

## Guidance

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4 December 2013

### Clinical Observerships

#### Purpose

This statement provides guidance to health care providers to help them decide whether clinical observers should be registered under the Health Practitioner Regulation National Law as in force in each state and territory (the National Law).

This advice complements the Medical Board of Australia's (the Board) published statement on "[Medical Registration – What does it mean? Who should be registered?](#)" which provides guidance to individuals with medical qualifications on whether or not they should be registered.

#### What is a clinical observership?

The National Law does not define the term "clinical observership". For the purpose of this guidance, it includes clinical placements for international medical students (the placements are also known as 'electives') and for international medical graduates who are becoming familiar with medical practice in Australia and/or preparing for examinations in Australia.

As clinical observerships are usually intended to prepare the observer for work in medical practice, they can fall under the definition of 'clinical training' for the purposes the National Law<sup>1</sup>.

#### Student registration

Under the National Law, the Board must register students enrolled in an approved program of study leading to registration in the profession.

The Board may also register as students, individuals who are undertaking clinical training and who are not enrolled in an approved program of study. This includes individuals undertaking a clinical observership / elective.

For further information on student registration see:

- [Fact Sheet and FAQ for students](#)
- [Fact Sheet for education providers](#)

#### The role of the Board in regulating registered students

The role of the Board in regulating registered students is limited to students who:

- are impaired and the impairment has or may detrimentally affect their capacity to undertake clinical training
- have been charged with an offence, or have been convicted or found guilty of an offence, that is punishable by 12 months imprisonment or more or
- have contravened a condition on their registration or an undertaking given by the student to the Board.

The Board has no role to play in the academic progress, performance or conduct (other than if charged with an offence as above) of registered students. Therefore, health care providers with registered students have an obligation to ensure there are appropriate mechanisms in place for their supervision and the management of any performance or conduct issues that may arise.

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<sup>1</sup> S. 91 of the National Law

## Should clinical observers be registered?

As the primary purpose of the National Law is public protection, the Board has clarified in its statement on [“Medical Registration – What does it mean? Who should be registered?”](#) that it expects individuals to be registered as medical practitioners where they undertake any activities that involve direct clinical contact with patients or provide treatment or opinion about individuals. This guidance is based on the National Law and the level of risk to the public that the “practice” poses.

Health care providers with clinical observers should decide whether the observers need to be registered.

Health care providers are responsible for ensuring public safety and should take into consideration the activities to be undertaken by a clinical observer and the level of risk that the activities pose to the public when deciding whether registration is required. If a health care provider decides that registration is required, they should consider which type of registration is appropriate in the circumstances, noting the Board has limited powers in relation to registered students.

Where a health care provider decides that a clinical observer should be registered, they should be aware that applicants applying for registration as medical practitioners must have recent practice in the fields in which they intend to work during the period of registration for which they are applying. Experience in a clinical observer role is not considered evidence of recency of practice for the purposes of meeting the Board’s recency of practice registration standard.

## Supervision of clinical observers

Any health care provider (hospital, general practice etc) that allows observers to be present should have procedures in place to record:

- the details of observers and
- the nature of the observership.

Medical practitioners supervising clinical observers should be aware that they are professionally accountable for the actions of clinical observers under their supervision. The Board’s code of conduct [“Good Medical Practice: A Code of Conduct for Doctors in Australia”](#) (the Code) sets out the principles that characterise good medical practice and makes explicit the standards of ethical and professional conduct expected of medical practitioners by their professional peers and the community. Under section 10 of the Code, good medical practice in teaching, supervising or mentoring includes:

- 10.2.2 Making sure that any doctor or medical student for whose supervision you are responsible receives adequate oversight and feedback.
- 10.4.1 Treating your students with respect and patience.
- 10.4.2 Making the scope of the student’s role in patient care clear to the student, to patients and to other members of the health care team.
- 10.4.3 Informing your patients about the involvement of medical students, and encouraging their consent for student participation while respecting their right to choose not to consent.

These principles also apply to the supervision of clinical observers. Specifically, clinical observers should at all times be under the supervision of a medical practitioner with general or specialist registration. Medical practitioners who agree to supervise clinical observers are responsible for all patient outcomes and must ensure:

- there are procedures in place for informed consent providing patients with an opportunity to consider consent prior to a consultation or procedure which may include a clinical observer
- that clinical observers are competent and safe to perform any activities they are undertaking.

***If you require further assistance to decide whether clinical observers should be registered, consult your professional indemnity insurer or other legal adviser.***