

Employees Conducting Financial Transactions and/or Dealing with Money/Property for Patients/Clients

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Functional Sub group Personnel/Workforce - Conduct and ethics

Summary Employees should not become formally or informally involved in any transaction for or with patients/clients.

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, Community Health Centres, Divisions of General Practice, NSW Ambulance Service, Public Health Units, Public Hospitals

Distributed to Public Health System, Community Health Centres, Divisions of General Practice, NSW Ambulance Service, Public Health Units, Public Hospitals

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Policy Manual Not applicable

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Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

CIRCULAR

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Contact	Mr G Sly (02) 9391 9405 Audit Branch

**NSW PUBLIC HEALTH SYSTEM EMPLOYEES CONDUCTING FINANCIAL
TRANSACTIONS AND OR DEALING WITH MONEY/PROPERTY FOR
PATIENTS/ CLIENTS**

This circular replaces circular 99/4 of 8 January 1999.

A NSW health system employee as a general rule should not become formally or informally involved in any transaction for or with a patient/client of the health system which involves dealing with cash, bank accounts, credit cards or property on behalf of a patient/client.

Whilst providing such services may assist and could be for the well being of the patient/client, such practices could place the employee in an invidious position, possibly exposing them to criminal charges.

Where a patient/client requires such services, especially if they are in a home environment and cannot conduct such transactions themselves, a health system employee should discuss with the patient/client low risk alternatives and, with their consent:

1. contact relatives to undertake the service; or
2. contact other agencies that can assist in such matters (for example, Department of Community Services);
3. contact patient/client's bank etc. and advise of situation and make appropriate accountable arrangements;
4. utilise methods of an accountable nature (for example, a non negotiable cheque made payable to the appropriate payee).

Where the health employee is concerned that the patient/client may have impaired capacity to manage their financial affairs they are to make contact with the Guardianship Tribunal.

Distributed in accordance with circular list(s):

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If it is absolutely necessary or unavoidable that a health system employee has to handle cash/property etc. on behalf of a patient/client they should:

1. have a witness (for example, a next door neighbour) be present and formally sign appropriate verification of the transaction; and
2. obtain a receipt/signed acknowledgement from the patient/client for the cash/property involved in the transaction.

Under no circumstances should an employee:

1. **obtain the electronic or other PIN number for a bank account etc. of a patient/client or use a credit card of a patient/client. Apart from potentially being an illegal act this would also breach bank or other account conditions of use;**
2. **obtain or accept a power of attorney for a patient/client;**
3. **facilitate an arrangement whereby a friend, relative or business associate of the employee obtains a power of attorney for the patient/client.**
4. **accept cash from a patient/client in order to undertake any transaction on the client's behalf without the presence of an appropriate witness to the transaction request. The witness should formally verify transactions by signing.**

Enquiries should be made with the Guardianship Tribunal if a person's financial affairs appear to need formal management. The Tribunal's enquiries service can give advice and information about the less restrictive alternatives to formal management that may be open in the circumstances of the particular case. If an employee considers that a patient/client has lost capacity to make personal or lifestyle decisions for themselves then contact should be made with the Guardianship Tribunal about the possible appointment of a guardian.

Michael Reid
Director-General