder.

17. The Act will be given foremost consideration in all matters relating to notifications about substance use. The Council will also consider the principles of Te Tiriti o Waitangi, the Privacy Act 2020, the Human Rights Act 1993, and the New Zealand Bill of Rights Act 1990.

18. If it is substantiated that a practitioner has a substance use problem and poses a risk of harm to the public, the Council may require that testing happen. This may occur through a voluntary undertaking or through imposing a condition on the practitioner's practising certificate and a referral to the Registrar requiring them to undergo testing.

19. When a practitioner undergoes testing, the Council will:

- Arrange for the practitioner to attend an external and accredited testing agency whose operations meet New Zealand standards for quality management and competence
- Ensure the testing is conducted in a clear, transparent manner
- Ensure that the practitioner is aware of who is responsible for payment of fees associated with testing.

Testing methods

20. Numerous methods may be used to test a practitioner's substance use. Regardless of the method used, where a test returns a **non-negative result**, a second test must be taken.

21. Testing methods include the following:

- Urine screening
- Alcohol breath screening
- Hair follicle testing
- Saliva testing
- Blood testing.

22. Substance testing will either be completed by use of a definitive or a screening test.

Test results

A non-negative result

23. A non-negative result means that the initial test has indicated there may be substances present in the sample.
24. Where a screening test returns a non-negative result, a second test will be taken. Where a definitive test returns a non-negative result, that test result will be used.
25. In the event of a non-negative result:
 - Consideration must be given that the impairment exists
 - The practitioner may be asked to immediately cease practising to ensure the safety of the public, until such time they are considered to be no longer impaired. In this instance the practitioner will be directed to advise their employer that they have returned a non-negative test result and have been instructed by the Council to cease practising in the interim.
 - An additional laboratory test is then performed to establish whether the result is positive. A different method and/or sample may be required if definitive testing is undertaken.

Positive result

26. Where a practitioner's test is confirmed as positive the Council will work collaboratively with the practitioner to ensure the health and safety of the New Zealand public is protected.
27. Any action taken by the Council will include adequate support for the practitioner, such as referral to appropriate support networks. A practitioner may also consider accessing help via initiatives such as the Employee Assistance Programme (EAP) that may be offered by their employer.
28. A practitioner who returns a positive result will be monitored by the Council, and follow-up testing will be considered.
29. The practitioner may be directed by the Council to tell their employer of the positive result. Employers may consider providing measures for the intervention, treatment, and rehabilitation of practitioners with substance use issues.
30. Should a practitioner return a confirmed positive result, the Council will discuss the results with the practitioner and determine what action is required to ensure the safety of the public. Depending on the circumstances this may include a voluntary undertaking between the Council and the practitioner, or suspension of the practitioner's practising certificate.