



## Section 271 Health Assessment

### When does a Board require a registrant to undergo a health assessment?

When the Board receives a complaint or information about a registrant and reasonably believes that the registrant may be impaired, the Board may deal with the registrant under the impairment provisions of the *Health Practitioners (Professional Standards) Act 1999* (the Act) and request that the registrant agree to an independent health assessment for the purpose of obtaining a report.

The notice to the registrant requesting the health assessment must state the following:

- The Board's reasons for requesting the health assessment;
- The Board wants the registrant to agree to a health assessment by a mutually agreed medical practitioner; or a medical practitioner and another appropriately qualified person;
- The assessment may only be conducted with the registrant's co-operation, and the registrant cannot be compelled to undergo the assessment;
- The consequences of failing to undergo or cooperate with a health assessment.

### Who conducts the health assessment?

The Board nominates an independent medical practitioner (or a medical practitioner and another appropriately-qualified person) from its database of experts to conduct the assessment. The registrant is asked to agree to that person or persons conducting the assessment. The assessment is conducted at the Board's expense.

On occasion, registrants enquire whether a report from their treating practitioner would suffice as the health assessment report; or whether they could undergo the assessment with someone they have nominated, as "I've known him for years.." or "he knows my family history..". The answer to this is NO, as the Board requires a truly independent assessment.

### The Health Assessment Report and Registrant's Submission

Following the assessment, the assessor must forward the assessment report to the Board, and, in most cases, forward a copy of the report to the registrant. The registrant is entitled to make a written submission in response to the assessor's finding and recommendation/s to the Board within 14 days after receiving the information. The registrant may also submit to the Board an independent "recent and relevant report".

### The Board's decision after assessment

After considering the information, the Board must determine if the registrant has an impairment and must either:

- Enter into undertakings, or
- Conduct an investigation, or
- Refer the matter to a panel or the tribunal, or
- Take no action.

The Act defines "impairment" to mean "that the registrant has a physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to affect, the registrant's physical or mental capacity to perform the registrant's profession and includes substance abuse or dependence".

If the Board decides that the registrant is not impaired, but there are grounds for disciplinary action, the Board will take action under the disciplinary provisions of the Act.

### Powers of Board if registrant does not undergo health assessment

If a registrant does not agree to undergo a health assessment, cannot agree on an assessor or does not fully co-operate with the health assessment process, the Board may decide to do one of the following:

- Refer the matter to a Health Assessment Committee, or
- Conduct an investigation, or
- Refer the matter to a panel or the tribunal.



Medical Board of Queensland

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## Contacts

For all enquiries please contact the Health Assessment and Monitoring Unit on **3234 0183**.  
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