

New recertification of oral health practitioners policy (from 1 October 2021)

Date approved	6 April 2020
Approved by	Council
Date reviewed	15 June 2022
Approved by	Chief Executive (administration review)
Scheduled review	1 August 2022

Purpose

1. The purpose of this policy is to describe the:
 - requirements of Council's recertification programme for a registered oral health practitioner (practitioner)
 - action(s) Council may take if a practitioner has not met the requirements of a recertification programme.

Context

2. Council has a statutory responsibility to protect the health and safety of members of the public receiving oral health care from practitioners.¹
3. One of the ways Council does this is by setting a recertification programme.² The requirements set out in a recertification programme focus on ensuring that practitioners are competent to practise within their scope of practice.
4. Being competent to practise is the professional responsibility of every practitioner.³ It is a legal prerequisite to practise and an expectation of the public.

Who this policy applies to

5. This policy applies to all practitioners who are registered in New Zealand and have been for six months or longer. This means the policy applies regardless of a practitioner's scope of practice, whether they hold an APC or the number of hours worked.
6. Council may exempt practitioner(s) from one or more requirements of a recertification programme.⁴ Council's decision to grant an exemption will be based on the circumstances it is considering at the time.

Requirements of Council's recertification programme for practitioners

Start and end dates for a recertification programme

7. Every year, practitioners intending to practise for the next 12 months, must apply to Council to renew their annual practising certificate (APC). Council has linked the start and finish dates of recertification to the APC cycles.

¹ Section 3 of the Health Practitioners Competence Assurance Act 2003 (HPCAA).

² In accordance with section 41 of the HPCAA.

³ Professional standard 11, *Standards framework for oral health practitioners*

⁴ In accordance with section 41(5) of the HPCAA

8. This means that:
 - dentists and dental specialists will start their recertification programme on 1 October and must meet all of the programme requirements by 30 September in the following year
 - oral health therapists, dental hygienists, dental therapists, orthodontic auxiliaries, dental technicians and clinical dental technicians will start their recertification programme on 1 April and must meet all of the programme requirements by 31 March in the following year.
9. The requirements will apply until Council sets a new recertification programme.
10. Additional information about arrangements for the initial recertification programme cycle can be found in Appendix 1.
11. For practitioners who must also complete an individual recertification or competence programme, the requirements of that individual programme (including the start and end dates) may be set separately by Council. If Council decides that a practitioner must complete an individual programme, that may justify an exemption from meeting the recertification programme requirements Council has set for all practitioners.

Obligations under the recertification programme

12. Every practitioner is responsible for ensuring they have met the requirements of Council's recertification programme. While other people (including professional peers) have a role in helping the practitioner to meet those requirements, the primary responsibility lies with the practitioner.
13. The requirements are:

Recertification programme requirements		
Core requirements	Practitioner's obligations	Professional peer's obligations
Professional Peer	<ul style="list-style-type: none"> ▪ Find and nominate to Council a registered practitioner who agrees to be their professional peer ▪ Interact with their professional peer about their professional development. 	<ul style="list-style-type: none"> ▪ Agree to be the practitioner's professional peer ▪ Interact with the practitioner about their professional development and submit an annual confirmation about the practitioner's professional development ▪ Maintain confidentiality of all information discussed with a practitioner unless that information meets the legal and/or ethical requirements for disclosure

<p>Professional peer (continued)</p>		<ul style="list-style-type: none"> ▪ Declare to Council any actual, potential or perceived conflict of interests in meeting the obligations of a professional peer.
<p>Professional development plan (PDP)</p>	<ul style="list-style-type: none"> ▪ Develop, reflect and continuously update their PDP to capture their progress and ensure their competence—relevant to their scope of practice, work setting(s) and patient group(s) ▪ Identify learning objectives and professional development activities to meet those learning objectives. 	<ul style="list-style-type: none"> ▪ Interact with the practitioner and provide credible feedback on their PDP.
<p>Professional development activities (PDAs)</p>	<ul style="list-style-type: none"> ▪ Complete the planned PDAs in their PDP. 	<ul style="list-style-type: none"> ▪ Interact with the practitioner and provide credible feedback on the PDAs.
<p>Written reflection on PDP and PDAs</p>	<ul style="list-style-type: none"> ▪ Critically appraise (in writing) the PDAs engaged in, whether the PDP achieved the defined learning outcomes and the impact of these on their practice. 	<ul style="list-style-type: none"> ▪ Provide credible feedback on the practitioner's written reflection.
<p>Declarations/confirmation to Council at the end of the annual recertification programme cycle</p>	<ul style="list-style-type: none"> ▪ Declare to Council they have met the requirements of the recertification programme ▪ If these requirements have not been met, explain to Council the reason(s) why not and how they plan to meet these as soon as possible. 	<ul style="list-style-type: none"> ▪ Submit a written confirmation annually to Council that they have interacted with the practitioner about their PDP, PDAs and the written reflection ▪ If some or all of the requirements have not been met and they are unwilling to confirm the practitioner has met the requirements, provide detail to Council on the reason(s) why.

Retention of records and supporting documents

- Retain documentation and evidence of meeting the requirements of the annual recertification programme, or reasons if they have not, for at least three years.
- If requested, provide documentation to Council
- Retain documentation and evidence of professional peer interactions with their practitioner for at least three years.
- If requested, provide documentation to Council

14. Council may decide a practitioner cannot be a professional peer for other practitioners. Council's reason for making such a decision is to protect practitioners from inappropriate conduct. Furthermore, Council will mainly make this decision when a professional conduct committee has made a recommendation or determination about a practitioner.
15. If a professional peer has been suspended by Council because of conduct concerns, the practitioner must nominate another professional peer.
16. The obligations of a professional peer may be the sole responsibility of one practitioner, or, they can be shared across members of a peer group or study group. Where the responsibility is shared, one practitioner from the group must be nominated to Council and submit the annual professional peer confirmation.
17. A professional peer may not be paid to interact with or to submit a confirmation for a practitioner.
18. Additional guidance about Council's recertification programme requirements is contained in the *Your recertification programme* practitioner handbook. This handbook is available on Council's website.

Council's general approach to compliance

19. Council is concerned with actions and behaviours that may harm the public. In some instances, a practitioner's actions and behaviours may be risky—but does not lead to the occurrence of harm. However, the risk may be serious enough to require a response from Council.
20. Council's general approach to compliance may be informed by::
 - identifying and prioritising the risks it responds to
 - tailoring its response and level of intervention based on the risk of harm caused to the public
 - using a combination of information sources—such as declarations, confirmations, audits,⁵ inspections, investigations and notifications—to create a picture about a practitioner's attitude, capability, behaviour and actions when considering compliance and/or the harm caused to the public; and/or
 - taking into account the practitioner's circumstances, their reasons for failing to comply with requirements and their willingness and capacity to return to compliance as soon as possible.

⁵ Council uses different audit tools to inform the decision it makes about a practitioner's competence and/or conduct. These audit tools include, but may not be limited to, practice standard questionnaires, practice audits, and inquiries under section 36 of the HPCAA.

Non-compliance with the requirements of Council's recertification programme

21. If a practitioner does not meet one or more requirements of a recertification programme, the Council must be notified through the practitioner's declaration and/or the professional peer's confirmation. The practitioner must explain to Council why they did not meet the requirements and their proposal(s) to remedy their non-compliance as soon as possible.
22. Before Council makes a decision about a practitioner who has not met the requirements of a recertification programme, it may consider a broad range of factors such as:
- relevant legal processes
 - relevant Council policies, standards
 - the Council's regulatory principles, which includes right touch regulatory principles
 - the rules of natural justice
 - previous protection and/or remediation actions taken
 - history of non-compliance
 - previous good record
 - practitioner insight and appropriateness of subsequent actions
 - quality of the practitioner's processes and systems, and
 - any other mitigating or related circumstances.
23. The HPCAA sets out the actions Council can take if there are concerns about a practitioner's competence⁶ or compliance with the requirements of a competence or recertification programme. Council may:
- set an individual programme requiring a practitioner to complete assessment(s), examination(s), practical training, review of practice and inspection⁷
 - suspend or alter a practitioner's scope of practice⁸
 - inspect a practitioner's clinical records⁹
 - send a practitioner to a professional conduct committee.¹⁰
24. Whenever possible, Council's responses to non-compliance may also include cautionary advice and voluntary undertakings.

⁶ Section 36(4) of the HPCAA

⁷ Section 38(1) and section 41(3) of the HPCAA

⁸ Section 39(2), section 43(1) and section 69(2) of the HPCAA.

⁹ Section 42 of the HPCAA.

¹⁰ Section 68 of the HPCAA

25. Before finalising their decision, Council must consider:

- the appropriateness of the level, focus and overall impact of the action(s) they are proposing to take
- whether the impact of the proposed action on the practitioner is proportionate to the circumstances and harm caused to the public
- whether the action will:
 - lead to the practitioner returning to or maintaining competence
 - reduce harm, or risk of harm, posed to the public
 - lead to safer oral healthcare for the public.

Other documents relevant to this policy

26. The following documents should also be used as guidance in relation to this policy:

- *Your recertification programme practitioner handbook*
- *Standards Framework for Oral Health Practitioners*
- *Council's regulatory principles.*

Appendix 1 – Arrangements for the initial recertification programme cycle

Arrangements for dentists and dental specialists

- 1 Dentists and dental specialists must:
 - nominate a professional peer to Council by 30 September 2021
 - complete the remaining requirements of the recertification programme by 30 September 2022.

Arrangements for all other oral health practitioners

- 2 Oral health therapists, dental hygienists, dental therapists, orthodontic auxiliaries, dental technicians and clinical dental technicians must:
 - nominate a professional peer to Council by 31 March 2022
 - complete the remaining requirements of the recertification programme by 31 March 2023.