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Our Ref: MPO085512-03 : 09/26224

Ms Elizabeth Van Der Merwe
181 Thomas Street
BROKEN HILL NSW 2880

8 July 2009

CONFIDENTIAL

Dear Ms Van Der Merwe

Re: Dr John ROLLESTON – Section 191A – Medical Practice Act, 1992

Dr Rolleston has nominated you to act as a potential chaperone. A chaperone is required to assist him in complying with the conditions recently imposed on his registration. The conditions on his registration are as follows:

The NSW Medical Board has considered it necessary to impose the following conditions on the practitioner's registration to protect the health and safety of the public under the provisions of section 66 of the Medical Practice Act 1992. The matters giving rise to the conditions have been referred to the Health Care Complaints Commission for investigation as a complaint and these conditions will have effect until the complaint about the practitioner is disposed of, or the conditions are removed by the NSW Medical Board.

Practice Conditions

1. *Dr Rolleston must obtain NSW Medical Board approval prior to changing the nature or place of his practice.*
2. *Dr Rolleston must not provide medical services, including examination, treatment or interview to any patient aged between 11 and 18 years (inclusive). This includes emergency consultations, after-hours presentations and home visits.*
3. *A third person ('the chaperone') must be present at all times during any provision of medical services, including examination, treatment or interview of all patients aged from 0 to 10 years (inclusive) by Dr Rolleston;*
 - (a) *The chaperone is to be a registered or enrolled nurse approved by the NSW Medical Board;*
 - (b) *If the chaperone is not a registered or enrolled nurse approved by the NSW Medical Board the chaperone is to be an adult family member of the patient.*

4. **Dr Rolleston must forward to the NSW Medical Board within 7 days of the end of each calendar month a report of all patients aged between 0 to 10 years who were treated during the preceding month. This report will be in the form of a record sheet approved by the NSW Medical Board, which must include:**
 - (a) **the date and the time of the consultation,**
 - (b) **the printed names of the chaperone and the patient,**
 - (c) **the contemporaneous signature of the chaperone.**
5. **Dr Rolleston is to ensure the chaperones have an understanding of their responsibility to be present during all examinations, treatments and interviews with patients aged between 0 and 10.**
6. *Dr Rolleston is to notify any other practitioner (including future practitioners) who may be working on site with Dr Rolleston of these conditions. He is to forward to the NSW Medical Board, within 7 days, a copy of these conditions signed by each one of these practitioners.*
7. *Dr Rolleston is to authorise the exchange of information between Medicare Australia and the NSW Medical Board where required in order to facilitate monitoring of compliance with these conditions.*

I have enclosed for your information a copy of the Board's policy on *Mandating the Use of Chaperones*. In order to secure approval of your nomination, I have confirmed with the NSW Nurses and Midwives Board, that you are in fact a currently Registered Nurse.

Under section 191A of the Medical Practice Act 1992 (as amended), where it is required to approve any matter, the Board is required to consult with affected third parties. This allows the affected third party to make submissions to the Board with respect to the matter, prior to the Board giving any approval.

Section 191A - Medical Practice Act 1992 (as amended)

- (1) *If an order or direction of the Tribunal, a Committee or a Performance Review Panel with respect to a registered medical practitioner requires the Board to approve any matter and the terms of the approval will, in the opinion of the Board, impose an appreciable burden on an identifiable third party in connection with the practitioner's practice, the Board:*
 - (a) *is to give the third party an opportunity to make submissions to the Board with respect to the matter, and*
 - (b) *is to take any such submission into account before giving any approval, and*
 - (c) *is to give notice of the terms of the approval to the third party affected.*
- (2) *An example of an approval that may impose an appreciable burden on an identifiable third party in connection with a registered medical practitioner's practice is an approval of an arrangement under which an identified third party is required to supervise the practitioner's practice.*
- (3) *In this section:*

"third party" means a person other than the registered medical practitioner to whom an order or direction relates, but does not include a person or body exercising functions conferred by this Act or the Health Care Complaints Act 1993.

To satisfy the requirements of Section 191A, please complete and sign the attached form and return it to the Board's Monitoring Section, by facsimile to (02) 9816 5307.

If you have any queries please contact me on (02) 9879 2254.

Yours sincerely

Stacey Kennaugh
Monitoring Officer

Please tick the relevant boxes and return this document to the Board's Monitoring Section (Attention: Ms Stacey Kennaugh). Fax: (02) 9816 5307.

With respect to Dr Rolleston's nomination of me, Ms Elizabeth Van Der Merwe, to act as chaperone for the purposes of Condition 3 of his registration, I:

- accept and do not wish to make a submission.
- accept and wish to make a submission with respect to the matter (please attach relevant document).

- do not accept and do not wish to make a submission.
- do not accept and wish to make a submission with respect to the matter (please attach relevant document).

Signed:

Dated:

Print Name:	Address: