

Clinical Observers

Policy Number 5.105

Policy Function Safe Practice and Environment

Issue Date 21 September 2017

Summary Clinical Observers are individuals who are not members of Justice Health & Forensic Mental Health Network's clinical staff, who generally have clinical training and experience, and are approved to observe patient care delivered by current members of Justice Health & Forensic Mental Health Network's clinical staff for the purpose of developing knowledge and experience in their clinical field of interest.

This policy advises how applications and visits by Clinical Observers are to be managed within Justice Health & Forensic Mental Health Network.

Responsible Officer Executive Medical Director

- Applicable Sites**
- Administration Centres
 - Community Sites (e.g. Court Liaison Service, Community Integration Team, etc.)
 - Health Centres (Adult Correctional Centres or Police Cells)
 - Health Centres (Juvenile Justice Centres)
 - Long Bay Hospital
 - The Forensic Hospital

Previous Issue(s) Policy 5.105 (Mar 2014; Nov 2011)

Change Summary Minor updates only to hyperlinks and policy cross references.

TRIM Reference POLJH/5105

Authorised by Chief Executive, Justice Health & Forensic Mental Health Network

1. Preface

Clinical Observers are individuals who are not members of Justice Health and Forensic Mental Health Network's (JH&FMHN) clinical staff, who generally have clinical training and experience, and who attend a JH&FMHN facility to observe patient care delivered by current members of JH&FMHN's clinical staff. Clinical Observers are provided with this opportunity so they may develop knowledge and experience in their clinical field of interest. Clinical Observers do not undertake any clinical care duties within JH&FMHN and are not included in patient care decisions.

This policy provides directions to staff with regard to how applications and visits by a Clinical Observer must be managed within JH&FMHN and provides instructions for staff when facilitating or supervising a Clinical Observer at a JH&FMHN site.

This policy does NOT apply to:

- Honorary Junior Medical Staff, Honorary Senior Medical Staff, Honorary Dentists, or other Honorary Clinical staff. These categories refer to clinical staff that may participate in clinical care and therefore are required to have the correct category of registration with the Australian Health Practitioner Regulation Agency ([AHPRA](#)). A separate application process exists for these staff.
- Students undertaking formal clinical placements as part of recognised tertiary education training program. This includes Medical, Nursing and Allied Health Students on Clinical Placements.
- Visitors (clinical and non-clinical) who are attending a JH&FMHN facility or service for a short period, generally less than one day, and who are escorted at all times by a member of staff and issued with a "Visitors Pass." This includes members of external organisations who may be attending JH&FMHN for the purpose of attending individual education and training sessions, assist JH&FMHN undertake on-site professional assessment and examinations (such as University or College exams), part of an accreditation team, or other short term approved visits.

2. Policy Content

2.1 Roles and Responsibilities of a Supervisor

A Clinical Observer must at all times be under the direct supervision of a JH&FMHN clinical staff member who has current [AHPRA](#) registration and who is approved to provide the observation. Direct supervision must be provided whenever an observer is present with a patient. The supervisor must not delegate the supervision role to a person who is not a registered health practitioner within the same profession. For example, a medical Clinical Observer must be supervised at all times by a JH&FMHN medical practitioner. Clinical Observers may have more than one supervisor who meets the above criteria.

Supervisors are professionally accountable for the actions of a Clinical Observer under their supervision. The scope of a Clinical Observer's interaction with JH&FMHN patients allowed by the supervisor should be guided by the Clinical Observer's background, training, experience and performance.

The safety of JH&FMHN patients and clinical care provided by JH&FMHN clinical staff must not be compromised by the presence of a Clinical Observer. Further, training of existing staff must not be compromised by the presence of a Clinical Observer.

Supervisors (and proposed observers) are required to sign the JH&FMHN *Clinical Observer and Supervisor's Declaration* form ([EMP184](#)) which includes an acknowledgement that the supervisor and proposed observer understands the scope and limitation of the observer's role within JH&FMHN.

2.2 Roles and Responsibilities of a Clinical Observer

In circumstances considered safe and appropriate by the supervisor with regard to the observer's background, training and experience, and with explicit patient consent, Clinical Observers may:

- Observe relevant clinical practice;
- Conduct supervised patient interviews;
- Conduct limited supervised clinical examinations, but NOT including invasive or intimate examinations;
- Participate in educational activities (relevant clinical tutorials and health centre visits) under direct or indirect clinical supervision (i.e. supervisor is aware and has approved for the Clinical Observer to attend the educational activity); and
- Under direct supervision, observe the use of paper or electronic medical information systems, health care records, laboratory, radiology and other clinical reports.

Clinical Observers must NOT:

- Take an active part in, or have any responsibility for, a patient's clinical care, including giving medical or clinical advice to a patient;
- Make entries in a JH&FMHN patient Health Record, or complete any forms;
- Prescribe treatment or medication;
- Order diagnostic tests;
- Take a telephone call regarding clinical matters on behalf of JH&FMHN, their supervisor or another clinician;
- Be responsible for the communication of clinical information about a patient to another medical practitioner or clinician, or to a patient, their carers or families;
- Independently access a patient's medical information or JH&FMHN patient Health Record, be it paper or digital/electronic;
- Make copies (digital or hard copy) of clinical information, except with the direct written permission of their supervisor for the purpose of an educational activity and where the information does not contain details which may enable the identification of patients;
- Perform or assist with any medical procedures, including minor procedures and any surgical procedures, administer medications or any other treatments; or
- Give any medical or clinical advice to a patient.

An observer placement will be automatically revoked if the Clinical Observer does not follow the bounds of the agreed placement, or breaches the Ministry of Health policy directive [PD2015_049 NSW Health Code of Conduct](#) or JH&FMHN policy [2.010 Code of Conduct](#).

As per [section 2.1](#) above, proposed observers (and Supervisors) are required to sign the JH&FMHN *Clinical Observer and Supervisor's Declaration* form ([EMP184](#)) which includes an acknowledgement that the

supervisor and proposed observer understand the scope and limitation of the observer's role within JH&FMHN.

2.3 Approval for Clinical Observers

All requests for Clinical Observers to attend JH&FMHN facilities must be made by the nominated supervisor, in writing on the approved JH&FMHN *Application for Clinical Observer Placement* form ([EMP186](#)). Requests must include details of the proposed observer, the proposed duration, and include all required attachments (see [section 3](#) Procedure Content).

Approval for Clinical Observers is as follows:

- Medical Clinical Observers must be approved by the relevant Clinical Director, and the Director of Medical Programs or the Executive Medical Director JH&FMHN.
- Non-Medical Clinical Observers must be approved by the Service Director and Clinical Director for the relevant clinical service, as well as the relevant Director within the Clinical Operations stream.

For each proposed Clinical Observer, appropriate consultation should occur with the relevant clinicians and managers depending upon the Clinical Observer's background and their location within JH&FMHN.

In general, Clinical Observers' attachments are limited to a maximum of 3 months. A Clinical Observer may seek an extension of an approved observer attachment. Any costs involved in the placement of a Clinical Observer must be borne by the Observer or by agreement with the Directorate requesting the placement.

2.4 Types of Clinical Observers

Clinical Observers at JH&FMHN may include:

- Overseas trained doctors or other clinical persons who are not registered with the [AHPRA](#) and request an Observer placement for short periods for purposes of personal study and education, or as part of an agreed formal training program with JH&FMHN.
- Other clinicians who hold [AHPRA](#) registration but are only attending JH&FMHN for the purpose of observing.
- Other persons deemed suitable for placement as Observers, on a case by case basis.

2.5 Residency and Visa Requirements

In general non-Australian resident Clinical Observers are responsible for obtaining their own visa to allow them to enter Australia and undertake an observer placement for the purposes of education and/or private study.

JH&FMHN is not able to sponsor non-Australian Resident Clinical Observers unless they are offered placement as part of an approved formal training program which meets the requirements of recognition by the [Department of Immigration and Border Protection](#).

2.6 Patient Consent

All JH&FMHN patients with whom a Clinical Observer is in contact must be informed about who they are and why they are present. The patient must consent to their presence and any supervised activities undertaken by

them. This consent must be obtained by the supervisor and may be written or verbal in accordance with Policy [1.085 Consent to Medical Treatment - Patient Information](#).

2.7 Confidentiality and Privacy

Clinical Observers must at all times follow legislative privacy obligations and the policies of the Ministry of Health and JH&FMHN with regard to patient privacy and confidentiality, including confidentiality of patient Health Records. It is the responsibility of the supervisor to ensure the observer understands these obligations. The observer is required to sign a JH&FMHN *Clinical Observer - Privacy Undertaking* form ([EMP185](#)) acknowledging the above.

2.8 Compliance with JH&FMHN Policies

Clinical Observers must also comply with all other relevant JH&FMHN and Ministry of Health Policy Directives, Guidelines, Bulletins, and it is the responsibility of the supervisor to ensure the observer understands these obligations. The Clinical Observer must be familiar with, and comply with, their obligations under the Ministry of Health policy directive [PD2015_049 NSW Health Code of Conduct](#) or JH&FMHN policy [2.010 Code of Conduct](#).

3. Procedure Content

Supervisors for a proposed Clinical Observer must complete an JH&FMHN *Application for Clinical Observer Placement* form ([EMP186](#)), obtain signature by the proposed observer on the application, and forward the form and all required attachments for review and approval by the relevant manager as per [section 2.3](#) above, and then to the Directorate of Medical Administration (medical observers) or to Employee Services (non-medical observers).

The attachments include:

- Up to Date Curriculum Vitae;
- Proof of appropriate health qualifications to undertake the Observership. *For example certified copies of relevant local or overseas qualifications, enrolment in research or training courses;*
- 100 Point Identification Check form ([EMP 106](#)) signed & completed and certified copies of required ID;
- Completed *Working with Children Check*;
- *Declaration of Criminal Charges, Offences and Association* form; [EMP107](#)
- *Occupational Assessment, Screening and Vaccination against Specified Infectious Diseases Declaration* form [EMP137a](#);
- *Tuberculosis Assessment Tool* form [EMP137b](#);
- Evidence of appropriate personal injury and public liability insurance cover; and
- Returned the signed Clinical Observer and Supervisor's Declaration, and Clinical Observer Privacy Undertaking.

Clinical Observers must be provided with a copy of this policy by their supervisor.

**Forms for above can be found on the [JH intranet](#).*

4. Definitions

Must

Indicates a mandatory action or requirement.

Should

Indicates a recommended action that needs to be followed unless there are sound reasons for taking a different course of action.

5. Legislation and Related Documents

Legislation	Health Records and Information Privacy Act 2002 Privacy and Personal Information Protection Act (1998) Work Health and Safety Act 2011
JH&FMHN Policies and Forms	2.010 Code of Conduct 5.035 Duress Alarms and Two-way Radios 5.135 Security Risk Management <hr/> EMP 106 100 Point Identification Check EMP107 Declaration of Association, Criminal Charges and Offences EMP137a Occupational Assessment, Screening and Vaccination Declaration EMP137b Tuberculosis Assessment Tool EMP184 Clinical Observer and Supervisor's Declaration EMP185 Clinical Observer - Privacy Undertaking EMP186 Application for Clinical Observer Placement
NSW MoH Policy Directives	PD2015_036 Privacy Management Plan PD2011_005 Occupational Assessment, Screening and Vaccination Against Specified Infectious Diseases PD2015_049 NSW Health Code of Conduct PD2016_047 Employment Checks – Criminal Record Checks and Working With Children Checks Privacy Manual for Health Information
NSW Medical Board Policy	R35 Guidelines for the Supervision of Clinical Observers in NSW (2010)
External Agencies	Australian Health Practitioner Regulation Agency Department of Immigration and Border Protection