



Re: Official Information request - Incident reporting by DHB - standards, requirements, policies

Amy S Van Wey Lovatt to: OIA/LGOIMA requests at Ministry of Health

17/06/2020 02:08 p.m.

Follow Up: Normal Priority. Follow up on 25/06/2020.

Asks for the same info already covered in previous response. Will await advice from the SMEs - Liz Stirling and Stuart Powell

History: This message has been forwarded.

Dear Ministry of Health,

I was quite concerned and perplexed by the response I received from the MoH dated 16 June 2020 in regards to my OIA request for incident reporting by DHB's.

According to Right 4, clause 2, of the Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996: Every consumer has the right to have services provided that comply with legal, professional, ethical, and other relevant standards.

New Zealand Medical Association has provided the Code of Ethics which outlines the professional behavior that every NZ medical practitioner is supposed to adhere to. Clause 34 of the Code of Ethics states: Doctors have a general responsibility for the safety of patients and should therefore take appropriate steps to ensure unsafe or unethical practices on the part of colleagues are curtailed and/or reported to relevant authorities without delay.

Thus, if there is a legislative requirement that medical practitioners adhere to the "ethical standards", then they must adhere to the NZMA Code of Ethics. In order to comply with the Code of Ethics, doctors must be made aware of the relevant authority in which they must, without delay, report "unsafe or unethical practices on the part of colleagues". The Ministry of Health is ultimately responsible for all DHB's and thus is ultimately responsible to ensure that all doctors working in DHB's are aware of the "relevant authorities" that they must report to, as required by statute.

Thus, again, I reiterate my request. I respectfully request a list of all of the "relevant authorities" to which physicians must report "unsafe or unethical practices", with the understanding that criminal behavior would be included under either "unsafe or unethical practices".

I also request a copy of all DHB policies in regards to reporting unsafe, harmful, criminal behavior, including the re-routing and interception of private communications, and policies on how they document such incidents and how they are to safeguard against such incidents, as the Operational Framework does indeed require every DHB to have such policies.

If you need to consult with the State Services Commissioner, or any other agency, for additional information as to the lawful requirements, standards, and best practices that DHBs, as State Services, must adhere to with regards to Integrity and Conduct, then I would be happy to provide the MoH with additional time to find the requested information.

Kindest regards,

Amy S Van Wey Lovatt

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