

# House of Representatives

## Supplementary Order Paper

Tuesday, 12 August 2003

### Health Practitioners Competence Assurance Bill

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*Proposed amendments*

Hon Annette King, in Committee, to move the following amendments:

*Clause 2*

To insert, after *subclause (3)* (after line 18 on page 8), the following subclause:

- (3A) The amendments in **Schedule 4** to the Health and Disability Commissioner Act 1994 and to the Social Workers Registration Act 2003 (other than to section 4 of the latter Act) come into force—
- (a) on the day that is 12 months after the date on which this Act receives the Royal assent if section 59 of the Social Workers Registration Act 2003 is in force on that day; or
  - (b) if section 59 of the Social Workers Registration Act 2003 is not in force on that day, then on the day on which that section comes into force.

*Clause 4(4)*

To omit the words “Health and Disability Commissioner” (line 30 on page 11), and substitute the words “Director of Proceedings”.

*Clause 9*

To omit *subclause (1)* (lines 6 to 15 on page 17), and substitute the following subclause:

- (1) The Governor-General may, from time to time, by Order in Council made on the recommendation of the Minister, declare an activity that constitutes or forms part of a health service to be a restricted activity.

To omit *subclauses (2A) and (3)* (lines 1 to 16 on page 18), and substitute the following subclauses:

- (2A) The Minister may recommend that an Order in Council under this section be made only if, after consulting under **subsection (2)**, he or she is satisfied that members of the public risk serious or permanent harm if the activity is performed by persons other than health practitioners who are permitted by their scopes of practice to perform that activity.
- (3) No person may perform, or state or imply that he or she is willing to perform, an activity that, by an Order in Council made under this section, is declared to be a restricted activity unless the person is a health practitioner who is permitted by his or her scope of practice to perform that activity.

*Clause 15*

To add to *paragraph (g)* (line 28 on page 24) the word “; or”.

To add the following paragraph (after line 28 on page 24):

- (h) the responsible authority has reason to believe that the applicant may endanger the health or safety of members of the public.

*Clause 18(3)*

To insert, after *paragraph (a)* (after line 4 on page 27), the following paragraph:

- (ab) the applicant to authorise the authority to obtain from an educational institution, whether in New Zealand or abroad, certified copies of any degree or diploma on which the applicant’s application is based; and

*Clause 27(1)*

To omit the words “to which **section 26(1A)** applies” (lines 11 and 12 on page 34), and substitute the words “that the Registrar submits to the authority”.

*Clause 30(1)(a)*

To omit the expression “4” (line 17 on page 36), and substitute the expression “12”.

*Clause 33(2)*

To omit this subclause (lines 1 to 6 on page 38), and substitute the following subclause:

- (2) If a person holding office as Health and Disability Commissioner or as Director of Proceedings under the Health and Disability Commissioner Act 1994 has reason to believe that a health practitioner may pose a risk of harm to the public by practising below the required standard of competence, the person must promptly give the Registrar of the responsible authority written notice of the circumstances on which that belief is based.

*Clause 34(2)*

To omit the expression “**subsection (1)**” from both places where it occurs (line 35 on page 38 and line 3 on page 39), and substitute in each case the words “this section”.

*Clause 37*

To insert, after *subclause (1)* (after line 30 on page 40), the following subclause:

- (1A) If the authority is unable to conduct or complete a review of a health practitioner under **section 35** because of the health practitioner’s failure to respond adequately to a notice under **section 36**, the authority has, for the purposes of **subsection (1)**, reason to believe that the health practitioner fails to meet the required standard of competence.

*Clause 38(1)*

To omit the words “This section” (lines 20 and 21 on page 41), and substitute the words “This subsection”.

*Clause 40(4)*

To omit the words “(being not less than 3 years)” (line 16 on page 44).

*Clause 42(4)*

To omit the word “must” (line 31 on page 45), and substitute the word “may”.

*Clause 49*

To omit *subclause (2)* (lines 28 to 30 on page 52), and substitute the following subclause:

- (2) The authority may at any time make an order revoking any conditions or changes imposed under **section 38 or section 48** if it is satisfied that those conditions or changes are no longer necessary.

To insert in *subclause (3)*, before the expression “**section 48**” (line 32 on page 52), the words “**section 38 or**”.

*Clause 51*

To insert in *subclause (1)*, after the definition of **health practitioner** (after line 6 on page 54), the following definition:

**investigation** means any of the following:

- (a) the proceedings of a Royal Commission or a commission of inquiry appointed by an Order in Council made under the Commissions of Inquiry Act 1908;
- (b) the proceedings of an inquiry board appointed under the New Zealand Public Health and Disability Act 2000;
- (c) an inquiry required by the Director of Mental Health under section 95 of the Mental Health (Compulsory Assessment and Treatment) Act 1992;
- (d) an inquiry conducted by the Director-General of Health;
- (e) an inquiry or investigation conducted by the Health and Disability Commissioner;

- (f) an inquiry conducted by the police

To add to *subclause (1)* (after line 5 on page 55) the following definition:

**sponsor**, in relation to a quality assurance activity, means the person or association of persons on whose initiative and under whose guidance the activity is undertaken, continued, or resumed.

To add to *subclause (2)* (after line 27 on page 55) the following paragraphs:

- (c) information is not to be taken to have become known solely as a result of a protected quality assurance activity if, after a person has been requested to respond to, or give evidence in, a judicial proceeding or an investigation, the information is disclosed in the course of a protected quality assurance activity wholly or partly for the purpose of preventing its disclosure in the judicial proceeding or the investigation:
- (d) information that has become known solely as a result of a protected quality assurance activity (not being information of the kind described in **paragraph (c)**) may be disclosed in a judicial proceeding or an investigation only if its disclosure is permitted by **section 56 or section 57**.

*Clauses 52 to 53*

To omit these clauses (line 29 on page 55 to line 32 on page 57), and substitute the following clauses:

- 52 Application for, and conferral of, protection on quality assurance activity**
- (1) The sponsor of a quality assurance activity may apply for the activity to be protected by forwarding an application to the Minister.
- (2) An application under **subsection (1)** must—
- (a) comply with any requirements for the time being in force under **subsection (5)**; and
- (b) nominate a person who is to be responsible for the activity and who is suitable for appointment under **section 53**.
- (3) The Minister may from time to time, by written notice, declare a quality assurance activity to be protected on being satisfied that—
- (a) the sponsor of the activity has duly completed an application under **subsection (1)**; and
- (b) the person nominated as the person responsible for the activity is suitable for appointment under **section 53**; and
- (c) it is in the public interest that the protections conferred by **sections 56 to 59** should apply in respect of the activity.

- (4) Every notice issued under **subsection (3)**, unless sooner revoked, remains in force for a period of 5 years after the date on which it is issued, but this subsection does not prevent the Minister from issuing another notice in respect of the same quality assurance activity.
- (5) The Director-General of Health may from time to time, by notice in the *Gazette*, state requirements relating to the form, content, and quality standards of an application under **subsection (1)**; and such requirements may, without limitation, require statements in the application to be verified by statutory declaration.

**53 Minister must appoint person responsible for activity**

- (1) When the Minister declares a quality assurance activity to be protected under **section 52**, the Minister must also, by written notice and in accordance with the nomination in the application for the declaration, appoint the person who is to be responsible for the activity.
- (2) The Minister may, by written notice, on the nomination of the sponsor of a protected quality assurance activity, appoint a person to fill a vacancy in the position of person responsible for the activity.
- (3) A person may be appointed under this section only if—
  - (a) the person is a natural person who, in the opinion of the Minister, is sufficiently independent of the health practitioners whose services are to be assessed or evaluated through the quality assurance activity; and
  - (b) the person has not been convicted by any court in New Zealand or elsewhere of any offence punishable by imprisonment for a term of 3 months or longer; and
  - (c) the person has not been adjudged bankrupt under the Insolvency Act 1967.

*Clause 54(1)(b)*

To omit the expression “**53(2)(a)**” (line 11 on page 58), and substitute the expression “**53(3)**”.

*Clause 54A(b)*

To omit the expression “**section 53(3A)**” (line 11 on page 59), and substitute the expression “**section 53(2)**”.

*Clause 55*

To add the following subclause (after line 9 on page 60):

- (5) As soon as practicable after the person for the time being appointed to be responsible for a protected quality assurance activity gives a provider or the Minister a report under this section, the person must give the sponsor of the activity a copy of the report.

*Clause 56*

To add to *subclause (1)(b)* (line 18 on page 60) the words “or investigation”.

To insert in *subclause (3)(a)*, after the words “judicial proceeding” (line 24 on page 60), the words “or investigation”.

To insert in *subclause (3)(b)*, after the words “judicial proceeding” (line 27 on page 60), the words “or investigation”.

*Clause 58(1)(b)*

To add the words “, or an inquiry board appointed under the New Zealand Public Health and Disability Act 2000” (line 8 on page 62).

*Clauses 61 and 62*

To omit these clauses (lines 4 to 16 on page 63), and substitute the following clauses:

**61 Complaints about practitioners**

- (1) Whenever the responsible authority receives a complaint alleging that the practice or conduct of a health practitioner has affected a health consumer, the authority must promptly forward the complaint to the Health and Disability Commissioner.
- (2) This section does not apply to a complaint that an authority receives from the Health and Disability Commissioner.
- (3) In subsection (1), **health consumer** has the same meaning as in the Health and Disability Commissioner Act 1994.

**62 Response to complaints referred by Health and Disability Commissioner**

- (1) When the Health and Disability Commissioner refers a complaint to the responsible authority under **section 34(1)(a)** of the Health and Disability Commissioner Act 1994, the authority must promptly assess the complaint and consider, in light of the nature and circumstances of the complaint, the action or actions that the authority should take to respond to the complaint.
- (2) Without limiting the generality of **subsection (1)**, the authority may decide to refer the complaint to a professional conduct committee.

*Clause 65*

To omit *subclause (1)* (lines 16 to 20 on page 64), and substitute the following subclause:

- (1) If the responsible authority decides, under **section 62(2)**, to refer a complaint to a professional conduct committee, it must do so as soon as practicable after it makes that decision.

To insert in *subclause (3)*, after the words “questions about the” (line 26 on page 64), the words “appropriateness of the conduct or the”.

To add (after line 29 on page 64) the following subclause:

- (4) If at any time, while a matter concerning a health practitioner is under consideration by a professional conduct committee, the responsible authority thinks that a further matter concerning that practitioner should form part of the committee's consideration, the authority may refer the further matter to the committee.

*Clause 66(4)*

To omit this subclause (lines 24 to 27 on page 65).

*Clause 69*

To omit *subclause (2)* (lines 17 to 20 on page 67), and substitute the following subclauses:

- (2) A professional conduct committee must adopt and follow procedures that will ensure that, in relation to each matter referred to the committee, the health practitioner who is the subject of the reference, the responsible authority, and any complainant, are each kept informed about the progress of the reference.
- (3) **Subsection (1)** is subject to **subsection (2)** and the other provisions of this Act, to the rules of natural justice, and to any regulations made under this Act.

*Clause 71*

To insert, after *subclause (1)* (after line 14 on page 68), the following subclause:

- (1A) As soon as reasonably practicable after a further matter concerning a health practitioner is referred to a professional conduct committee under **section 65(4)**, the authority must ensure that the health practitioner is given written notice of the particulars of the further matter.

*Clause 72(1)*

To insert, after the words "informed of the" (line 20 on page 68), the words "membership or".

*Clause 73*

To insert, after *subclause (2)* (after line 14 on page 69), the following subclause:

- (2A) Despite **subsections (1) and (2)**, a professional conduct committee must give the health practitioner who is the subject of the committee's investigation a reasonable opportunity to present evidence on each matter, including any further matter, that is referred to the committee under **section 65** and forms part of the investigation.

*Clause 76*

To omit the words "serious risk of" (line 7 on page 71), and substitute the words "risk of serious".

To omit the expression “**section 38(1), section 46(1)**” (line 13 on page 71), and substitute the expression “**section 38(1A), section 46(2)**”.

*Clause 79*

To omit *subclauses (1) to (4)* (lines 6 to 35 on page 73), and substitute the following subclauses:

- (1) If a professional conduct committee has decided to submit a complaint to conciliation, it must appoint an independent person (the **conciliator**) to assist the health practitioner and complainant concerned to resolve the complaint by agreement.
- (2) The conciliator must, within a reasonable time after his or her appointment, provide the professional conduct committee and the responsible authority with a written report as to whether or not the complaint has been successfully resolved by agreement.
- (3) If, after consideration of the conciliator’s report, the professional conduct committee thinks that the complaint has not been successfully resolved by agreement, it must promptly decide whether—
  - (a) the committee should lay a charge against the practitioner before the Tribunal; or
  - (b) the committee should make 1 or more of the recommendations specified in **section 77(2)** about the practitioner; or
  - (c) no further steps be taken under this Act in relation to the complaint.
- (4) If the professional conduct committee decides to lay a charge before the Tribunal, it must—
  - (a) formulate an appropriate charge; and
  - (b) lay it before the Tribunal, together with a copy of the conciliator’s report; and
  - (c) give a copy of the charge and the report to the practitioner, the responsible authority, and the complainant.
- (4A) The costs of conciliation must be paid by the responsible authority.

*Clause 88(2)*

To insert, before the words “executive officer” (line 20 on page 78), the word “appropriate”.

*Clause 89(5)*

To insert, before the words “executive officer” (line 21 on page 79), the word “appropriate”.

*Clause 90*

To insert in *subclause (2)*, after the words “delivered to the” (line 30 on page 79), the word “appropriate”.

To insert in *subclause (3)(a)*, before the words “executive officer” (line 34 on page 79), the word “appropriate”.



To insert in *subclause (5)*, before the words “executive officer” (line 5 on page 80), the word “appropriate”.

*Clause 93*

To insert in *clause 93(4)*, after *paragraph (g)* (after line 26 on page 82), the following paragraph:

(ga) any accredited news media reporter:

To omit *subclauses (6) and (7)* (line 37 on page 82 to line 5 on page 83).

To insert, after *clause 93* (after line 6 on page 83), the following clause:

**93A Prohibition of publication of names of complainants in sexual cases**

- (1) In this section, **complainant** means a person whose complaint against a health practitioner (whether made by the person or on the person’s behalf) relates to sexual acts—
  - (a) that are alleged to have been performed on, or in respect of, the person; or
  - (b) that the person is alleged to have been compelled or induced to perform.
- (2) No person may in any report or account of a hearing of the Tribunal publish the name of the complainant or any particulars likely to lead to the identification of the complainant unless—
  - (a) the complainant is 16 years or older; and
  - (b) the Tribunal makes an order permitting the publication.
- (3) However, the Tribunal must make an order under **subsection (2)(b)** if—
  - (a) the complainant—
    - (i) is 16 years or older (whether or not he or she was under 16 years when the acts referred to in **subsection (1)** were alleged to have been performed); and
    - (ii) applies to the Tribunal for the order; and
  - (b) the Tribunal is satisfied that the complainant understands the nature and effect of the application.
- (4) If it thinks that the interests of the complainant require it to do so, the Tribunal may make an order under **section 91(2)(b)** forbidding publication of any report or account of any part of the evidence relating to the particulars of the acts referred to in **subsection (1)**.
- (5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who contravenes **subsection (2)**.
- (6) Except for **subsection (3)**, nothing in this section nor in **section 93** limits the Tribunal’s power to make an order under **section 91**.

*Clause 94*

To add to the heading to this clause (line 7 on page 83) the words “**or for making of order under section 93A**”.

To add the words “or for the making of an order under **section 93A(2)(b)**” to *subclause (1)* (line 9 on page 83).

*Clause 98*

To insert in *subclause (2)*, before the words “executive officer” (line 32 on page 88), the word “appropriate”.

To insert in *subclause (2)*, after the expression “**section 91**” (line 33 on page 88), the expression “or **section 93A**”.

To insert in *subclause (4)*, before the words “executive officer” (line 10 on page 89), the word “appropriate”.

*Clause 101(1)(ab)*

To omit the words “a health practitioner” (line 9 on page 91), and substitute the words “the person”.

*Clause 102*

To insert, before the words “executive officer” (lines 17 and 18 on page 92), the word “appropriate”.

*Clause 113(4)(a)*

To omit the words “**clause 8, or clause 9 or clause 15 of**” (lines 19 and 20 on page 97).

*Clause 116(2A)(a)*

To omit the words “, in publications that the Minister considers appropriate for the purpose,” (lines 29 and 30 on page 99).

*Clause 129*

To insert, after *subclause (2)* (line 11 on page 108), the following subclause:

- (2A) There may be paid to members of each authority, any committee appointed by the authority under **clause 16 of Schedule 3**, and any employees or contractors of the authority, out of the funds of the authority, any remuneration (by way of fees, salary, or otherwise) and allowances and expenses that the authority from time to time determines.

*Clause 134(1)*

To insert, after *paragraph (e)* (after line 29 on page 109), the following paragraph:

- (ea) whether the health practitioner holds an annual practising certificate or an interim practising certificate:

*Clause 141(2)*

To add the words “unless the person could not be registered in accordance with **section 15** or is subject to pending disciplinary proceedings under **Part 4** or to an order under **section 96(1)(a)**” (line 2 on page 113).

*Clause 145*

To insert, after *subclause (1)* (after line 3 on page 115), the following subclause:

- (1A) A publication under **subsection (1)** may include address information about a health practitioner who has not objected to the authority in writing to the inclusion of that information, or who has withdrawn a previous objection to that inclusion.

*Clause 149*

To omit from *subclause (1)(c)* the words “complaints assessment” (lines 6 and 7 on page 117), and substitute the words “professional conduct”.

To omit from *subclause (2)* the words “the executive officer” (line 9 on page 117), and substitute the words “an executive officer”.

*Clause 153*

To insert in *subclause (2)*, before the words “executive officer” (line 32 on page 118), the word “appropriate”.

To add the following subclause (after line 14 on page 119):

- (5) In this section, the term **health practitioner** includes a former health practitioner.

*Clause 167B(2)*

To omit the expression “**subsection (1)**” (line 5 on page 125), and substitute the words “this section”.

*Clause 169*

To omit from *subclause (1)* the expression “3(2)” (line 13 on page 126), and substitute the expression “3(2)(f)”.

To insert in *subclause (3)(a)*, before the word “quality” (line 22 on page 126), the word “declared”.

*Clause 214(2)*

To omit the expression “**212(1)**” (line 18 on page 149), and substitute the expression “**212**”.

*New clause 216A*

To insert, after *clause 216* (after line 11 on page 151), the following clause:

**216A Continuation of competence reviews, competence programmes, and recertification programmes under Medical Practitioners Act 1995**

Any competence review, competence programme, or recertification programme commenced or completed under the Medical Practitioners Act 1995 must, for all purposes, be regarded as having been commenced or, as the case may be, completed under this Act.

*Clause 218*

To omit the word “Act” (line 12 on page 152), and substitute the word “section”.

*Clause 224*

To add the following subclauses (after line 14 on page 155):

- (3) Section 14(1)(e) of the principal Act is amended by adding the words “or, in the case of conduct that occurred before the

enactment of the Code, in breach of certain disciplinary standards”.

- (4) Section 14(1)(g) of the principal Act is amended by omitting the words “of the Code”.

*Clause 225: new section 31(1A)*

To omit this subsection (lines 1 to 7 on page 156), and substitute the following subsection:

- “(1A) Any person may complain orally or in writing to an advocate or to the Commissioner about any action of a health practitioner that was taken at any time before 1 July 1996, if it is alleged or it appears that the action—
- “(a) affected a health consumer; and
  - “(b) was, at the time that it was taken, a ground for bringing disciplinary proceedings against the health practitioner under a former health registration enactment; but
  - “(c) was not referred to the body that, under that enactment, had jurisdiction to consider it.

*Clause 225: new section 34(5)*

To omit the words “investigating, or continuing to investigate,” (lines 16 and 17 on page 158), and substitute the words “taking action on”.

*Clause 225: new section 40*

To omit from the heading to this clause the words “of Code” (line 26 on page 161).

To omit from *subclause (2)* the words “of that kind” (line 7 on page 162), and substitute the words “under this section”.

*Clause 225: new section 41*

To omit from *subsection (1)(b)(ii)* the words “3 months” (line 25 on page 162), and substitute the words “15 working days”.

To omit from *subsection (2)* the words “3 months” (line 30 on page 162), and substitute the words “15 working days”.

*Clause 225: new section 42(3)*

To omit *paragraph (a)* (lines 30 to 33 on page 163), and substitute the following paragraph:

- (a) under any of **sections 35 to 41, 44 to 49, or 66** of that Act; or

*Clause 225: new section 45(2)(a)*

To omit the words “, including a recommendation that disciplinary proceedings be taken against any officer or employee or member of the health care provider or, as the case requires, of the disability services provider” (lines 20 to 23 on page 165).

*Clause 231*

To omit from *new paragraph (a)* the words “matter to the Director of Proceedings under section 45(f)” (lines 13 and 14 on page 168), and substitute the words “person to the Director of Proceedings under **section 45(2)(f)**”.

*Clause 238*

To omit the words “this Part” wherever they occur (lines 26 and 27 on page 169 and line 2 on page 170), and substitute the words “this Act” in each case.

*Schedule 3: clause 7(3)*

To insert, after the words “a member who is present” (line 24 on page 202), the words “and willing”.

*Schedule 4: new amendments to Health and Disability Commissioner Act 1994*

To insert, after the amendments to the Health Act 1956 (after line 31 on page 220), the following amendments:

**Health and Disability Commissioner Act 1994** (1994 No 88)

Add to the definition of **authority** in section 2(1) the words “; and includes the Social Workers Registration Board established by section 97 of the Social Workers Registration Act 2003”.

Add to **subparagraph (ii)** of the definition of **health practitioner** in section 2(1) the word “; and”, and also add to that definition:

“(iii) a registered social worker within the meaning of the Social Workers Registration Act 2003”.

*Schedule 4: amendments to Mental Health (Compulsory Assessment and Treatment) Act 1992*

To omit the definition of **registered health professional** (lines 23 to 27 on page 231).

To omit the item that commences with the words “Insert in section 10(2)(b)” (lines 30 to 32 on page 231).

To omit the item that commences with the words “Insert in section 16(4)” (lines 33 and 34 on page 231).

*Schedule 4: amendments to the Misuse of Drugs Act 1975*

To add the following amendments (after line 33 on page 232):

Insert in section 8(2)(b), after the words “Any pharmacist”, the words “or any person with the authority and under the immediate supervision of a pharmacist”.

Insert in section 8(2)(ba), after the words “Any pharmacist”, the words “or any person with the authority and under the immediate supervision of a pharmacist”.

*Schedule 4: amendment to Schedule 5 of New Zealand Public Health and Disability Act 2000*

To omit this amendment (lines 18 to 22 on page 233) and substitute the following amendment:

Add to clause 2(2)(c) of Schedule 5 the words “, or a protected quality assurance activity within the meaning of **section 51(1)** of the Health Practitioners Competence Assurance Act **2003**”.

*Schedule 4: new amendment to Sentencing Act 2002*

To insert, after the amendments to the Securities Act 1978, the following amendments:

**Sentencing Act 2002** (2002 No 9)

Repeal the definition of **health assessor** in section 4(1) and substitute—

“**health assessor** means a health practitioner who—

“(a) is, or is deemed to be, registered with the Medical Council of New Zealand continued by **section 110(1)(a)** of the Health Practitioners Competence Assurance Act **2003** as a practitioner of the profession of medicine, and who is a practising psychiatrist; or

“(b) is, or is deemed to be, registered with the Psychologists Board continued by **section 110(1)(a)** of the Health Practitioners Act **2003** as a practitioner of the profession of psychology”.

*Schedule 4: new amendments to Social Workers Registration Act 2003*

To insert, after the amendments to the Social Security Act 1964 (after line 4 on page 240), the following amendments:

**Social Workers Registration Act 2003** (2003 No 17)

Repeal the definition of **medical practitioner** in section 4 and substitute:

“**medical practitioner** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by **section 110(1)(a)** of the Health Practitioners Competence Assurance Act **2003** as a practitioner of the profession of medicine”.

Omit from section 62 the words “under section 38 of the Health and Disability Commissioner Act 1994”.

Omit from section 64(1)(a)(iii) the expression “section 45(f)” and substitute the expression “**section 45(2)(f)**”.

Repeal so much of Schedule 3 as relates to the Health and Disability Commissioner Act 1994.

*Schedule 6: amendments to Health Bursaries Regulations 1965: new regulation 3(b)(ii)*

To omit the words “study leading to the degree of Bachelor of Home Science of a University in New Zealand, or the course of study leading to the Diploma in Home Science of any such University,” (lines 23 to 26 on page 255), and substitute the words “training and instruction”.

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### Explanatory note

This Supplementary Order Paper amends the Bill to—

- simplify *clause 9*, which enables restricted health services to be listed by Order in Council, by removing the need for an Order in Council to specify the registration authorities whose health practitioners are allowed to perform restricted services. Under the amended clause, any health practitioner registered with any authority is allowed to perform a

restricted service as long as the service forms part of the practitioner's scope of practice:

- enable an authority to decline the registration of a person if it has reason to believe that the person may endanger the health and safety of members of the public:
- enable an authority to treat a practitioner subject to a competence review as having failed to meet the required standard if the practitioner fails to co-operate with the authority on the review:
- enable an authority to extend the terms of reference of a professional conduct committee that is investigating a complaint about a health practitioner:
- discontinue the provisions in the Bill that would have put matters under investigation by certain statutory agencies outside the scope of protected quality assurance activities. Instead, it is made clear that a request or requirement for information made for the purposes of a judicial proceeding or an investigation cannot be circumvented by disclosing the information in question in the course of a protected quality assurance activity. To avoid any doubt, it is also made clear that information that became known solely as a result of a protected quality assurance activity is, in the absence of specific exceptions, not available for investigations:
- require any conciliation ordered by a professional conduct committee to be conducted by an independent conciliator:
- permit the presence of accredited news media reporters when evidence of an intimate nature is given. However, the names or particulars enabling the identification of complainants in sexual cases may not be published without the permission of the Tribunal:
- reduce the time by which a provider under investigation by the Health and Disability Commissioner must respond from 3 months to 15 working days; that deadline may be extended:
- make a number of technical and drafting changes.

