

# Health Report

## Position on private testing for COVID-19

<b>Date due to MO:</b>	N/A	<b>Action required by:</b>	N/A
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	20201764
<b>To:</b>	Hon Chris Hipkins, Minister of Health		

### Contact for telephone discussion

Name	Position	Telephone
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### Action for Private Secretaries

**Return** the signed report to the Ministry of Health.

**Date dispatched to MO:**

# Position on private testing for COVID-19

## Purpose of report

This report seeks your agreement to a Ministry of Health position on private testing for COVID-19, that falls outside of the bounds of the testing strategy and the public health response to the pandemic in New Zealand.

## Summary

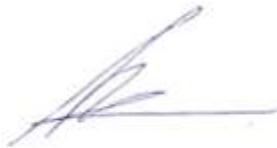
- Over the course of the COVID-19 response, several organisations have approached the Ministry regarding private testing regimes. The Ministry has maintained a position that it does not support private testing regimes, however has never formalised this position.
- The most recent approach to implement a private testing regime is Amazon, who recently approached Waitemata DHB and the Ministry of Health (the Ministry) regarding regular COVID-19 testing for the cast and crew for the filming of an untitled Amazon project (UAP).
- The Ministry strongly believes that such an approach remains outside of the current testing strategy and overall public health response in New Zealand. The low risk of community transmission means that these arrangements are intended to test people who are not considered at any more risk of being exposed to COVID-19 than the rest of the community.
- In addition, private testing puts pressure on laboratory capacity and consumables, and puts additional and unnecessary pressure on our ability to ramp up testing for the public in the event of an outbreak.
- 'Buying' tests where they are not required as part of New Zealand's testing strategy or overall public health response also raises equity issues regarding access to tests, and Bill of Rights concerns regarding ongoing testing of low risk individuals.
- Some foreign governments require a negative test as part of entry requirements. This is the only case where private testing is supported as the government has a responsibility to enable these tests to be available (albeit at a charge).
- Given there is potential for similar questions to be asked on an ongoing basis, we are seeking your agreement to a Ministry position on private testing. Simultaneously, we will continue to work with Amazon (and any others seeking to implement similar regimes) to ensure concerns are managed appropriately.

## Recommendations

We recommend you:

- a) **Note** that the Ministry does not support private testing regimes, given that it falls outside of the currently testing strategy and public health response, the pressure it would place on overall laboratory capacity, and concerns regarding equitable access to testing.
- b) **Note** that the Ministry does support one exception to its position on private testing, for people leaving New Zealand who require a negative test as part of entry requirements to a foreign jurisdiction
- c) **Agree** to the Ministry position on private testing for COVID-19

Yes /  No



Sue Gordon  
Deputy Chief Executive

**COVID-19 Health System Response**



Hon Chris Hipkins  
**Minister of Health**

Date: 14/10/2020

This very simplistic position sends the wrong signals and contradicts our "say yes to the test" message. Employers are being encouraged to do the right thing and act responsibly. This seems an unnecessary barrier to good employer practice.

# Position on private testing for COVID-19

## Background

1. Earlier in September 2020, International SOS (a health and security company) reached out to Waitemata DHB to discuss requirements for COVID-19 PCR testing for the film cast and crew for an untitled Amazon project (UAP). They had originally engaged a private health provider but had been unable to make progress without approval from the Ministry or the local public health unit.
2. This approach was one of a number that have been received over the course of COVID-19. During the COVID-19 response, the Ministry has maintained a position that it does not support testing regimes of this type, however it has not previously formalised this position.

## Amazon are seeking to roll out regular testing for all cast and crew

3. Amazon are putting in place a comprehensive health and safety approach as part of the UAP that includes physical distancing, temperature checks, the use of PPE, contact tracing and surveillance technology. They believe that in addition to this, the entertainment industry has high expectations for cast and crew access to regular and reliable COVID-19 testing.
4. There will be 1500 cast and crew members working on the UAP, of which approximately 90% will be New Zealand citizens. Amazon are proposing to test these staff on a weekly basis.
5. Rather than relying on New Zealand's testing capacity, Amazon have indicated their preference to investigate, procure and import their own consumables and contract with existing private laboratories where possible, or even stand up their own laboratory capacity.

## The Ministry is not supportive of private testing regimes

6. While the Ministry appreciates the need to put in place an appropriate health and safety regime for the cast and crew, it does not believe that regular testing is required, and falls outside of the current testing strategy and public health response. This is consistent with the approach from the Ministry over the course of the COVID-19 response.

## Under the testing strategy, testing differs according to risk profile

7. From the Ministry's perspective, testing is not a protective measure but rather helps establish whether other preventative measures are effective.
8. Asymptomatic testing is focused at the border – including border workers and those in Managed Isolation and Quarantine Facilities – where there is higher risk of exposure to COVID-19, together with targeted asymptomatic surveillance testing in the wider community. The former is to ensure that the infection prevention and control measures we have in place are working and to keep high risk staff safe, and to identify any asymptomatic COVID-19 infection to provide reassurance that individuals are not

infected before they enter the community. The latter is to test for undetected transmission in the community.

9. Routine testing is mandated for some groups of people working at the border (those likely to be interacting with international arrivals or working in MIQFs). The only higher risk occupational group working at the border who are tested weekly are those in the managed quarantine facilities where positive cases are quarantined. Other high-risk groups such as those working in managed isolation facilities, airside settings at international airports and ports are tested on a fortnightly basis. The risk assessment criteria are based on the risk assessment for the work setting and the likelihood of the occupational groups within the setting being exposed to COVID-19.
10. There are limited other instances of asymptomatic testing, such as pre-departure testing or testing for sporting codes. While these are delivered through private providers, they remain linked to the public health system due to several reasons:
  - a. it provides greater control and visibility of all COVID-19 testing and enables testing capacity to be monitored and prioritised according to the government's testing approach
  - b. it mitigates the ethical risks of testing occurring without clinical oversight
  - c. it prevents any harm resulting from the misinterpretation of a negative result
  - d. it ensures that any positive results are connected into the public health response
11. These limited private testing arrangements have been established in conjunction with, and with the approval of, the Ministry.
12. The Ministry remains of the view that others in New Zealand (such as the cast and crew working on the UAP) are low risk. Specifically, any international cast and crew would be required to spend 14 days at a managed isolation facility on arrival, after which they would be free to move and travel in New Zealand where there is currently low risk of community transmission (subject to returning a negative COVID-19 test on or around day 3 and day 12).

### **Private testing is not equitable, and raises bill of rights concerns**

13. A key tenet of the New Zealand testing strategy is to ensure that testing is equitable for all groups. Supporting private testing regimes for low risk individuals amounts to supporting preferential testing for those who can afford to pay.
14. The Ministry does not believe this is appropriate and continues to encourage testing in line with the testing strategy (high risk individuals working at borders, international arrivals, and people symptomatic or presenting with a high index of suspicion).
15. In addition, the Ministry is not supportive of subjecting low risk individuals to an invasive nasopharyngeal swab where there is no clear public health rationale. Doing so could be considered contradictory to the New Zealand Bill of Rights Act 1990.

### **The Ministry has developed an overall position on private testing**

16. The Ministry has developed an overall position statement to support conversations with Amazon and others who may request to implement a private testing regime:

- a. The Ministry of Health does not support private testing outside of the bounds of the current testing strategy and overall public health response to COVID-19. It is important that testing is focused on high risk and symptomatic individuals, and that there is no unnecessary pressure put on overall testing capacity which may impact our ability to respond to future outbreaks.
  - b. The Ministry of Health believes that private testing is inequitable and amounts to preferential access to testing for those who can afford to pay.
17. Your agreement is sought to this position before it is communicated for any current and future requests to implement a private testing regime.

### **Next steps**

18. The Ministry will continue to work with Amazon and other private entities wishing to implement a testing regime outside of the current testing strategy and public health response. Subject to your approval, the Ministry will publicly communicate this position.

**ENDS.**

PROACTIVELY RELEASED