

By email: [REDACTED]
Ref: H202002058

Dear [REDACTED]

Response to your request for official information

Thank you for your request for information under the Official Information Act 1982 (the Act) on 6 April 2020 to the Ministry of Health (the Ministry) for:

“Will it be your policy following the passing of the Abortion Legislation Act 2020 to require:-

- 1. That the drugs Mifepristone and Misoprostol be taken by a woman for a medical abortion only in a facility approved by your Ministry?*
- 2. That medical practitioners are required to advise your Ministry when they have declined the request of a woman to perform an abortion?*
- 3. To permit District Health Boards to enter into a contract with private abortion providers to provide government funded abortions to the residents of the Board’s area?*
- 4. To oppose telehealth medical abortions where an abortion is approved by a doctor over the phone without being required to know or to meet the patient in a face to face consultation?*
- 5. To oppose the payment of a fee to medical practitioners similar to that previously paid to certifying consultants for considering a request from a woman for an abortion?*
- 6. What will be your criteria in selecting members for a committee, similar to the Abortion Supervisory Committee, to oversee the administration of the abortion laws in New Zealand?”*

The amended Contraception, Sterilisation and Abortion Act 1977 (CSA Act) is the primary legislation that encompasses the new legislative framework for abortion services in New Zealand. This was enacted on 24 March 2020.

Below are my responses to your questions about the Ministry’s intended policy regarding the amended CSA Act.

- 1. “That the drugs Mifepristone and Misoprostol be taken by a woman for a medical abortion only in a facility approved by your Ministry?”*

Prior to the enactment of the amended CSA Act on 24 March 2020, medical or surgical abortions were required to only be performed in specifically licensed facilities. The amended CSA Act now allows qualified health practitioners to facilitate an abortion in a range of settings. All abortion service providers are required to provide services that comply with sector wide health and disability standards, regulations, and professional frameworks. This ensures that service delivery occurs in appropriate settings that are safe, of a suitable standard, appropriately resourced in accordance with complexity of the services required, and meet the relevant professional and technical clinical standards.

2. *“That medical practitioners are required to advise your Ministry when they have declined the request of a woman to perform an abortion?”*

Section 20 of the amended CSA Act requires an abortion service provider to notify the Director-General of Health of every abortion performed. The Ministry does not require any health practitioner or abortion service provider to notify it of requests they decline.

3. *“To permit District Health Boards to enter into a contract with private abortion providers to provide government funded abortions to the residents of the Board’s area?”*

Mirroring all other types of health and disability services, the Ministry is required to ensure quality and safe abortion services which comply with the law, as enacted by Parliament, are available and accessible to women in New Zealand.

District health boards (DHBs) are required to ensure abortion services are available and accessible to women in their catchment area. DHBs can use a range of models of care (ways of delivering services) to provide services.

Some DHBs provide comprehensive services themselves, but others choose to outsource service delivery of abortion services, or a component of the care pathway to external service providers. This latter option is one which some DHBs already use, and others may seek to use in the future.

4. *“To oppose telehealth medical abortions where an abortion is approved by a doctor over the phone without being required to know or to meet the patient in a face to face consultation?”*

The use of telehealth as a model of care continues to expand and be accepted as a safe and convenient method of delivering care to people.

As a widely accepted and used mode of health service delivery, consumers and health practitioners are protected by a comprehensive framework of regulations, standards and guidelines from their respective professional bodies with respect to telehealth consultations.

With respect to abortion services, the potential use of telehealth for abortion services (or some components thereof) was recognised some time ago by the now disbanded Abortion Supervisory Committee (ASC) ‘Standards of Care for Women Requesting Abortion in Aotearoa New Zealand’. The Ministry has carried over this standard into its ‘Interim Standards for Abortion Services in New Zealand’, available on our website at:

<https://www.health.govt.nz/system/files/documents/publications/interim-standards-for-abortion-services-4apr2020.pdf>

5. *“To oppose the payment of a fee to medical practitioners similar to that previously paid to certifying consultants for considering a request from a woman for an abortion?”*

The certifying consultant regime and its associated funding system is no longer operational as it was disbanded when the CSA Act was amended.

6. *“What will be your criteria in selecting members for a committee, similar to the Abortion Supervisory Committee, to oversee the administration of the abortion laws in New Zealand?”*

An ASC or equivalent body is not a requirement of the amended CSA Act. The Ministry will oversee and administer the legislation, as it does with other health and disability legislation.

I trust that this information 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.

Please note that this response, with your personal details removed, may be published on the Ministry website.

Yours sincerely

A handwritten signature in blue ink that reads "Clare Perry".

Clare Perry
Acting Deputy Director-General
Health System Improvement and Innovation