



New South Wales

# Health Practitioner Regulation (New South Wales) Amendment (Notice of Mental Incapacity) Regulation 2014

under the

Health Practitioner Regulation National Law (NSW)

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Practitioner Regulation National Law (NSW)*.

JILLIAN SKINNER, MP  
Minister for Health

## Explanatory note

The object of this Regulation is to amend the *Health Practitioner Regulation (New South Wales) Regulation 2010* in relation to the giving of notice where a registered health practitioner or student becomes a mentally incapacitated person or is involuntarily admitted to a mental health facility.

Currently, both the Executive Officer of the Council for the health profession in which the practitioner or student is registered and the National Board for that health profession are required to be notified by telephone on the next business day after the day on which the practitioner or student is admitted to a mental health facility or becomes a protected person under the *NSW Trustee and Guardian Act 2009*. The amendment ensures that only the Executive Officer of the Council for the applicable health profession is required to be notified by telephone. The requirement for notice to be given by post to both the Executive Officer of the Council and the National Board for the applicable health profession remains unchanged.

This Regulation is made under the *Health Practitioner Regulation National Law (NSW)*, including sections 151 (2) and 247A (the general regulation-making power).

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under the

Health Practitioner Regulation National Law (NSW)

### **1 Name of Regulation**

This Regulation is the *Health Practitioner Regulation (New South Wales) Amendment (Notice of Mental Incapacity) Regulation 2014*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

### **3 Amendment of Health Practitioner Regulation (New South Wales) Regulation 2010**

#### **Clause 17 Notice of mental incapacity of registered health practitioner or student**

Omit clause 17 (3). Insert instead:

- (3) The notice must be given:
  - (a) by telephone on the next business day after the day on which the registered health practitioner or student is admitted to the facility or becomes a protected person to the Executive Officer of the Council for the health profession in which the registered health practitioner or student is registered (the *applicable health profession*), and
  - (b) by post within 7 business days after the day on which the registered health practitioner or student is admitted to the facility or becomes a protected person to the Executive Officer of the Council, and the National Board, for the applicable health profession.