

7 July 2017



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Justin Goh
Senior Advisor
Ministry of Health
By email: Justin_Goh@moh.govt.nz

Dear Mr Goh

Consultation on Ambulance New Zealand's Proposal to Regulate the Paramedic Workforce under the HPCA Act

Thank you for the opportunity to comment on the consultation document "Regulating the paramedic workforce under the Health Practitioners Competence Assurance Act 2003".

As Health and Disability Commissioner, I am charged with promoting and protecting the rights of health and disability services consumers, as set out in the Code of Health and Disability Services Consumers' Rights (the Code). One of my functions under the Health and Disability Commissioner Act 1994 is to make public statements in relation to any matter affecting the rights of health or disability services consumers.

Given my focus on consumer protection and rights, I am supportive of initiatives aimed at minimising the risk of harm to consumers.

Relevant complaints

HDC has not received a significant number of complaints against ambulance officers including paramedics. I have received 2 complaints in each of the 2014/15 and 2015/16 financial years, and 1 in the 2016/17 financial year. Complaints received about ambulance officers relate to a number of issues, from documentation to clinical decision-making.

I agree with the suggestion in the consultation document that a number of factors may be influencing the reporting of patient harm (or in HDC's case, the breach of patient rights under the Code), so this low number of complaints is not necessarily demonstrative of a low risk to the public.

I draw to your attention to one case that is available on HDC's website (C13HDC01190) as it highlights the risk to the public presented by ambulance officers including the paramedic workforce.

Proposal to regulate

The creation of nationally consistent qualification requirements for the paramedic workforce, consistent scopes of practice and nationally applicable standards of clinical competence will encourage and support the professional development of the paramedic profession and support the provision of services consistent with the Code to the public. In the decision referred to above, C13HDC01190, the relevant ambulance service utilised its internal systems to review the paramedic's scope of practice following the incident. As indicated in the consultation document, under the existing regulatory environment the onus is on the ambulance provider to ensure its workforce is competent and fit to practise. I support the creation of a consistent standard and independent body for monitoring the competency of the paramedic workforce.

Recommendations also play a key role in HDC's complaint resolution process. I may recommend that the relevant regulatory authority consider conducting a review of an individual provider's competence if appropriate in a particular case. I also provide partially anonymised copies of investigation reports to the relevant regulatory authority once an investigation has concluded. This charges the relevant authority with following up in relation to the safety and competence of particular providers and ensuring sector education can be undertaken if necessary. I support these measures as they will improve the quality of services provided by the paramedic workforce to consumers.

I note Right 4 of the Code and in particular Right 4(1): "Every consumer has the right to have services provided with reasonable care and skill"; and Right 4(2): "Every consumer has the right to have services provided that comply with legal, professional, ethical, and other relevant standards." The creation of scopes of practice and competence standards by a Paramedic Council would assist me in assessing whether paramedics have provided an appropriate standard of care.

Thank you for the opportunity to comment. If you have any questions regarding these comments, please contact Legal Advisor Freya Dean on (04 471 9263) or by e-mail on Freya.Dean@hdc.org.nz. I would be grateful if you could keep HDC updated on the process.

Yours sincerely,



Anthony Hill

Health and Disability Commissioner