

22 April 2022

s 9(2)(a)

By email s 9(2)(a)
Ref H202204831

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 30 March 2022 for information regarding complaints about health practitioners breaching the COVID-19 Public Health Response (Vaccination) Order 2021. I will respond to each part of your request in turn:

The total number of health practitioners investigated for potentially for breaching clause 7 of the COVID-19 Public Health Response (Vaccination) Order 2021 (i.e. seeing patients while unvaccinated), since January 1, 2022. Please break this down by month and region.

The Ministry has investigated 40 health practitioners in relation to compliance with clause 7 of the COVID-19 Public Health Response (Vaccination) Order 2021 between 1 January 2022 and 13 April 2022.

All complaints received resulted in enquiries being made.

Some investigations were initiated as a result of information received about a health practitioner or practice that did not relate directly to a complaint for breaching clause 7.

A breakdown by month is outlined in the table below:

Month complaint received/investigation initiated in 2022	Number
January	12
February	14
March	12
1 April to 13 April	2
Total	40

The Ministry does not record the region of the health practitioner and would have to go back to review each complaint to provide this information. Accordingly, this is refused

under section 18(f) on the basis of substantial collusion, and that this cannot be managed by fixing a charge or extending the timeframe for response, given the many responsibilities of the team concerned.

A list of every health practitioner issued an infringement notice for breaching clause 7 of the COVID-19 Public Health Response (Vaccination) Order 2021 (i.e. seeing patients while unvaccinated), since January 1, 2022. For each, please advise:

- The location of the offending (their practice, clinic or facility, and where in the country it is).*
- if the Ministry received complaints about that individual*
- If the individual was fined, and how much*
- If the individual had their registration with the Medical Council cancelled (For them to answer)*
- If no further action was taken (besides the infringement notice).*

A summary of the infringement notices issued since 1 January 2022, can be found in the table below:

Name	Number of notices issued	Location of offence/s	Total infringement fees	Complaint received?
Dr Deepak Gupta	3	Queenstown Dunedin	\$12,000	Yes
Dr Philip Macdonald	2	Napier	\$8,000	Yes
Dr Steven Morse	3	Timaru	\$12,000	Yes

Please note that the term “health practitioner” is not limited to medical practitioners such as doctors. It includes but is not limited to other health practitioners such as chiropractors, physiotherapists, pharmacists and osteopaths.

Each group of health practitioner has its own responsible authority. For example, the Medical Council of New Zealand is the responsible authority for medical practitioners.

Where infringement notices have been issued, the Ministry has notified the responsible authority for that person. You will need to direct your request about what steps the responsible authority took in response to this notification to the relevant responsible authority.


If the Ministry receives information that an unvaccinated health practitioner continues to see patients in person, it will investigate even if a previous investigation has resulted in enforcement action.

In addition, the Ministry will investigate compliance with the Health Practitioners Competence Assurance Act 2003 if former health practitioners are no longer registered with their responsible authority and continue to practice.

I trust this fulfils your request. Under section 28(3) of the Act you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry of Health website at: www.health.govt.nz/about-ministry/information-releases.

Nāku noa, nā



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Corporate Services**