



## Professional Practice & Fitness to Practise Policy

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**Purpose:** To outline the School's requirements of students enrolled in the medical program

**Contact:** Head of Student Matters

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**Modification History:** October 2016

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**Applicability:** School of Medicine, Fremantle

# 1 INTRODUCTION

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## **MISSION**

The University of Notre Dame Australia School of Medicine, Fremantle will, through an education imbued with the Catholic values of compassion, respect and service, graduate health professionals who are knowledgeable, skilful, dutiful and ethical.

The School acknowledges that it is located in Walyallup on Whadjuk Nyungar Boodja and honours the rightful place of Aboriginal people as Australia's first peoples and will graduate students who contribute meaningfully to closing the gap in Aboriginal health outcomes.<sup>1</sup>

The School will graduate health professionals who, among other goals:

- Are clinically excellent, compassionate, respectful and empathetic
- Demonstrate ethical and professional behaviour in all their actions

The Professional Practice and Fitness to Practise Policy (Policy) outlines the guiding principles, regulations, policies and procedures for students enrolled in the medical program.

## 2 GOOD MEDICAL PRACTICE: A CODE OF CONDUCT FOR DOCTORS IN AUSTRALIA

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The Medical Board of Australia has a set of standards and guidelines which clarify the acceptable standard of professional conduct:

[Good medical practice: a code of conduct for doctors in Australia](#)

**Good medical practice** (the code) describes what is expected of all doctors registered to practise medicine in Australia. It sets out the principles that characterize good medical practice and makes explicit the standards of ethical and professional conduct expected of doctors by their professional peers and the community. The code was developed following wide consultation with the medical profession and the community. The code is addressed to doctors and is also intended to let the community know what they can expect from doctors.

It is recommended that all medical students should be familiar with the code. For the purposes of this policy the following extracts are provided.

### **PROFESSIONAL VALUES AND QUALITIES OF DOCTORS**

*While individual doctors have their own personal beliefs and values, there are certain professional values on which all doctors are expected to base their practice.*

*Doctors have a duty to make the care of patients their first concern and to practise medicine safely and effectively. They must be ethical and trustworthy.*

*Patients trust their doctors because they believe that, in addition to being competent, their doctor will not take advantage of them and will display qualities such as integrity,*

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<sup>1</sup> The School uses the term Aboriginal people/s respecting the preference of many in the Aboriginal community in Western Australia as this most accurately reflects the identity of Aboriginal peoples within this state. In using the term Aboriginal people no disrespect is intended to our Torres Strait Islander colleagues and communities.

*truthfulness, dependability and compassion. Patients also rely on their doctors to protect their confidentiality.*

*Doctors have a responsibility to protect and promote the health of individuals and the community.*

*Good medical practice is patient-centred. It involves doctors understanding that each patient is unique, and working in partnership with their patients, adapting what they do to address the needs and reasonable expectations of each patient. This includes cultural awareness: being aware of their own culture and beliefs and respectful of the beliefs and cultures of others, recognising that these cultural differences may impact on the doctor–patient relationship and on the delivery of health services.*

*Good communication underpins every aspect of good medical practice.*

*Professionalism embodies all the qualities described here, and includes self-awareness and self-reflection. Doctors are expected to reflect regularly on whether they are practising effectively, on what is happening in their relationships with patients and colleagues, and on their own health and wellbeing. They have a duty to keep their skills and knowledge up to date, refine and develop their clinical judgement as they gain experience, and contribute to their profession.*

## **PROFESSIONAL BEHAVIOUR**

*In professional life, doctors must display a standard of behaviour that warrants the trust and respect of the community. This includes observing and practising the principles of ethical conduct.*

### ***Professional boundaries***

*Professional boundaries are integral to a good doctor–patient relationship. They promote good care for patients and protect both parties. Good medical practice involves:*

- 1. Maintaining professional boundaries.*
- 2. Never using your professional position to establish or pursue a sexual, exploitative or other inappropriate relationship with anybody under your care. This includes those close to the patient, such as their carer, guardian or spouse or the parent of a child patient. Specific guidelines on sexual boundaries have been developed by the Medical Board of Australia under the National Law.<sup>3</sup>*
- 3. Avoiding expressing your personal beliefs to your patients in ways that exploit their vulnerability or that are likely to cause them distress.*

## **ENSURING DOCTORS' HEALTH**

*As a doctor, it is important for you to maintain your own health and wellbeing. This includes seeking an appropriate work–life balance.*

### ***Your health***

*Good medical practice involves:*

- 1. Having a general practitioner.*
- 2. Seeking independent, objective advice when you need medical care, and being aware of the risks of self-diagnosis and self-treatment.*
- 3. Making sure that you are immunised against relevant communicable diseases.*

4. *Conforming to the legislation in your state or territory in relation to self-prescribing.*
5. *Recognising the impact of fatigue on your health and your ability to care for patients, and endeavouring to work safe hours wherever possible.*
6. *Being aware of the doctors' health program in your state or territory if you need advice on where to seek help.*
7. *If you know or suspect that you have a health condition or impairment that could adversely affect your judgement, performance or your patient's health:*
  - (a) *not relying on your own assessment of the risk you pose to patients*
  - (b) *consulting your doctor about whether, and in what ways, you may need to modify your practice, and following the doctor's advice.*

### INHERENT REQUIREMENTS

Inherent requirements to study medicine is not part of this policy but applicants and students should be aware of what are considered the minimum requirements. Medical Deans Australia and New Zealand (MDANZ) has developed a guidelines statement for [inherent requirements for studying medicine](#) in Australia and New Zealand<sup>2</sup>.

The matters raised in the document indicate where a discussion about reasonable accommodations for a student to study Medicine should commence. The Medical Board of Australia make clear that these matters are relevant only in as far as they may detrimentally affect patient care.

## 3 SOCIAL MEDIA POLICY

In addition to the confidentiality and privacy requirements outlined in Section 3.4 of [Good medical practice: a code of conduct for doctors in Australia](#), medical students should be aware of their ethical and regulatory responsibilities when they are interacting online, just as when they interact in person. The [National Board's Social Media Policy](#) provides guidance to registered health practitioners on understanding their responsibilities and obligations when using and communicating on social media.

## 4 MEDICAL BOARD OF AUSTRALIA REQUIREMENTS

In addition to the University's requirements, the medical students have additional requirements under national legislation.

The National Law<sup>3</sup> states that medical students must be registered in the interests of protecting the public's safety in much the same way that health practitioners must be registered.

This enables the Medical Board of Australia to act on medical student impairment matters or when there is a conviction of a serious nature that may impact on public safety.

<sup>2</sup> Tabled at the MDANZ Deans' Meeting in October 2015. Feedback on the statement will be provided to the 2016 Deans' Meeting.

<sup>3</sup> Health Practitioner Regulation National Law (WA) Act 2010

Members of the public may make a notification to AHPRA about the health of a medical student where health is defined as:

**Health** (impairment) – the person has, or may have, a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that detrimentally affects or is likely to detrimentally affect their practice of the profession (for practitioners) or their ability to undertake clinical training (students).

Practitioners, employers and education providers are all mandated by law to report notifiable conduct relating to students, where notifiable conduct is defined as:

**Notifiable conduct** - the registered health practitioner has:

- practised the practitioner's profession while intoxicated by alcohol or drugs, or
- engaged in sexual misconduct in connection with the practice of the practitioner's profession, or
- placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment, or placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.

The Medical Board of Australia's role is focused on registering medical students and managing notifications about medical students:

- whose health is impaired to such a degree that there may be substantial risk of harm to the public, or
- who have been found guilty of an offence punishable by 12 months imprisonment or more, or
- who have a conviction of, or are the subject of, a finding of guilt for an offence punishable by imprisonment, or
- who have contravened an existing condition or undertaking.

The Medical Board of Australia may decide to take action about the notification if:

- the practitioner has been found to have engaged in unprofessional conduct or professional misconduct
- the practitioner has been found to have engaged in unsatisfactory professional performance, or
- the practitioner's health is impaired and their practice may place the public at risk.

The role of the Medical Board of Australia is to protect the public by dealing with practitioners who may be putting the public at risk as a result of their conduct, professional performance or health.

**Unprofessional conduct** - is defined as professional conduct that is of a lesser standard than that which might reasonably be expected of the health practitioner by the public or the practitioner's professional peers.

The School of Medicine Fremantle adheres to the Medical Board of Australia requirements for medical student behaviour and promotes professionalism in all matters. As per the National Law,

students will be reported by the University and/or individual medical practitioners when concerns are raised about the student and where a patient's care could be reasonably affected.

## 5 UNIVERSITY REQUIREMENTS

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All students enrolled at the University have a responsibility to:

- Respect and uphold the Objects of the University
- Treat other students, staff and members of the community with respect, courtesy and without discrimination
- Act honestly and with integrity
- Act responsibly and refrain from conduct that may be detrimental to the reputation of the University or the orderly and safe functioning of the University and its activities

The University of Notre Dame Australia has the following Regulations and Policies in place regarding students' enrolment at the University:

- [General Regulations](#)
- [Student Code of Conduct](#)
- [Policy: Student Academic Integrity](#)
- [Policy: Drugs](#)
- [Policy: Use of Alcohol by Students](#)

### **STUDENT DISCIPLINE**

All students are bound by the University's Code(s) of Conduct. The Code of Conduct sets out in detail the potential matters where a student may be found guilty of misconduct.

Misconduct is detailed in Section 8.2 of the [General Regulations](#). In particular:

*Misconduct is any conduct by a Student which is inconsistent with the character and Objects of the University and includes but is not limited to behaviour that:*

- is in breach of an approved Code of Conduct;*
- is lewd or obscene;*
- unreasonably impairs the ability of any person to participate in any activity of University life sanctioned by the University;*
- unreasonably prevents or attempts to prevent any person authorised by the University from speaking at any lecture, class, tutorial, seminar or other academic activity, or any political, cultural, social or similar gathering;*
- disrupts the orderly conduct of any teaching activity or practical work forming part of a Course, subject or group of subjects at or offered by the University;*

- (f) *causes any person on or in the immediate vicinity of any University premises to hold reasonable fears for his or her safety or physical or psychological well-being;*
- (g) *causes any person on or in the immediate vicinity of any University premises on reasonable grounds to feel intimidated, threatened or in fear of being attacked;*
- (h) *breaches or causes or contributes to a breach of any provision of an Act, statute, regulation, subordinate instrument or code of practice or conduct applying to the University or to which staff or Students of the University are subject;*
- (i) *breaches or fails to comply with any rule or request made or order or direction given pursuant to a power conferred under any of the University's statutes, regulations, policies or procedures;*
- (j) *interferes with, or causes damage to, or loss of, any property or facilities owned or controlled by the University or owned or controlled by any person whilst such property or facilities are lawfully on any University premises;*
- (k) *constitutes a failure to comply with any reasonable request, direction or order given to the Student by a University staff member for the purpose of ensuring the safety of any person, the preservation of any property, the maintenance of good order or for the purposes of this statute or any other University Statute, Regulation, Policy or Procedure;*
- (l) *constitutes a failure to comply with any request by a Senior University staff member to supply their name, address and Student card or other evidence of identity which request may be made only if the staff member believes on reasonable grounds that the Student has committed or is about to commit general or academic misconduct;*
- (m) *involves the impersonation or taking part in the impersonation of another person or the use of forged, false, falsified or incomplete evidence of academic standing or immigration status or any other relevant matter, in order to gain or maintain enrolment;*
- (n) *involves concealing, misrepresenting or withholding the whole or part of a Student's academic record, or submitting incorrect or misleading details of his or her academic record or immigration papers or any other relevant matter, or relying on the academic record or immigration papers or any other material of another person or persons, in order to gain or maintain enrolment; and/or*
- (o) *encourages, persuades or incites any other person to engage in conduct or behaviour constituting general Misconduct.*

A Violation of Academic Integrity is detailed in Section 8.3 of the [General Regulations](#).

The University may take disciplinary action against a Student who:

- a) engages in Misconduct under Regulation 8.2; or
- b) violates Academic Integrity as defined in Regulation 8.3; and/or

- c) breaches a Code of Conduct published by the Vice-Chancellor.

The process for disciplinary action is outlined in Sections 8.5 – 8.10 of the [General Regulations](#). All students are encouraged to make themselves aware of the regulations and the actions that the School or University may take after misconduct is confirmed.

## 6 DEALING WITH UNPROFESSIONAL PRACTICE OR FITNESS TO PRACTISE ISSUES

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How the School deals with unprofessional practice or fitness to practise issues will depend on the frequency and level of severity of the occurrences.

Minor occurrences, such as occasional lateness or poor attendance will be dealt with by the attending academic staff, such as the Year Coordinator and/or Associate/Assistant Dean.

Recurrent or serious transgressions where there is an allegation of misconduct as defined by the General Regulations will be dealt with according to Section 8, Student Discipline of the [General Regulations](#). Students will be notified of the allegation in writing, they will then meet with the Dean who has the authority to:

- Dismiss the allegation
- Deal with it informally
- Refer it to a School Discipline Committee and schedule a hearing. The student can also request a hearing. The School Discipline Committee can impose one or more penalties as outlined in Section 8.7.10 of the [General Regulations](#)
- Refer it to a University Disciplinary Committee (Section 8.8 of the [General Regulations](#))

The student has the right to appeal as outlined in the University's [Policy: Student Appeals](#).

The potential punishments for misconduct are listed in the regulations. In serious cases suspension or expulsion may occur. All students should be aware of that the University supports professional behaviour in all matters and that the consequences of a breach of professionalism may be significant.

Medical students should consider carefully the teaching on professionalism in the Personal and Professional Development Domain and the intersection between student life and medical practice.