



Aboriginal and Torres Strait
Islander Health Practice
Chinese Medicine
Chiropractic
Dental
Medical
Medical Radiation Practice
Nursing and Midwifery
Occupational Therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

AHPRA Chaperone Protocol

December 2016 (to be reviewed March 2017)

Information and requirements for practitioners

Does this protocol apply to me?

This protocol applies to all registered health practitioners whose registration is subject to a requirement that they must have contact with patients only in the presence of a Board approved chaperone and a requirement that they comply with the protocol for the use of chaperones.

In general, a requirement to practise with a chaperone is applicable only to practitioners who are engaged in private practice.

Why has the Board imposed chaperone requirements?

The specific reasons for the imposition of chaperone requirements in your particular circumstances will have been provided to you in the notice of the imposition of the conditions.

In general, the primary role of the National Boards (the Boards) is to protect the public by ensuring that only practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered. The Australian Health Practitioner Regulation Agency (AHPRA) is the body established to provide assistance and support to the Boards in exercising their functions.

From time to time the Board receives notifications alleging that a practitioner has engaged in serious misconduct. The Board must consider how to deal with these allegations and what, if any, action should be taken to protect the public. Sometimes in these circumstances, the Board will take action and a restriction will be put in place that will alter the way a practitioner practises by requiring the presence of a chaperone when the practitioner is seeing all patients or certain types of patients. Often the Board uses restrictions requiring chaperones as a protective measure while allegations are investigated and/or evidence is tested at a hearing. On occasion, a panel, tribunal or a court may use restrictions requiring a chaperone as part of the orders these bodies make at the conclusion of proceedings.

What do I have to do?

You must not undertake any contact with a patient without the presence of an appropriate chaperone. Any patient contact that occurs between a practitioner and a patient in the absence of a chaperone where required will be considered a breach of the restriction and may constitute behaviour for which the Board may take action, including the suspension of registration.

When is a chaperone required?

Chaperones are required to be physically present and directly observe all **contact** between you with either any **patient** or a particular group of patients.

It is important that you are aware that, for the purposes of this restriction, the words '**contact**' and '**patient**' have particular meanings.

You should carefully review your restrictions to determine when a chaperone is required.

'Contact' is not confined to merely consultation with a patient but includes interview, examination, assessment, prescribing for, advising, treating or otherwise seeing a patient, whether this is in person or via a communication device.

'Patient' is defined as any individual awaiting, requiring, and/or receiving the professional services of the registered health practitioner or a registered health practitioner within the same place of practice of the practitioner. For some restrictions this definition is expanded and includes any spouse, partner, parent, family member or guardian and carer of the individual.

You should carefully review your restrictions to determine who is defined as a patient.

The restrictions may specify that a chaperone is required for:

- All patients
- A subset of patients or practice including:
 - Patients within a certain age range
 - Patients of a certain gender or gender identity
 - Patients undergoing particular types of procedures, examinations or assessments

It is your responsibility to ensure that you have a chaperone present for all instances where it is required by the restrictions.

When should I inform my patients of the need for a chaperone?

Prior to any contact with the particular class of patients named in the restriction, you or an appropriate staff member should inform each and every patient in that class of the necessity for a chaperone to be present and directly observing any contact between you and the patient at all times.

The patient must be offered either:

- The use of a chaperone of their choice*
- A chaperone approved by AHPRA in advance
- An appointment with another practitioner

* Some restrictions may not permit patients to use chaperones of their choice. You should carefully review your particular restrictions to determine who may act as a chaperone.

Where a patient refuses or demonstrates any reluctance to have a chaperone present the contact must not go ahead or, if commenced, must cease immediately. Where practical the patient should then be offered an appointment with another practitioner.

Who may act as a chaperone?

Chaperone of patient's choice* Where a patient chooses to use a chaperone of their own choice, that chaperone must be at least 18 years of age and acceptable to the patient and may be a spouse, partner, parent, other family member, or a guardian/carer of the patient. All chaperones chosen by the patient must be given the information sheet on the role of a chaperone (the information sheet) prior to the contact commencing and must confirm their agreement to continue in the role after receiving the information sheet. This must occur prior to any contact between the patient and the practitioner occurring.

* Some restrictions may not permit patients to use chaperones of their choice. You should carefully review your particular restrictions to determine who may act as a chaperone.

Individuals approved in advance You are required to nominate individuals to be approved to act as chaperones, where a chaperone of the patient's choice is not available or not permitted. It is advisable that you obtain approval for a number of chaperones in order to allow for chaperone absence or illness. You should ensure that any nomination of potential chaperones is submitted on the approved form and the nominated person meets the following criteria, in addition to that outlined in the restriction:

- a. The nominated chaperone(s) are not your relatives or friends. It is generally also required that nominated chaperones are not your direct employees or otherwise in a direct contractual or financial relationship with you*.

- b. The nominated chaperone(s) are registered health practitioners without restrictions on their registration
- c. The nominated chaperone(s) are at least 18 years of age.

*In particular circumstances, where it can be demonstrated that it is not possible to access chaperones who meet the above criteria, individuals who are directly employed by you and/or who are not registered health practitioners may be approved as chaperones. You should speak with your Case Officers in relation to this.

Each nomination should be accompanied by the following:

- a. Contact details, photographic identification and sample signatures of each and every nominated chaperone(s)
- b. Written confirmation, on the approved form, from each and every nominated chaperone(s) that they have received a copy of the information sheet for chaperones and they:
 - I. Are aware of the nomination, consent to the nomination and are willing to act as chaperones
 - II. Are not in a social or familial relationship with you and are not in a direct employment or contractual relationship with you (where this is a requirement of the restrictions on your registration).
 - III. Are aware of the meaning of the word 'patient' and 'contact' for the purposes of this restriction.
 - IV. Are aware that, should a patient refuse or demonstrate reluctance to have a chaperone present and directly observing all contact, the contact must not proceed or, if commenced, should immediately cease and the patient should be offered an appointment with an alternate practitioner.
 - V. Are aware of the Board's expectations of you in compliance with this restriction, and in particular, the need for prior discussion with the patient, the requirement of a sign in the waiting room, and the requirements of the chaperone log, signed at the end of each patient contact (not pre-signed)
 - VI. Are aware they may contact AHPRA in order to discuss any concerns or queries they may have in relation to this requirement or if they feel personally vulnerable, intimidated or threatened while acting as a chaperone.
 - VII. Are aware that they may be contacted by AHPRA in order to monitor your compliance with this restriction

Written authorities/acknowledgements

In accordance with the timeframe in your restrictions, , you must provide acknowledgement to AHPRA, on the approved form, that you are aware that, for the purposes of monitoring your compliance with the restriction on your registration, AHPRA may:

- a. Contact, communicate with and obtain information from Medicare Australia. n
- b. Conduct random practice inspections.
- c. Contact and communicate with patients, chaperones, staff or employers.
- d. Contact private health insurers, where relevant, and access practice billing data (both public and private) for the purpose of monitoring compliance with this restriction
- e. Access, copy or retrieve appointment diaries, patient booking schedules and the like.
You are further required to provide evidence, where relevant, that you have notified any private health insurers of the conditions on your registration

Chaperone Log

You must maintain a chaperone log (the log), on the template provided, detailing every case where contact is had with a patient, confirming the presence and direct observation of a chaperone for the entire contact. The log must be completed in indelible ink at the end of the contact, be co-signed by the chaperone at that time and must detail:

- a. The full name of the patient and their date of birth
- b. The date and time of the consultation
- c. The full name of the chaperone
- d. The chaperone's contact address and telephone number
- e. The chaperone's signature

Where the patient is under the age of 18 the patient's parent or guardian must sign the chaperone log on behalf of the patient.

Where chaperones are individuals chosen by the patient the log must also detail:

- f. Acknowledgement by the chaperone that they received a copy of the information sheet for chaperones prior to the patient contact
- g. The chaperone's authorisation for AHPRA to contact them for the purposes of monitoring compliance with this restriction
- h. The relationship of the chaperone to the patient

Blank templates for chaperone logs will be provided by AHPRA. To comply with privacy laws it is recommended that, where patients select their own chaperone, the previously completed details on the log are temporarily obscured at the time the chaperone signs the log.

Your AHPRA Case Officer will provide you with copies of the information sheet for chaperones.

You must provide a copy of the chaperone log to AHPRA at such times as requested by AHPRA.

Practice sign

You must place the template sign, setting out the requirement for the presence and direct observation of a chaperone in a clearly visible location in the patient waiting area or equivalent of each and every place you practice. The template provided by AHPRA must be used.