



14 October 2021

Medical Council of New Zealand
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MCNZ consultation on What to do when you have concerns about another doctor

About the NZSA

The NZSA is a professional medical education society, which represents about 750 anaesthetists in Aotearoa New Zealand. Our members include specialist anaesthetists in public and private practice, and trainee anaesthetists. We facilitate and promote education and research into anaesthesia and advocate for the specialty and the safety of patients. As an advocacy organisation, we develop submissions on policy and legislation, work collaboratively with key stakeholders, and foster networks of anaesthetists nationwide. The NZSA also has strong global connections, and is a member society of the World Federation of Societies of Anaesthesiologists.

Comments

Thank you for inviting the NZSA to comment on this draft revised statement. We welcome the Council's review of its 2010 statement and support the proposed changes. Without question, all doctors have an ethical responsibility to protect patients from any risk of harm that another doctor may pose, and to raise concerns promptly to reduce this risk. The statement clearly outlines the potential types of concerns that could arise about another doctor, and the appropriate avenues to address concerns about another doctor's conduct, competence, or health.

We are pleased that the statement outlines the responsibility of management to ensure that there are appropriate procedures in place for staff to raise concerns, and that staff are aware of these procedures.

We have provided answers to the questionnaire (attached) and would also make the following key recommendations to strengthen the statement and its usefulness:

a) The statement does not really consider concerns regarding a doctor's unprofessional or unethical behaviour outside of the workplace e.g. inappropriate social media posts, or as we have seen in recent times, a small minority of doctors advocating against the COVID vaccine and being reported to the Medical Council.

b) The statement has a brief paragraph at the end which acknowledges that there can be serious repercussions on a doctor's health and wellbeing when they are subject to a notification and/or inquiry: *"It is important for that doctor to be supported through different stages of an inquiry and to be made aware of resources that they may require, such as employee assistance or advice from their*

indemnity insurer.” We believe this section needs to be expanded to provide more information and guidance. We know from studies that this can have a huge detrimental effect on the health and wellbeing of a doctor, triggering serious mental health issues such as depression.¹ We believe this section needs more detail about these effects and the need for a doctor to be supported through this stressful situation. It would be beneficial to look at ways to address a doctor’s behaviour during the inquiry process which reduces the potential adverse effects on a doctor’s mental health. Calling for hospitals and other health care settings to have clearly defined processes for lodging a concern, and inquiry, would be beneficial.

c) The reality is that it may be very difficult to approach another doctor with concerns about their behaviour and there are barriers to doing so, e.g. fear that it could impact one’s career progression. As suggested in the statement, it would be very helpful to have resources to guide doctors in the process of raising concerns about another doctor, with FAQs.

The NZSA is happy to discuss our comments and to answer any questions in relation to this consultation. I can be contacted at president@anaesthesia.nz

Yours sincerely



Sheila Hart
President

¹ British Medical Journal, *Suicide in doctors while under fitness to practise investigation*,
<https://www.bmj.com/content/350/bmj.h813/rr-2>

British Medical Journal, 15 January 2015. *The impact of complaints procedures on the welfare, health and clinical practise of 7926 doctors in the UK: a cross-sectional survey*,
<https://bmjopen.bmj.com/content/5/1/e006687>