

International Medical Graduates - Overseas Funded

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Functional Sub group Personnel/Workforce - Recruitment and selection

Summary The policy sets out the minimum requirements for the engagement of overseas funded international medical graduates in the NSW public health system, including assessment of competence, employment screening, checks, letters of offer, written agreements with the overseas funding body, supervision, and record keeping. It also provides guidance on indemnity and insurance, professional registration and visa matters.

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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, Public Health System Support Division, NSW Ambulance Service, Public Hospitals

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This Policy Directive may be varied, withdrawn or replaced at any time.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.

**MINIMUM REQUIREMENTS FOR THE ENGAGEMENT
OF OVERSEAS FUNDED INTERNATIONAL MEDICAL
GRADUATES**

February 2009

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1.0 About this document

- 1.1 Title** Minimum requirements for the engagement of overseas funded international medical graduates in the NSW public health system.
- 1.2 Responsibility** Workplace Policy, Workplace Relations and Management Branch, NSW Department of Health.
- 1.3 Version** February 2009
- 1.4 Updates and feedback** Feedback is welcome, and should be addressed to the Manager, Workplace Policy, NSW Department of Health.
- 1.5 Related policies** PD2007_006, *NSW Health policy on occupational assessment, screening and vaccination against specified infectious diseases*
PD2008_029, *Employment screening policy*
- or any policy that has superseded these.
- 1.6 Definitions**
- Host**
Means any organisation or service within the NSW public health system that hosts an overseas funded international medical graduate. Although not the employer in the industrial sense, a host has certain due diligence and duty of care responsibilities in relation to the graduate.
- Overseas funded international medical graduate (IMG)**
A graduate of a medical school outside Australia or New Zealand and a citizen of a country other than Australia or New Zealand who is seeking experience in the NSW public health system for the purposes of furthering their medical training and experience, and is funded by an overseas funding body or is self-funded.
- NSW public health system**
Consists of all area health services, all statutory health corporations, and all affiliated health organisations in respect of their recognised services, as well as the Ambulance Service of NSW and the Public Health System Support Division (currently includes the Institute for Medical Education and Training, Health Support Services and Health Infrastructure).
- Overseas funding body**
An overseas government, hospital, training organisation or other organisation that funds an IMG to gain further experience or training in the NSW public health system.

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2.0 NSW Health Policy

- 2.1 Introduction** A number of international medical graduates (IMGs) who are funded by an overseas funding body or are self-funded are engaged by the NSW public health system to work in NSW Health and in return gain experience or specialist training.
- While the host does not pay any salary or wages to these IMGs, it still has certain due diligence and duty of care responsibilities. It is therefore crucial that all relevant employment screening, checks and documentation requirements are adhered to.
- 2.2 Purpose and scope of this document** The purpose of this policy is to ensure that any overseas funded IMG:
- has the appropriate qualifications and skills to carry out work in the NSW public health system
 - is a fit and proper person
 - has the necessary visa, registration and immunisation status to carry out work in the NSW public health system
 - notifies the host of any medical condition they may have to allow the host to assess their ability to carry out the required work
 - is appropriately supervised and trained during their engagement.
- 2.3 Who this policy applies to** This policy applies to all organisations and services within the NSW public health system who enter into host arrangements with IMGs funded by an overseas funding body or by themselves to obtain experience or undertake specialist training within the NSW public health system.
- 2.4 Determining suitability of the IMG** Regardless of who initiates the arrangements between the host and the IMG (eg the host, the IMG, an overseas funding body), as a first step, the host must satisfy itself:
- of the suitability of the IMG to carry out work in the facility
 - that the facility has the resources to provide appropriate supervision and training to the IMG.
- If the host is satisfied of the above and that the IMG is eligible for conditional registration, the host should then approach the NSW Medical Board so it may assess the IMG for conditional registration.
- 2.4.1 Assessment of competence** As a first step, the host must assess the skills, experience, qualifications, knowledge, previous behaviour and performance of the IMG in order to ensure that the IMG can work safely at the required level.

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For this purpose, an assessment committee is to be set up. The assessment committee must have at least two members. The committee membership must cover the appropriate skills and expertise in the relevant specialty area to allow for an appropriate assessment of the suitability and level of competency of the IMG for the post. One of the committee members must be from medical administration.

All committee members must have access to all the relevant documentation.

The assessment committee must:

- review the IMG's resume and documented evidence (certified copies in English) of his/her qualifications, skills, experience etc)
- interview the IMG to:
 - seek further information on knowledge, skills and previous behaviour and performance
 - determine, as far as possible, that the IMG's functional competence is at the level his/her experience and training suggests
 - determine the IMG's functional English language skills
- obtain information from the Health Care Complaints Commission (consent form to be completed by the IMG) in relation to any reprimands, conditions limiting practice rights, suspension or de-registration of the IMG in NSW
- review acceptable evidence in English of the required immunisation status in accordance with the current [NSW Health policy on occupational assessment, screening and vaccination against specified infectious diseases](#)
- conduct a minimum of two referee checks (see 2.4.1.1).

It should be noted that as part of the registration process, the NSW Medical Board will conduct further checks on qualifications and skills (see section 2.7).

Where the interview is conducted in person, the host must verify identity using the 100 point ID check form (available at http://internal.health.nsw.gov.au/cgrm/esr/images/7_11_100_pt_id_entification_check.pdf). However, in many cases the interviews are conducted over the phone, and in such instances, the IMG must submit verified copies of the original documents required by the 100 point ID check form to the host.

Once the IMG has arrived in the country, but prior to entry on duty, the original documents must be sighted and copied, and the copies kept on the IMG's personnel file (see also section 2.14, Record keeping).

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2.4.1.1 Referee checks

Before any offer of engagement is made, at least two referee checks must be conducted with people with direct personal knowledge of the IMG's conduct and performance at work. (This does not have to be paid work.) One of the referees must be the current supervisor.

All referee checks must be conducted in a structured manner, using a set of questions prepared by the assessment committee seeking specific information about the IMG's knowledge, skills, current competence, and recent past performance and professional conduct.

As far as practical, all referee checks are to be conducted verbally with each referee. The checks may need to be undertaken via a NSW Health approved translator. Responses to each question must be recorded in writing and maintained with the assessment documentations, along with the full name of the referee, contact details, position and relationship to the IMG.

Where detailed phone referee checks are difficult to arrange due to time differences and/or work commitments, or due to language difficulties, reference questions may be emailed to the referee following direct, verbal contact with the referee to confirm their identity and relationship with the IMG.

Referees must be advised that written responses need to be completed with appropriate detail and returned within an agreed timeframe. Written responses are to be retained in full with assessment documentation.

2.4.2 Employment checks

Where the host determines the IMG suitable to carry out work in the facility, the IMG must undergo employment screening in accordance with the current [NSW policy on employment screening](#) (the policy includes template forms as attachments).

This will include:

- Criminal Record Check clearance from the country of origin, or any country which the IMG has resided in or worked prior to entering Australia. If this is not possible, then the IMG must complete a statutory declaration (pro forma available at http://internal.health.nsw.gov.au/cgrm/esr/images/7_9_stat_dec_overseas_applicant.pdf)
- National Criminal Record Check (consent form to be completed by the IMG), available at http://internal.health.nsw.gov.au/cgrm/esr/images/7_3_ncrc_consent_form.pdf)
- If engaged in child-related work, a Prohibited Employment Declaration (to be signed by the IMG, available at http://internal.health.nsw.gov.au/cgrm/esr/images/7_1_prohibited_employment_declaration.pdf)

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If engaged by Justice Health, IMGs must also complete a Declaration of Criminal Charges, Offences and Association.

Note that as overseas funded IMGs do not receive salary or remuneration from the host, a Working With Children Background Check is not available to them.

The IMG must also be asked to complete a Health declaration form to allow the host to satisfy themselves that the IMG is able to safely carry out the required work (available at <http://internal.health.nsw.gov.au/jobs/recruitment/recruitselect.html>)

2.5 Approval

Approval for the proposed arrangements (subject to registration and visa requirements) for each IMG must be obtained from the appropriately delegated authority within the host organisation. In approving the proposed arrangements, the decision-maker must be satisfied that, pending registration, all necessary checks have taken place and that the IMG is a fit and proper person to be offered a post.

It should be noted that approval to engage an IMG under this policy directive does not imply approval for paid employment in the NSW public health system. Relevant policies and processes must be followed in relation to any paid employment (eg recruitment and selection, locum policies).

2.6 Contract between host and overseas funding body

Once approval is obtained to provide a post to the IMG, the host must ensure that there is a signed written agreement between the host and the overseas funding body which clearly defines the arrangements to be entered into, including the responsibilities of both parties.

Issues to be covered will include (but not necessarily be limited to):

- agreed period for the engagement
- financial arrangements (including appropriate remuneration for the IMG, health costs for the IMG and their family, indemnity and personal accident coverage, cost of registration and visa, accommodation etc)
- work, supervision and other support to be provided to the IMG
- any conditions imposed on the agreement, including registration and visa requirements, and circumstances where the agreement will cease.

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Please note that temporary visas (see section 2.9) impose certain obligations on Australian organisations that sponsor overseas doctors for a visa. Hosts should ensure that any anticipated obligations will be met by either the host or the overseas funding body, and reflect this in the agreement with the overseas funding body.

The agreement must be approved and signed by an appropriately delegated officer.

2.7 Registration

Once the IMG has been deemed suitable for a post, and the necessary employment screening has been satisfactorily completed, the host must apply for appropriate registration for the IMG from the NSW Medical Board.

As part of the registration process, the Medical Board will:

- test the IMG for sufficient English language proficiency
- verify all documents relating to the IMG's medical qualifications at primary source
- request a Certificate of Registration Status or Certificate of Good Standing from each jurisdiction in which the IMG has practised or held registration in the past 5 years.

2.8 Letter of offer

Once registration has been obtained, the IMG must be provided with a written letter of offer detailing the proposed terms of his/her engagement with the host.

Information will include (but may not necessarily be limited to):

- agreed period for the engagement
- supervisory arrangements
- training and education arrangements
- the requirement for formal performance reviews
- medical indemnity cover under the TMF, as well as Workers Compensation (see section 2.10)
- confirmation of financial arrangements with the overseas funding body
- any conditions imposed on the engagement, including registration and visa requirements, and circumstances where the engagement will cease
- a job statement detailing what the IMG will actually be doing during his/her engagement
- requirement to comply with the NSW Health Code of Conduct
- requirement to comply with the NSW Medical Board Code of Conduct

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- requirement to comply with relevant NSW laws and NSW Health policies
- the offer being conditional on:
 - verification of the 100 point ID check on arrival
 - any conditions attached to the registration by the NSW Medical Board (eg supervision arrangements) (see section 2.7)
 - appropriate visa status and any conditions set out in the visa (see section 2.9)
 - the IMG's agreement to early reporting of an incident that may lead to a claim and for subsequent cooperation with TMF in the early investigation of that incident or management of that claim, should it arise (see section 2.10)
 - the IMG's agreement to keep the host updated with their contact details for three years after the IMG has left the host (see section 2.10).

The IMG must agree to the terms in writing.

2.9 Visa

IMGs will need an appropriate visa to train or work in Australia. The Department of Immigration and Citizenship (DIAC) will not consider an application for a visa unless the NSW Medical Board has granted conditional registration to the IMG.

Sponsorship or nomination by the host is a requirement for such a visa.

Temporary visa options for overseas doctors normally include (but are not necessarily limited to):

- temporary business (long stay) visa (subclass 457)
- medical practitioner (temporary) visa (subclass 422)
- occupational trainee visa (subclass 442).

The host should check for any specific requirements with the DIAC (see <http://www.immi.gov.au>).

2.10 Indemnity and insurance

While engaged with hosts, IMGs are under the direction and control of the hosts, and to the extent that they provide services in this context, it is considered that the host has an obligation to provide medical indemnity and, where required, insurance coverage to them.

Hence, arrangements have been made to have them indemnified through the Treasury Managed Fund (TMF) Contract of Coverage (2004) Section E.4 in connection with the treatment of patients seen whilst obtaining their experience and training in the NSW public health system subject to:

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- the host facility having resources to provide appropriate supervision and training to the IMG as noted in Sections 2.2 and 2.4 above
- the claim arising directly from the IMG following the direction of the host organisation, and not out of conduct on the part of the IMG that is negligent or constitutes a criminal offence or any other serious and wilful misconduct
- early reporting to TMF of an incident that either the IMG or the host supervisor believes may lead to a claim (the report should be made within 48 hours of the incident or from the time that the host or IMG became aware of that incident)
- the IMG accepting responsibility, via their letter of offer, for early reporting of an incident that may lead to a claim and for subsequent cooperation with TMF in the early investigation of that incident or management of that claim, should it arise.

Note that early reporting will allow TMF to triage the claim and to interview the IMG and host so that if a claim arises documentary evidence is on file. This is particularly important as the IMG may have returned home during the time lapse between incident and claim.

Hosts should be aware that they will be required to advise details of the resources and supervision available to the IMG at the time of the incident. If such is deemed to be insufficient in relation to the incident, or the incident is not notified within a reasonable period, the relevant host will leave itself open to a claims excess of actual cost capped at \$250,000, should a claim arise.

Workers Compensation provisions do not apply to IMGs, as they are not employees. However, personal accident cover through the TMF Miscellaneous Cover Section E.5, Subsection E.5.1.2 has been arranged if the IMG does not have access to workers compensation or other assistance from their overseas funding body.

2.11 Supervision

In line with any registration conditions specified by the NSW Medical Board, the host and the IMG must agree on appropriate supervisory arrangements for the period of engagement. This will include agreement on a nominated supervisor and details on how the IMG will be supervised.

The host must ensure that appropriate supervisory arrangements are in place whenever the IMG is on duty at the facility.

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Supervision will also include regular performance reviews by the supervisor to identify any development/performance issues that may require further attention. Such issues must be actively managed in accordance with local performance management procedures.

Where significant conduct, performance or competence issues are identified by the supervisor, mandatory reporting must occur in line with NSW Medical Board requirements, and such issues managed in accordance with relevant NSW Health policies and guidelines (eg complaint or concern about a clinician, managing allegations of misconduct etc).

2.12 Verification of identity

Once the IMG has arrived in the country, but prior to entry on duty, the original documents provided by the IMG for verification of their identity (see section 2.4.1) must be sighted and copied. The copies are to be kept on the IMG's personnel file (see also section 2.14, Record keeping).

2.13 Orientation

Orientation should be provided to all new starters upon entry on duty, with particular attention to relevant NSW legislation (eg OHS) and the need to comply with NSW Health policies and procedures.

Orientation for IMGs should also address cultural issues (eg Australian workplace culture, medical language and practices etc).

2.14 Critical Actions Compliance Declaration

A Critical Actions Compliance Declaration is attached at 3.0, Appendix 1. It outlines responsibilities for ensuring that particular critical actions are completed during the process to engage an overseas funded IMG.

When and in what order the Declaration is completed is a matter for the host, provided that all critical actions are completed and each section signed as completed **prior to** the IMG commencing their engagement.

While a completed Declaration provides evidence of compliance with key requirements of the policy, it does not identify all policy requirements or process steps, and must not be used to map or drive the process on its own.

2.15 Record keeping

All records related to the appointment of overseas funded doctors must be retained in accordance with the *State Records Act 1998* and relevant NSW Health policies. These records must be accessible for review. A personnel file for each IMG must be set up, maintained and stored by the host in the same way as for paid staff.

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In addition, some information will need to be kept on a separate secure file that can only be accessed by designated HR personnel (eg employment screening documentation).

As a minimum, the following documentation must be retained by the host on the IMG's personnel file:

- position description/statement of duties
- completed 100-point ID checklist and certified copies of documentation equalling 100 points
- documentation confirming citizenship/residency or working visa status
- record of verification of NSW Medical Board registration status and supporting documentation
- evidence of appropriate vaccination status
- signed health declaration form (if applicable).
- signed consent form for National Criminal Record Check
- signed Prohibited Employment Declaration (child related employment only)
- copy of police clearance from the country of origin, or any country which the IMG has resided in or worked prior to entering Australia
- copy of signed Statutory Declaration, where appropriate, stating the IMG has no criminal history (see PD2008_029). *(If the Statutory Declaration includes any criminal history information, it should not be placed on the Personnel File, but kept on a separate secure file with any risk assessment documentation).*
- record of 'clearance' screening validation number obtained from the External Relations and Employment Screening Unit's lodgement database
- For Justice Health only: Declaration of Criminal Charges, Offences and Association
- assessment committee membership
- evidence that referee checks were conducted
- copy of contract with overseas funding body
- copy of letter of offer and/or other engagement documentation (eg contract etc)
- evidence that the engagement was approved by the appropriately delegated authority (copy of the letter of offer is adequate if it has been signed by the appropriately delegated authority)
- completed and signed Critical Actions Compliance Declaration.

A complete record keeping list is attached at 4.0, Appendix 2.

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3.0 Appendix 1: Critical Actions Compliance Declaration

This declaration will provide evidence of compliance with key requirements of the policy, but does not identify all policy requirements or process steps, and must not be used to map or drive the process on its own.

I confirm that the following occurred prior to the commencement at work of:

name of appointee _____

to the position of _____

in (name of host organisation or service)

1.0 Chair, Assessment Committee

- 1.1 Certified copies in English of qualifications, skills and experience were obtained
- 1.2 Acceptable evidence in English of the required immunisation status was reviewed
- 1.3 A signed Health Declaration form was obtained
- 1.4 Consent to relevant criminal record check and, if engaged in child-related work, signed Prohibited Employment Declaration were collected
- 1.5 Contact was made with the Health Care Complaints Commission in relation to any reprimands, conditions limiting practice rights, suspension or de-registration of the IMG in NSW
- 1.6 At least 2 structured referee checks (one of which meets the requirement at 1.7), using specified questions were conducted on the IMG, and identity of each referee and relationship to IMG was directly verified
- 1.7 One of the reference checks was conducted with the IMG's current supervisor/manager
- 1.8 Where verbal references were obtained, responses to the specified questions were recorded in writing
- 1.9 Where written references were obtained, identity and relationship to the IMG was directly confirmed, and written responses addressed the specified questions
- 1.10 All members of the assessment committee had access to all relevant documentation regarding the IMG

(name)

(title)

(signature)

(date)

2.0 Director, Workforce Development (or delegate)

- 2.1. Approval for the engagement of the IMG was obtained from an appropriately delegated authority
- 2.2 Registration was granted to the IMG by the NSW Medical Board
- 2.3 A written agreement between the host and the overseas funding body, clearly defining the arrangements and the responsibilities of both parties, was signed by appropriately delegated authorities of both parties
- 2.4 A letter of offer, detailing the conditions of the engagement (as per policy), was sent to the IMG and acceptance in writing was received
- 2.5 An appropriate temporary visa was granted to the IMG by the Department of Immigration and Citizenship
- 2.6 Appropriate supervisory arrangements in line with registration conditions specified by the NSW Medical Board have been agreed on
- 2.7 Identity of the IMG was verified using the 100 Point Identification Check.

(name)

(title)

(signature)

(date)

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3.0 Appendix 1: Critical Actions Compliance Declaration

- continued

3.0 Approving officer (Chief Executive or delegate)

I approve the engagement of the IMG and confirm that:

- I had access to all relevant documentation regarding the IMG under consideration for engagement.*
- All required employment checks (including any necessary criminal record checks) were conducted.*
- The IMG was assessed in line with all the requirements of the current NSW Health policy relating to the engagement of overseas funded international medical graduates.*
- The IMG is a fit and proper person to be offered a post in the NSW public health system.*

(name)

(title)

(signature)

(date)

- All boxes must be ticked and the appropriate signature blocks completed **prior to** the overseas funded IMG commencing their engagement with the host.
- The completed document must be placed on the IMG's Personnel File.

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| 4.0 Appendix 2: Record keeping | | |
|---|---|--|
| Documentation | Minimum retention period: | |
| <ul style="list-style-type: none"> • Completed and signed Critical Actions Compliance Declaration | 7 years after engagement ceases, then destroy. Date to be destroyed: _____ | |
| <ul style="list-style-type: none"> • Position description / statement of duties | | |
| <ul style="list-style-type: none"> • Resume and any written references | | |
| <ul style="list-style-type: none"> • Results of any medical examinations * | | |
| <ul style="list-style-type: none"> • Confirmation of assessment committee membership and referee checks | | |
| <ul style="list-style-type: none"> • Written record of information obtained via referee checks | | |
| <ul style="list-style-type: none"> • Copy of a signed contract with overseas funding body | | |
| <ul style="list-style-type: none"> • Copy of contract/letter of engagement with the IMG | | |
| <ul style="list-style-type: none"> • Copy of letter of acceptance by the IMG | | |
| <ul style="list-style-type: none"> • Record of any documentation sighted or communication undertaken to verify claims by the IMG <ul style="list-style-type: none"> ○ Completed 100-point ID checklist and certified copies of documentation equalling 100 points ○ Documentation confirming citizenship/residency or working visa status ○ Copy of registration documentation and record of verification of current professional registration status directly with the NSW Medical Board ○ Record of any relevant information (eg conditions or restrictions) obtained from the NSW Medical Board ○ Record of verification of the status of the IMG with the HCCC ○ Record of any relevant information obtained from the HCCC * ○ Record of verification of any educational, trade or professional qualifications required ○ Evidence of length of experience, where required ○ Evidence of appropriate immunisation status | | 75 years after date of birth of the doctor or 7 years after action completed, whichever is later, then destroy. Date to be destroyed: _____ |
| <ul style="list-style-type: none"> • Declarations and consent forms signed by the IMG as relevant to their engagement. These may include: <ul style="list-style-type: none"> ○ Signed consent form to obtain information from HCCC and the NSW Medical Board ○ Signed consent form to perform a “past performance check” where relevant ○ Signed Health Declaration form ○ Signed Prohibited Employment Declaration form (child-related employment only) ○ Signed consent form for National Criminal Record Check ○ Signed Statutory Declaration, where applicable, stating the IMG has no criminal history ○ Completed Declaration of Criminal Charges, Offences and Association (Justice Health only) | | |
| <ul style="list-style-type: none"> • Copy of police clearance from the country of origin or other relevant country | | |
| <ul style="list-style-type: none"> • Record of ‘clearance’ screening validation number obtained from External Relations and Employment Screening Unit lodgement database | | |
| <ul style="list-style-type: none"> • Any records relating to an employment assessment arising from a National Criminal record check (including correspondence from External Relations and Employment Screening Unit, contact with applicant, recommendations and outcome) * | | |
| <ul style="list-style-type: none"> • Criminal history record | Shred as soon as employment assessment completed. | |

*** A secure file means a separate, confidential file kept in a secure, locked location accessible only to relevant designated officers in each Area (eg External Relations and Employment Screening Unit designated staff etc).**