

# Nurse practitioners in the ACT

## Frequently Asked Questions for nurse practitioners

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These FAQs are written for nurse practitioners (NP) who are new to the Australian Capital Territory (ACT), or are newly-endorsed with the Nursing and Midwifery Board of Australia. It's recommended you review the FAQs designed for Employers and Health Consumers for further information.

The ACT Office of the Chief Nursing and Midwifery Officer (ACT OCNMO) will update this information from time to time, as legislation and/or policy evolves in the ACT.

We invite you to keep up-to-date with news relevant to NPs from the ACT OCNMO by [signing up to our mailing list](#).

## What's the difference between practice authority and scope of practice?

**Practice authority** refers to all the activities a *profession* is legislatively authorised to perform, whereas **scope of practice** refers to all activities an *individual* within that profession is both legislatively authorised to perform, and competent to do. NPs are independent and collaborative practitioners regulated by the [Nursing and Midwifery Board of Australia](#) (NMBA). Thus, you are fully responsible and accountable for your practice. An *employed* scope of practice is determined by yourself and your employer, as relevant to your employed role.

## What authorisation process is required for public sector NPs?

NPs working for the public sector must undergo a [formal credentialing process](#) for approval of their employed scope of practice. Credentialing committees within the ACT public sector are delegated through a legislative instrument approved by the Minister for Health through the *Health Act 1993*. The purpose of credentialing is to protect the public and enable full scope of practice within an individual's employed role.

## What authorisation process is required for private sector NPs?

Regulated health practitioners working in the private sector, inclusive of NPs, are **not** currently required to undergo a formal credentialing process for their employed scope of practice. However, they must still adhere to professional standards and guidelines for practice established by the NMBA, as well as local regulatory requirements. It is **highly recommended** that private sector employers establish contextualised credentialing processes relevant for all health practitioners, which is transparent and relevant to their context, profession, and area of practice.

## Are there any specific requirements for independent NP clinics in the private sector?

Like other private sector employers in the health industry, NPs working in stand-alone NP clinics are required to adhere to local requirements, such as [work health and safety laws](#). It is highly recommended you use the [Australian Business License and Information Service](#) when setting up your clinic to understand your requirements.

A unique requirement for stand-alone NP clinics in the ACT is that you must [apply for an infection control license](#) if you perform any skin penetration procedures in your clinical practice. This requirement does not apply to general practices who employ medical practitioners.

## Can NPs write medical certificates in the ACT?

Sick certificates and medical certificates are different documents.

NPs in the ACT must issue a sick certificate for employees who are unwell and cannot attend their workplace. A sick certificate serves the purpose of a [statutory declaration](#) for the patient's employer. The reason why NPs cannot provide a medical certificate is because operational definitions in the *Fair Work Act 2009* (Commonwealth) and *Workers Compensation Act 1951* (ACT) require that medical certificates only be written by a registered medical practitioner. If an NP were to provide a 'medical certificate' it would amount to 'holding out', which is an offence under sections 116 and 118 of the *Health Practitioner Regulation National Law 2010* (Commonwealth). There is no limit on the number of days an NP can write a sick certificate, and is dependent on the patient's disposition and employer policy.

NPs may also authorise attendance and carers certificates for employers of patients through the statutory declaration process described above. These certificates are generally given when an employee misses work for a medical appointment, or who are well themselves but caring for an unwell family member.

## Do NPs have the authority to authorise a workers' compensation or Comcare certificate?

NPs in the ACT have the practice authority to assess, diagnose, and treat work-related injuries within their employed scope of practice. However, under the *Workers Compensation Act 1951* (ACT) and *Work Health and Safety Act 2011* (Commonwealth) NPs **cannot** authorise workers' compensation or Comcare certificates - they must be completed by a medical practitioner working within their scope of practice.

## Do NPs have the authority to perform a medical termination of pregnancy (MToP)?

Currently NPs in the ACT **do not** have the practice authority to prescribe a medicine for the purposes of MToP under Part 6 of the *Health Act 1993* (ACT). Any health professional, other than a medical practitioner, who prescribes a medicine for the purposes of inducing a termination of pregnancy commits an offence under ACT legislation.

## Do NPs have the authority to perform and authorise driver's license medicals?

NPs in the ACT have the practice authority to assess a person's fitness to drive within their employed scope of practice. However, under the *Road Transport (Driver Licensing) Act 1999* (ACT) NPs **cannot** authorise paperwork required as evidence by the ACT Road Transport Authority - it must be completed by a medical practitioner.

It is important to note *there is no mandatory reporting requirement* for practitioners if they identify a patient is unfit to drive. However, practitioners should note they are not civilly or criminally liable for assessing a patient and reporting, in good faith, a patient who may be unfit to drive.

## Do NPs have the authority to authorise a death certificate?

Current NPs in the ACT **do not** have the practice authority to authorise a death certificate as required by the *Births, Deaths and Marriages Registration Act 1997* (ACT). Some registered nurses employed in the public sector may declare 'life extinct' in a person, but this is dependent upon local policy. Check with your health service for further information. The declaration of life extinct **does not** have the same legal ramifications as a death certificate.

## Do NPs have the authority to witness a non-written health direction?

Under the *Medical Treatment (Health Directions) Act 2006* (ACT), NPs and other health professionals **do** have the practice authority to witness non-written health directions, but one of the two witnessing professionals **must** be a medical practitioner. A NP **cannot** substitute for a medical practitioner for this purpose.

## What diagnostic examinations do NPs have the authority to request and/or interpret?

An NP endorsed by the NMBA can request *any* diagnostic pathology or imaging examination within their scope of practice. Like medical practitioners, an NP may interpret any diagnostic pathology or imaging examination within their scope of practice.

Subsidy of diagnostic pathology or imaging through the Medicare Benefits Schedule (MBS) or other funding mechanisms does not relate to an NP's practice authority. However, an NP's employed scope of practice may limit which diagnostic examinations an NP may request and/or interpret.

## What medicines do NP have the authority to prescribe in the ACT?

An NP endorsed by the NMBA can prescribe *any* S2, S3, S4 or S8 medicine within their employed scope of practice, **except** medicines used for the purposes of inducing a medical termination of pregnancy, or [Appendix D Medicines](#) in the *Medicines, Poisons and Therapeutic Goods Regulation 2008* (ACT). There are [Controlled Medicines Prescribing Standards](#) for the prescribing of [controlled medicines](#) in the ACT that all prescribers **must** comply with.

## Do I need a separate authorisation process for patients from NSW or other jurisdictions?

Authorisation to practice is not required for patients living in different states or territories, as long as the care provided by the practitioner occurs within ACT borders. In the case of telehealth services, all practitioners must adhere to legislation and policy in the jurisdictions in which the patient resides. This is particularly important as relating to medicines, poisons and therapeutic goods acts (however named).

### ACKNOWLEDGEMENT OF COUNTRY

ACT Health acknowledges the Traditional Custodians of the land, the Ngunnawal people. ACT Health respects their continuing culture and connections to the land and the unique contributions they make to the life of this area. ACT Health also acknowledges and welcomes Aboriginal and Torres Strait Islander peoples who are part of the community we serve.

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