



## APPENDIX A – Example (Restriction on treating females)

### Schedule of undertakings for Full name of practitioner [R]

**Registration number:** Registration number

I, Full name of practitioner [R], am a registered registered profession in the State of Queensland under the *Health Practitioner Regulation National Law* (Queensland). I offer the following undertakings to the Health Ombudsman, pursuant to section 58 of the *Health Ombudsman Act 2013* (the Act):

#### Scope of practice

1. I will not have contact with **female** patients.
2. I will only practise as a registered health practitioner in employment and at practice location/s approved by the Health Ombudsman and published on the Office of the Health Ombudsman website.
3. I will take all reasonable steps to ensure female patients are told at the time of wanting to book an appointment with me that they are unable to. I will not provide this information to patients personally.

#### Booking requirements

4. Unless otherwise directed by the Health Ombudsman, I will not continue to practise in my current employment or practice location, or commence in any new employment or practice location, until an *Acknowledgement of Booking staff* form has been completed by every staff member responsible for making patient bookings where patients will be seen by me at any practice location, stating they are aware of the booking requirements and that staff of the Office of the Health Ombudsman may contact them and exchange information. I will also submit these forms within three (3) business days of any new permanent, casual or temporary booking staff commencing at any approved practice location.

#### Employment requirements

5. Unless otherwise directed by the Health Ombudsman, if I am currently employed in a health service or providing a health service (practising) as a registered health practitioner when these undertakings commence, or I propose to commence in any new or other employment while these undertakings are in force, I will meet the following requirements and await notification of the Health Ombudsman's approval before continuing to practise in my current employment or commencing in any new employment or practice location:
  - a. I will firstly provide my employer or proposed employer at each practice location, or 'senior person' if I am the employer and there is no other entity that meets the definition of 'employer', with:
    - i. a full copy of this schedule of undertakings; and
    - ii. details of the specific alleged conduct that gave rise to these undertakings and the reasons for the Health Ombudsman taking immediate action; and then



- b. I will submit to the Office of the Health Ombudsman, details of my current or proposed employment including:
  - i. Practice name and location (physical address)
  - ii. Position held, or proposed position, and role description
  - iii. Employment type (e.g. full-time, part-time, temporary, casual, contractor, self-employed)
  - iv. Name and contact details of employer (or 'senior person' if applicable)
  - v. a completed *Employer acknowledgement and consent* form from every current or proposed employer (including me if I am the employer), providing consent as detailed on the form and certifying my employer has been provided with a copy of this Schedule of Undertakings.
  - vi. Completed *Acknowledgement of Booking staff* forms.
6. In the event the Health Ombudsman has pre-approved in writing for me to continue practising in my current employment and practice location on acceptance of these undertakings, within five (5) business days of these undertakings commencing I will satisfy the requirements of (a) and (b) above.

### Authorisations

7. For the purposes of providing Health Ombudsman approvals where indicated in these undertakings, the following persons are authorised officers of the Health Ombudsman:
  - Director, Compliance
  - Director, Office of the Health Ombudsman
  - Executive Director, Investigations
8. I authorise the exchange of information between the Office of the Health Ombudsman and my employers and/or places of practice to ensure compliance with these undertakings.
9. Within five (5) business days of the commencement of these undertakings, I will provide written authorisation to the Office of the Health Ombudsman (by completing the *Authority to release information* form) to obtain the release of information relating to my professional practice and/or prescribing from:
  - the Department of Health, Queensland Government
  - Services Australia
  - private health insurers
  - any other entity who may provide information relevant to my professional practice and/or prescribing.
10. I authorise the Office of the Health Ombudsman to inspect, take or copy patient clinical records, log books and/or appointment diaries for any patient at such reasonable times as the Health Ombudsman shall determine for the purpose of monitoring compliance with these



undertakings if I am, or become, an owner of a practice or entity that provides a health service during the period these undertakings are in effect.

### Costs

I understand all costs associated with compliance with these undertakings are at my own expense.

### Definitions

The above undertakings are to be considered in conjunction with the definitions provided below.

## Practitioner signature

Signature: *Insert signature*

Date: *Click here to enter a date.*

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## Definitions

**'Authorised officer'** is defined as an Office of the Health Ombudsman position authorised by the Health Ombudsman to make routine administrative decisions and provide certain approvals contained in specified immediate action conditions and restrictions.

**'Communication device'** is defined as any hardware that transmits voice, video or text including those that transmit information via electronic booking applications.

**'Contact'** with a patient includes consultation, interview, examination, assessment, prescribing for, advising, or otherwise treating a patient, whether it is in person or on a communication device.

**'Employer'** is defined as an entity that-

- employs the practitioner to provide health services; or engages the practitioner to provide health services under a contract for services; or
- operates a facility at which the practitioner provides health services; or
- the practitioner is providing services to or on behalf of, whether in an honorary capacity, as a volunteer or otherwise, and whether or not the practitioner receives payment from the entity for the services; or
- the practitioner is providing services to or on behalf of, whether in an honorary capacity, as a volunteer or otherwise, and whether or not the practitioner receives payment from the entity for the services.

'Employer' therefore also includes co-owners, co-directors, contractors of service, and/or owners/operators of medical practices, hospitals and/or facilities where the practitioner provides a health service (even if there is no contractual relationship between the practitioner and the owner/operator).

**'Female'** is defined as any individual whose biological sex is that of a female (including a person who has undergone gender affirming (confirming) surgery to 'female') and/or who identifies as 'female'.

**'Health practitioner'** is defined under the *Health Ombudsman Act 2013* as an individual who is –

- a health practitioner under the National Law; or
- another individual who provides a health service.

**‘Health service’** is defined as a service that is or purports to be for maintaining, improving, restoring or managing people’s health and wellbeing, and includes a ‘support service’ (see definition of ‘support service’) for a health service and any form of consultation, interview, examination, assessment, advising, or otherwise treating a patient, whether it is in person or on a communication device. For a full definition of ‘health service’, please see section 7 of the *Health Ombudsman Act 2013*.

**‘Lacks capacity to consent’** means a person who is a child (person under 18 years of age), or who, because of mental or physical disability, is not able effectively to give informed consent to a proposed treatment or investigation, or an intervention.

**‘Male’** is defined as any individual whose biological sex is that of a male (including a person who has undergone gender affirming (confirming) surgery to ‘male’) and/or who identifies as ‘male’.

**‘Patient’** is defined as:

- any individual awaiting, requiring, or receiving the professional services of an unregistered or registered health practitioner; and
- any **female** person who is accompanying a **male** patient where the patient lacks capacity to consent (for example a child) unless also accompanied by an adult **male** who has the capacity to consent.

**‘Practice location’** means any location where the practitioner provides a health service including any place where the practitioner:

- is self-employed
- shares premises with other registered or unregistered health practitioners
- is engaged by one or more entities under a contract of employment, contract for services or any other arrangement or agreement
- provides services for or on the behalf of one or more entities, whether in an honorary capacity, as a volunteer or otherwise, whether or not the practitioner receives payment from an entity for the services, or
- provides professional services at the residential premises of a patient.

**‘Practise’** is defined as any role, whether remunerated or not, in which a practitioner uses their skills and knowledge in a health care industry, whether they are required to be a registered health practitioner or not. It is not restricted to the provision of direct clinical care and includes using the knowledge and skills of any health practitioner in a direct non-clinical relationship with a patient or client, working in management, administration, education, research, advisory, regulatory or policy development roles and any other roles that impact on safe, effective delivery of services in the health care industry.



**‘Senior person’** is defined as a person at the place of practice where the practitioner is providing a health service such as the Director of Medical Services, Director of Nursing, Senior Practice Manager, Senior Manager, Senior Partner, Proprietor, Owner, or equivalent.

**‘Support service’** for a health service, means a service providing business support, clinical support, corporate support or other support to the health service. See schedule 1 of the *Health Ombudsman Act 2013* for examples of a support service.