



MINISTRY OF HEALTH

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12 December 2007

Ryan McLean
Sector Policy Directorate
Ministry of Health
PO Box 5013
WELLINGTON

Dear Mr McLean

Review of the Health Practitioners Competence Assurance Act 2003

Thank you for the opportunity to answer the questions in regard to the review of the HPCA Action. The answers from the NZIMLS are attached.

With regards

ra Robin Allen
President

Submission from: New Zealand Institute of Medical Laboratory Science

Date: 12 December 2007

1. Is the Act achieving its purpose? Please explain.
 - A. *Yes, the Act is achieving its purpose. There is much greater accountability on practitioners.*

2. What evidence supports your answer?
 - A. *Each practitioner is responsible for their own competency and is subject to peer review. Zero practitioners in the field of medical laboratory science have been subject to discipline.*

3. What, if any, comments do you have on the adequacy of evidence available about the success of the Act and any changes needed – including, for example, any reporting requirements that might ensure more open access to evidence that the Act is being effective.
 - A. *No comment.*

4. Are the provisions in section 7 of the Act operating in a way that ensures that non-qualified persons do not claim or imply to be qualified practitioners and what, if any, changes do you recommend (note that issues around enforcing breaches are dealt with in the section titled 'Enforcement of the Act' which is set out below)?
 - A. *Yes, within our professional group.*

5. Are the provisions in section 8 operating effectively and what, if any, changes would you recommend?
 - A. *Potential for employers to push the boundaries, eg supervision / direction of Medical Laboratory Technicians on call. Individual management in each laboratory is responsible to ensure that medical laboratory scientists and medical laboratory technicians work within their scope of practice. Closer scrutiny required on employment. Direction is recommended rather than supervision. This is open to interpretation.*

6. Are the provisions in section 9 and the current list of restricted activities operating effectively and what, if any, changes, amendments or additions would you recommend?
 - A. *Not applicable to the profession of medical laboratory science.*

7. Is the Ministry approach to enforcement of the Act in keeping with the purpose of the Act and what, if any, changes would you recommend?

33. Are the current arrangements for financing and supporting the HPDT, appropriate and what, if any, changes would you recommend (including the costs of taking cases to the tribunal and sustaining the operation of the tribunal)?
- A. *Support from Registration Board for training of HDPT professional peers is inadequate.*
34. Are the appeal provisions operating well and what, if any, changes would you recommend?
- A. *No experience as a profession,*
35. How do you think the current number and mix of professions and authorities is operating and what, if any, changes do you think should be made?
- A. *This is satisfactory.*
36. Are the provisions for adding new professions or health services working and what, if any, changes would you make?
- A. *No comment.*
37. Are the current membership and appointment provisions working (eg, is the size and mix right, are people with the best skills being appointed, should the power to hold elections be retained and/or used, are lay and professional members appropriately trained and supported) and what changes, if any, would you recommend?
- A. *Appropriate. Recommend that the professional people on the Registration Board should be in full time employment in a medical laboratory.*
38. What deletions, amendments or additions, if any, do you recommend to the list of functions – and why?
- A. *Clearly define what they expect of cultural competency and this should be multi-cultural competency. Should constitute a component of clinical competency rather than part of recertification.*
39. How well are authorities carrying out their functions and what changes, if any, do you recommend?
- A. *Given that the HPCA Act has only been in existence for three years, the Registration Board are interpreting it correctly.*
40. Are there any specific legislative requirements that regulatory authorities are currently subject to that they should not be? Please explain.
- A. *Seems appropriate currently.*

41. Are there any specific legislative requirements that regulatory authorities should be subject to that they are currently not? Please explain.
- A. *Seems appropriate currently.*
42. To what extent are the current powers of the Minister of Health appropriate to the purpose and effectiveness of the Act and what changes, if any, do you recommend?
- A. *We feel they are appropriate.*
43. What changes, if any, do you recommend to matters covered by the provisions of Part 7 of the Act?
- A. *Not informed.*
44. What changes, if any, do you recommend to specific wording in the Act in order to clarify or address technical issues not otherwise covered already?
- A. *No changes.*
45. What, if any, other matters are you aware of in respect of the operation of the Act and what changes do you recommend?
- A. *No comment.*