



Participant procedure: Breath-testing for alcohol

Procedures provide practical step by step guidance to describe processes and actions required to enable the implementation of a policy or guideline. They can also be developed to ensure compliance with legislative or policy requirements by members, staff or delegates of the Council

Document type	TRIM reference	Number
Procedure	DD17/63380	PROMED002

Date of endorsement	Endorsed by	Publication date	Review date
6 February 2018 (effective from 4 June 2018)	Medical Council NSW	11 April 2018	6 February 2023

Summary

This procedure explains to medical practitioners and students who have breath-testing for alcohol conditions imposed on their registration how to participate in breath-testing.

Applies to (scope)

- NSW medical practitioners and students required to undergo breath-testing for alcohol
- Medical Council of NSW, its delegates and secretariat staff

Document owner	Functional group/subgroup
Medical Director	Monitoring

Participant procedure: Breath-testing for alcohol

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Participant procedure: Breath-testing for alcohol

1. Purpose

If you have breath-testing for alcohol conditions on your registration, this procedure explains how to:

- prepare for breath-testing
- breath-test at the required times
- manage your results and reporting to us
- manage any absences you need to take
- apply to decrease your screening.

2. Compliance context

You must comply with this procedure and:

- our *Alcohol screening policy*
- any breath-testing conditions on your registration

If a condition on your registration is inconsistent with this procedure or the *Alcohol screening policy*, the condition prevails.

If you must attend other types of alcohol screening you must also comply with the relevant alcohol screening procedure.

We will decide all aspects of screening, including how often you need to attend. Our monitoring team will monitor your compliance.

3. Key information

We use breath-testing for alcohol to monitor practitioners and students where there is a history of or concerns about alcohol misuse or dependence. We do this to protect the public.

We understand that breath-testing can be inconvenient, intrusive and expensive. However, negative breath-test results are an effective way for us to know you are not affected by alcohol and can continue safely in practice or training.

Once your breath-testing arrangements are approved by us, you can only practise if all of the following apply:

- you have a breath-test on a device approved by us
- you have a breath-test administered by a supervisor approved by us
- you have a breath-test at the times required by this procedure
- the result of your breath-test is 0%.

4. Responsibilities

Parties responsible (Positions/Groups/Bodies)	Key responsibilities
NSW medical practitioners and students	comply with processes for breath-testing for alcohol outlined in this procedure.
breath-testing supervisor	comply with processes for supervising a participant undergoing breath-testing for alcohol outlined in this procedure and the <i>Supervisor procedure: Breath-testing for alcohol</i> .
Monitoring team	monitor compliance with this procedure on behalf of the Council.
the Council	make decisions about a participant's progress and compliance with the <i>Alcohol screening policy</i> and this procedure.

5. Definitions and abbreviations

Term	Explanation
AHPRA	Australian Health Professional Regulation Agency
Council / we / our	Medical Council of NSW
device	breath-testing for alcohol device (see Appendix A)
log	breath-testing for alcohol log
medical emergency	an event where it is not possible or reasonable to have a patient with a life threatening or urgent condition seen by another practitioner or transferred to the nearest hospital
participant / you / your	a medical practitioner or student participating in alcohol screening because a condition on their registration requires it
substance	any: <ul style="list-style-type: none"> substance listed in Schedule 1 of the <i>Drug Misuse and Trafficking Act 1985</i> pharmacist only, prescription only or controlled drug medication as contained in Schedule 3, 4 or 8 of the Poisons Standard (SUSMP).
supervisor	breath-testing for alcohol supervisor

6. Preparing for breath-testing

6.1 Requirements for starting breath-testing

- Requirements** Before you can start breath-testing you must:
- complete our [Starting breath-testing for alcohol](#) form
 - ensure we receive this within 7 days of the breath-testing condition being placed on your registration.

This form contains information on:

- the breath-testing device

- the device service plan
- nominating a breath-testing supervisor.

You must start breath-testing within 24 hours of being told by us that your breath-testing arrangements are approved.

We may take further action if the information you give us is inadequate or cannot be approved.

Breath-testing device	<p>You must purchase or hire a Council-approved breath-testing device (see Appendix A) and any consumables required for breath-testing.</p>
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Device service plan	<p>You must ensure that your device is serviced as per the manufacturer's instruction. This must occur at least every 6 months.</p> <p>You must organise another device to use while your device is being serviced. This is your service plan. If you cannot organise another device to use you cannot practise.</p> <p>You must include the date your device is due for its first service and your service plan on your Starting breath-testing for alcohol form.</p>
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Breath-testing supervisor	<p>All breath-tests must be administered by a supervisor approved by us.</p> <p>You must nominate a supervisor on your Starting breath-testing for alcohol form. We encourage you to nominate more than one supervisor to ensure a supervisor is available at all times you need to breath-test.</p> <p>Your supervisor must meet the following requirements:</p> <ul style="list-style-type: none"> • not be your friend, family member or employee • if they are a health professional, be registered with AHPRA, not have any conditions on their registration and not be the subject of a complaint or active investigation • comply with our <i>Supervisor procedure: breath-testing for alcohol</i> • agree to tell us if you have a positive breath-test, do not attend for breath-testing as required, or if they have any other concerns about your compliance with your conditions on your registration. <p>You must give your nominated supervisor our Breath-testing supervisor nomination form. You are responsible for ensuring your nominated supervisor completes this form and returns it to us as soon as possible. Your nominated supervisor must acknowledge that they have received and understand:</p> <ul style="list-style-type: none"> • the operating instructions for your device
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- our *Alcohol screening policy*, this procedure and our *Supervisor procedure: breath-testing for alcohol*.

We will decide whether your nominated supervisor will be approved.

If we think they are not suitable to administer your breath-tests we will not approve them. We may also remove our approval in the future if we receive information that indicates they are no longer suitable to administer your breath-tests.

6.2 Timing

Start date You must start breath-testing within 24 hours of being told by us that your breath-testing arrangements have been approved.

Frequency We will advise how often you must attend breath-testing both when the breath-testing condition is placed on your registration and if your conditions change.

You must breath-test every time you practise or, in the case of a student, attend for training, including weekends and public holidays. The table below outlines the requirements for each frequency of breath-testing.

Frequency	Requirements
Regular	<p>You must breath-test before you start practice* at each of the following times:</p> <ul style="list-style-type: none"> • no more than 30 minutes before you start for the day • if you have taken a break of more than 30 minutes • any other time we require it.
Random	<p>You must call 1800 654 068 before you are required to start practice* for the day, every day between midnight and 5 pm to find out whether you must breath-test that day.</p> <p>If you must breath-test that day, you must breath-test before you start practice* at each of the following times:</p> <ul style="list-style-type: none"> • no more than 30 minutes before you start for the day • if you have taken a break of more than 30 minutes • any other time we require it <p>You will be breath-tested at least 15 times every 6 months on randomly selected dates.</p> <p>* or attend for training for students</p>

6.3 Costs

Payment	<p>You are responsible for all breath-testing costs. This includes:</p> <ul style="list-style-type: none"> • Device purchase/hire • Mouth-pieces • Device servicing • Any supervision costs.
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6.4 What to avoid

Prescribed substances and over-the-counter preparations	<p>Some prescription medicines and over-the-counter preparations may cause positive results if they contain alcohol. It is your responsibility to avoid these while you are attending for screening.</p> <p>You must vigilantly check any over-the-counter preparations you take, including supplements and complementary medicines. Review the ingredient list for alcohol and any substance that may cause a positive result. If the exact ingredients are not listed or you are unsure, you must avoid the preparation.</p>
Some health and personal hygiene products, food and drink	<p>Ingredients in health and personal hygiene products and foods and drinks can cause positive results.</p> <p>Before you use a health or personal hygiene product, or eat or drink anything, carefully check that it does not include alcohol or any other ingredients that may cause a positive result. If you cannot find out its exact ingredients, you must avoid it.</p> <p>Do not use mouth wash that contains alcohol. You cannot use the use of mouth wash to explain a positive result.</p>

7. Having a breath test

7.1 Requirements for breath-testing

Requirements	<p>Every breath-test must be administered by one of your approved supervisors.</p> <p>Every breath-test must be conducted according to the device manufacturer's instructions and any specific requirements of your conditions.</p> <p>You must not consume any food or drink, smoke, or use any health or personal hygiene products for twenty minutes before a breath-test.</p> <p>At each breath-test your supervisor must:</p>
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- confirm your identity by witnessing a government-issued photo identification such as a valid driver licence, identity card or passport
- record the date, time, location and result of your breath-test, then sign and write their full name in your log.

Disputing a breath-test result

If you disagree with your breath-test result and want to dispute it you can have a blood-alcohol test. You must:

- have the blood test taken within 2 hours of the disputed breath test
- send us the result, evidence of chain of custody of the sample and any other supporting information within 48 hours.

You are responsible for all costs associated with blood-alcohol tests.

7.2 Breath-testing log

Information recorded in the log

You must maintain a log of your breath-test results using our [Breath-testing for alcohol log](#). The following information must be written by your supervisor in your log:

- date, time and location of each breath-test
- result
- signature and full name of the supervisor who administered your breath-test.

You must sign every entry in your log.

8. Managing results

8.1 Results

Positive results

A breath-test is positive if it is more than 0%.

If your breath-test is positive you must:

- stop practising immediately
- have a second breath-test in 15 minutes.

If your second breath-test is positive you must tell us immediately and provide an explanation.

Returning to work after a positive breath-test

You must not return to practise for at least 24 hours after a second positive breath-test.

When you return to practise you must attend for breath-testing as required by this procedure.

8.2 Reporting to the Council

Routine reporting

You must send us the following information within 7 days of the start of each calendar month, or as directed by us:

- A copy of your log for the previous month
- Evidence of your practise or training hours for the previous month, such as your work roster or copy of your appointment book. Any evidence you supply must be verified and signed by your employer or accreditor.

We may confirm your results with the device manufacturer at time of service.

We may also verify your practise with Medicare.

We recommend you keep your own records of your log and hours.

When your supervisor must contact us immediately

Your supervisor must contact us immediately if:

- your breath-test is positive
- your device fails or is not available
- you did not attend for breath-testing as required by your conditions
- they have any concerns about your alcohol use, health or compliance with your conditions.

9. Managing absences and operational issues

9.1 Absences from screening

All absences

If you are absent from practice, particularly if your absences follow a pattern, we may take further action.

Missed breath-tests

If you realise you have missed your breath-test you must:

- stop practising immediately and breath-test
- notify us immediately and tell us why you missed your test
- provide us with evidence to support your missed breath-test within 5 business days.

9.2 Operational issues

Random screening phone number issues

If the random screening phone number is not working when you call, you must:

- note the time you called
- tell us immediately.

We will tell you whether you need to breath-test that day.

The next day, call the random screening phone number as usual. If we don't expect the issue to be fixed by the next day, we will tell you what to do.

Breath-testing device failure

If your breath-testing device fails, you must:

- tell us immediately
- arrange for your device to be serviced
- send us your supervisor's written confirmation of the device failure, and an alternative breath-testing proposal while your device is being serviced, within 5 business days.

You must not practise until you can breath-test on a Council-approved device.

You are responsible for all costs associated with servicing your device and your alternative breath-testing proposal.

Supervisor issues

You are responsible for ensuring that a supervisor is available to administer your breath-test at any time you need to practise.

If your supervisor is not available you must:

- tell us immediately
- provide an alternative supervisor proposal.

You must not practise until a Council-approved supervisor can administer your breath-test.

Medical emergencies

In the event of a medical emergency you are allowed to provide emergency care to patient/s without breath-testing.

If you provide emergency care you must:

- tell us immediately
- send us written confirmation of the event within 5 business days.

10. Ending your screening

10.1 Decreases

Decreasing your breath-testing

We will decide when you need less frequent breath-testing or a different type of alcohol screening.

Reviews

You can request a review of your screening requirements by writing to us and providing evidence to support this request.

- Considerations** We will decide whether to decrease your screening based on factors such as:
- your request and the evidence you provide
 - your breath-testing results and other information from your supervisor or breath-testing device manufacturer
 - any other alcohol screening results
 - reports from your Council-appointed practitioner, treating practitioner and any interview or hearing with us
 - your compliance with the conditions on your registration
 - your engagement with treatment
 - your health
 - any other information about your progress.

11. Contacts and further information

Drug screening contacts	Support services
<p>Council random screening phone number Phone: 1800 654 068</p>	<p>Doctors Health Advisory Service Phone: (02) 9437 6552 Visit: www.dhas.org.au</p>
<p>Lion Breathalysers Australia Phone: 1300 728 287 Email: Customer service info@lionaas.com.au Visit: https://lionbreathalysersaustralia.com.au</p>	<p>Medical Benevolent Association of NSW Phone: (02) 9987 0504 Visit: www.mbansw.org.au</p>
<p>Draeger Safety Pacific Limited Phone: 1800 372 437 Person to contact: Clive Desira Visit: www.draeger.com</p>	<p>Beyond Blue Phone: 1300 22 4636 Visit: www.beyondblue.org.au</p>
<p>Council details Phone: 02 9879 2200 Visit: www.mcnsw.org.au Mail: PO Box 104, Gladesville, NSW 1675 DX: 22808 Gladesville</p>	<p>Lifeline Phone: 13 11 14 Visit: www.lifeline.org.au</p>
	<p>Alcoholics Anonymous Australia Phone: 1300 222 222 Visit: www.aa.org.au</p>
	<p>Australian Doctors in Recovery Visit: https://www.idaa.org/sites/adr/</p>

12. Legislation and references

Handbooks Our [Health Program Handbook](#) provides you with more information about the Health program

Fact sheets We have a range of [fact sheets](#) providing information about alcohol screening.

13. Related policies

Medical Council of NSW *Alcohol screening policy*

Medical Council of NSW *Supervisor procedure: breath-testing for alcohol*

14. Revision history

Version	Approved By	Amendment notes
N/A	N/A	N/A

15. Appendices

Appendix A – Breath-testing for alcohol devices

Manufacturer	Model	Sampling mode
Lion Laboratories Limited	SD 400	Analyse mode
	SD 400 Touch	Analyse mode
Draeger Safety Pacific Pty Ltd	5820	Automatic measurement
	6820	Automatic measurement