ISSN 1447-4999

GUEST EDITORIAL

Article 990322

Commentary on the AUT Submission and Inquiry into the provision of Ambulance Services in New Zealand

Kate Diesfeld B.S., J.D.

Director, National Centre for Health Law and Ethics
Auckland University of Technology, New Zealand

New Zealand is currently contemplating registration of paramedics under the Health Practitioners Competence Assurance Act 2003 (HPCAA). Costa-Scorse authored an informative consultation document that addresses the relevant factors, in conjunction with the Para-medicine and Emergency Management Staff of AUT University.¹ This “Submission on the Inquiry into the Provision of Ambulance Services” was addressed to New Zealand’s Health Committee. It explains how registration will be significant, the current challenges to registration, and solutions. The submission can be read in tandem with the Inquiry² and both recommend registration for paramedics under the HPCAA.

What does registration under the HPCAA signify for paramedics and their patients? Registration provides a consistent system for protecting public safety through standardised education and monitoring of professional competence.³ New Zealand’s unique health system has fostered an equally novel legislative progression that will influence future paramedic practice.

In New Zealand, the accident compensation system generally bars traditional medical practice actions.⁴ To respond to some of the issues remedied by traditional litigation but unavailable under the accident compensation scheme, New Zealand established 10 enforceable rights within the Code of Health and Disability Service Consumers’ Rights under the Health and Disability Commissioner Act 1994. Currently, paramedics and ambulance officers must uphold these rights in their capacity as *health providers*, a category that includes both paid and volunteer providers. Several relevant Commissioner opinions demonstrate the Code in operation, and involve Right 4 regarding the appropriate standard of care (99HDC02269, 01HDC15000, 02HDC00077, 03HDC 00153 located at <http://hdc.org.nz>). Typically, the Commissioner’s remedy for a breach involves an apology. Serious cases may be prosecuted by the Director of Proceedings and progress to the Human Rights Review Tribunal.

Registration under the HPCAA involves a separate disciplinary process and currently applies to 19 categories of *health practitioners*. Currently paramedics are not registered. While the HPCAA governs the traditional health professionals (such as nurses, medical practitioners, dentists, pharmacists, psychologists and midwives) it also extends to medical laboratory technicians, dieticians and, most recently, osteopaths. The purpose of the Act is “to protect the health and safety of members of the public by providing mechanisms to ensure health practitioners are competent and fit to practise their professions” (section 13). Responding to shortcomings in the health system identified in the Cull Report⁵ the HPCAA was designed to provide consistency and ensure competence within and across health professions.

Appropriate cases may progress to the new Health Practitioners Disciplinary Tribunal for matters such as misconduct (including malpractice and negligence) or practising outside the designated scope of practice. Importantly, penalties range from censure, fines and costs of proceedings to conditions placed upon practice and cancellation of registration. Review of the 91 published cases across the registered professions illuminate New Zealand's rapidly evolving medical jurisprudence.^{6,7} Decisions that may be of particular interest to paramedics are cases that reveal the Tribunal's reasoning and penalties regarding fitness to practice and misconduct (e.g. Nur06/38P, Nur 05/12P, Nur06/34P located at <http://www.hpdt.org.nz>). Of course, registered health practitioners may also be subject to the criminal law.

How is this relevant to paramedics and their patients? If paramedics are registered under the HPCAA, they too will become subject to a comprehensive regulatory system that oversees education, competence review and discipline (when appropriate). Increased professional recognition, public confidence, mobility in an international market, and higher income may flow from registration. Most significantly, patients benefit from this competence assurance.

Indeed, the recent review of the HPCAA and consequent recommendations for improved processes may interest all health profession groups that are contemplating registration.⁸

The many issues that New Zealand paramedics weigh in their pursuit of registration are clearly and succinctly reported in Costa-Scorse's submission. Identifying the spectrum of relevant factors, her submission addresses matters including education of future paramedics, registration of existing paramedics, quality assurance of volunteers, consistent standards, and dual manning of ambulances. If we take public safety as a collective goal, registration under the HPCAA is a logical progression for paramedics. With this goal in mind, the issues identified in the Inquiry, and responded to within the Submission, are resolvable.

References

1. Costa-Scorse. Submission on the Provision of Ambulance Services in New Zealand. *Journal of Emergency Primary Health Care*. 2008;6(3): Article 990321. Available from: http://www.jephec.com/full_article.cfm?content_id=492.
2. Kedgley S. Inquiry into the Provision of Ambulance Services in New Zealand: Report of the Health Committee. Presented to the New Zealand House of Representatives. (July 2008). Available from: http://www.parliament.nz/enNZ/SC/Reports/f/b/b/48DBSCH_SCR4100_1-Inquiry-into-the-provision-of-ambulance-services.htm.
3. Freckelton I. Adverse Outcomes, Health Impairments and Unsatisfactory Performance: New Challenges in Health Practitioner Regulation. Presented at the conference; The Health Practitioners Disciplinary Tribunal: The Potential and Effect. Auckland: AUT University National Centre for Health and Social Ethics. 2007 December 6.
4. Skegg PDG, Paterson R. (Eds.) *Medical Law in New Zealand*. Wellington: Thomson Brookers; 2006.
5. Cull H. *Review of Processes Concerning Adverse Medical Events*. Wellington: Ministry of Health; 2001.
6. Diesfeld K. Lessons from the Health Practitioners Disciplinary Tribunal, New Zealand Doctor. 2007 6 June 6;8-9.
7. Godbold R, Diesfeld K. Scutinising the Conduct of Health Professionals. *Kai Tiaki Nursing*. New Zealand. 2007; November:22-23.
8. New Zealand Ministry of Health. *Analysis of Responses to Ministry of Health Survey Document - Review of the Health Practitioners Competence Assurance Act 2003; Identification of Issues and Proposed Solutions*. Wellington: Ministry of Health. 2008. Available from: <http://www.moh.govt.nz/moh.nsf/indexmh/hpca-review-submissions-analysis-mar08>.

Author(s): A/Prof Kate Diesfeld