

19 October 2017



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Marie Warner
Chief Executive
Dental Council

By email: consultations@dcnz.org.nz

Dear Ms Warner

Consultation on patient records and privacy of health information practice standard

Thank you for the opportunity to comment on the patient records and privacy of health information practice standard (revised standard).

As Health and Disability Commissioner, I am charged with promoting and protecting the rights of health and disability services consumers, as set out in the Code of Health and Disability Services Consumers' Rights (the Code). One of my functions under the Health and Disability Commissioner Act 1994 is to make public statements in relation to any matter affecting the rights of health or disability services consumers.

Good record keeping is essential for all health practitioners as it ensures continuity of care for a consumer. Between 2014 and 2017 (YTD) HDC completed 13 investigations into dental care. Eight of these investigations resulted in a breach finding for failing to meet professional standards regarding documentation/record keeping. I am pleased to see further guidance provided to oral health practitioners regarding documentation requirements in the revised standard, particularly in relation to the information provided to consumers and consent.

References to Code Rights

You have referred to the Code as the "Health and Disability Commissioner Code of Rights". The Code should be referred to as the "Code of Health and Disability Services Consumers' Rights". Where the regulations are specifically referred to, they should be referred to as the "Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996".

In the "Duty of patient care" section footnote 2 currently refers to Right 4(2) of the Code in relation to "managing patient information appropriately", this footnote should instead be in relation to the text which states "...comply with legal, professional, ethical and other relevant standards...".

Thank you again for the opportunity to comment on this revised practice standard. If you have any questions regarding these comments, please contact Senior Legal Advisor Shirlene Anand on (04) 494-7906 or by e-mail on Shirlene.Anand@hdc.org.nz.

Yours sincerely



Anthony Hill
Health and Disability Commissioner