

Terms of Reference for the Review of the Health Practitioners Competence Assurance Act 2003

Background

The Health Practitioners Competence Assurance Act 2003 (the Act) came into force on 18 September 2004.

Extensive consultation undertaken in 2000 highlighted that there is general acceptance of the need for regulation of health practitioners, where there is a risk of harm to the public. Therefore, the principal purpose of the Act is:

to protect the health and safety of members of the public by providing for mechanisms to ensure that health practitioners are competent and fit to practise their professions.

The consultation also showed that there is general agreement on the conceptual framework that underpins the Act, both in New Zealand and internationally. However, because some provisions in the Act were relatively new and untested the Health Select Committee, when examining the draft legislation, proposed that the operation of the Act be reviewed three years following its commencement.

Section 171 of the Act requires that:

- (1) *As soon as practicable after the expiry of the period of 3 years beginning on the commencement of this section [18 September 2004], the Director-General of Health must—*
 - a. *review the operation of this Act since the date of the commencement of this section; and*
 - b. *consider whether any amendments to this Act are necessary or desirable; and*
 - c. *report the findings of the Director-General of Health to the Minister.*
- (2) *As soon as practicable after receiving the report, the Minister must present a copy of that report to the House of Representatives.*

This document sets out the process for the review including:

- scope
- data collection processes
- development of discussion document
- consultation, analysis and finalising recommendations
- date for the Director-General of Health to report to the Minister of Health.

The process for the review

Scope

The review will focus on the way in which the Act is being operationalised to achieve its intent to protect the public. The core principles underpinning the Act will not be reviewed.

The scope of the review will be refined following consultation on the draft Terms of Reference. Areas identified for review will be categorised (for example, the discipline process, governance arrangements, authority structures, ensuring stakeholder communication with authorities, workforce implications, etc).

Data collection and literature review

- Data to inform the review may be collected in the following ways:
 - a survey (to identify concerns with the operation of the Act)
 - face-to-face meetings
 - focus groups
 - information requests from relevant parties (eg, registration authorities, Health and Disability Commissioner, Health Practitioners Disciplinary Tribunal, district health boards, etc)
 - international research.

- The Ministry will undertake a literature review to identify current trends in health workforce regulation internationally.

The information attained from the data collection and literature review will form the basis for the development of a discussion document.

Consultation on discussion document

A discussion document identifying problems and recommended solutions will be drafted based on the data collected.

The consultation period on the discussion document will run for two months. It is anticipated the discussion document will be released mid-2008.

Collecting feedback on discussion document

Feedback on the discussion document may be collected in the following ways:

- written submissions
- meetings with organisations/oral submissions
- regional meetings, hui, fono.

Feedback analysis

The Ministry will analyse responses and prepare draft recommendations which will take into account feedback on the consultation document.

Finalising recommendations

The recommendations will be finalised in consultation with the Legislative Design Committee.

Reporting to the Minister of Health

The final report will be forwarded by the Director-General of Health to the Minister of Health by 31 December 2008.