**Security classification:** In-Confidence

Health Report: Health Practitioners Competence Assurance Amendment Bill – Supplementary Order Paper

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| --- | --- | --- | --- |
| Date: | 31 January 2019 | Report No: | 20190150 |
| File Number: | AD62-14-2019 |

**Action Sought**

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|  | Action Sought by Minister's Office | Deadline  |
| Minister Clark | Agree | 7 February 2019 |
| Minister Genter | Choose an item. |  |
| Minister Salesa | Choose an item. |  |

**Contact for Telephone Discussion** (if required)

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Position | Telephone | Contact Order |

|  |  |  |  |
| --- | --- | --- | --- |
| Helen Wood | Acting Deputy Director-General Health Workforce Directorate | 021 839 078 | 1st Contact  |
| Claire Austin  | Group Manager, Health Workforce Directorate | 021 820 154 | 2nd Contact  |

**Actions for the Minister’s Office Staff**

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

|  |
| --- |
| Note any feedback on the quality of the report**Due Date:** The Cabinet paper and supplementary order paper will need to be lodged by 7 February 2019 in order to be considered by the Cabinet Legislation Committee (LEG) on 12 February 2019. |

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**File number:** AD62-14-2019

**Action required by:** 7 February 2019

Health Practitioners Competence Assurance Amendment Bill – Supplementary Order Paper

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| **To:** | Hon Dr David Clark, Minister of Health |

# Purpose

This paper provides you with the Health Practitioners Competence Assurance Act Supplementary Order Paper for consideration by the Cabinet Legislation Committee (LEG) on 12 February 2019.

# Key points

* On 2 December 2018 you agreed to the preparation of a supplementary order paper (SOP) to delete clauses in the Health Practitioners Competence Assurance Amendment Bill (the Bill) relating to a proposed amendment to section 80 of the Health Practitioners Competence Assurance Act 2003 (the Act) and revert to the existing provisions of the Act [HR 20182560 refers].
* The existing provisions of section 80 enable a professional conduct committee (PCC) to recommend the review of a practitioner’s scope of practice.
* The proposed amendment in the current Bill would enable a PCC to make a determination that places one or more conditions on a practitioner’s scope of practice. The proposed amendment was introduced at the Select Committee stage.
* Due to concerns around the role of PCCs, their ability to determine conditions to be placed on scopes of practice and possible costs relating to appeal processes, you agreed to remove the proposed amendment and revert to the existing provisions of section 80.
* The SOP also makes a technical amendment to enable the Director-General of Health to publish in the *New Zealand Gazette* a consolidated list of all responsible authorities and the health professions for which they are appointed.
* Policy approval from the Cabinet Social Wellbeing Committee for these amendments was not necessary as the amendments are technical in nature. However the SOP needs to be taken to LEG for approval.
* Once Cabinet agrees, the SOP can be considered at the Committee of the Whole House stage.
* Talking points are attached.

# Recommendations

**The Ministry recommends that you:**

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| --- | --- | --- |
| a) | **Invite** the Ministry to lodge the paper with Cabinet Office by Thursday 7 February 2019 | **Yes/No** |

Helen Wood **Minister’s signature:**

Acting Deputy Director-General

**Health Workforce Directorate**

 **Date:**

Talking Points

1. One of the amendments in the Health Practitioners Competence Assurance Amendment Bill was to give power for a professional conduct committee (PCC) to make a determination that adds one or more conditions to a practitioner’s scope of practice.
2. I propose removing this amendment as I have concerns whether it is the role of PCCs to determine conditions to be placed on health practitioners’ scopes of practice. I consider this role sits better with the responsible authorities and the Health Practitioners Disciplinary Tribunal. I am also concerned about possible costs relating to associated appeal processes.
3. I consider that the status quo, whereby PCCs can recommend a review of a health practitioner’s scope of practice, is working well and does not need to change.
4. The amendment arose during submissions made at the Select Committee stage. Removing the amendment does not represent a change in the policy agreed by Cabinet.
5. I also propose a technical amendment that enables, for ease of reference, the publication in the *New Zealand Gazette* of a consolidated list of all responsible authorities and the health professions for which they are appointed.

# Proactive Release

1. The Ministry of Health intends to publish this health report under its proactive release policy.

**END.**