

Follow-up consultation document: Standards framework for oral health practitioners

Issued: 16 April 2015

Submission closing date: 17 June 2015

Council invites all stakeholders to its discussions forums on the updated draft *Standards Framework for Oral Health Practitioners* on the following dates:

- Wellington, James Cook Hotel Monday 11 May at 7pm
- Auckland, Ellerslie Racecourse Wednesday 13 May at 7pm
- Dunedin, Dental School Otago University Monday 18 May at 7pm
- Christchurch, Chateau on the Park Tuesday 19 May at 7pm
- Webinar Thursday 21 May at 7pm

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More details available on p7.

Standards framework for oral health practitioners

1. Introduction

The Dental Council ('Council') issued a consultation document on 1 August 2014 on its proposed *Standards framework for oral health practitioners* ('standards framework'). The consultation closed on 3 November 2014.

A total of 22 submissions were received from the following stakeholder groups - two professional associations, eight practitioners, six District Health Boards, two government agencies, three regulatory authorities and one educational institution.

There was overwhelming support for the development and introduction of a standards framework. The majority of submitters were of the view that the proposed standards framework did not cause major concern; did not require further clarification or guidance; and nothing essential was missing from the proposed standards.

However, there were extensive comments or suggestions from the submitters on various components of the proposed standards framework.

A detailed analysis of the submission comments was carried out and considered by the Council at its November and December 2014 meetings. In response to the submission comments and the Council's further deliberation, changes were made to the proposed standards framework.

Before issuing a revised version of the standards framework for wider follow-up consultation, the Council held a targeted discussion forum with key stakeholders. The forum was held in Wellington on 13 February 2015. Attendees were a sound representation of the oral health sector and other key stakeholders such as the Ministry of Health, the Health and Disability Commissioner, and the Accident Compensation Corporation.

The forum provided key stakeholders with an overview of the consultation feedback and the proposed changes to the standards framework; Council's statutory obligation in setting standards for the professions it regulates; and some initial discussion on the proposed changes ahead of the wider follow-up consultation.

In response to the discussion forum comments and the Council's deliberation at its March 2015 meeting, further refinements were made to the proposed standards framework. The Council agreed to issue a follow-up consultation on the revised version of the standards framework to all its stakeholders.

2. Background

The Council reminds stakeholders that the proposed standards framework sets out the ethical principles, professional standards and practice standards for oral health practitioners. Collectively, the standards define the ethical conduct, and clinical and cultural competence expected of all registered oral health practitioners.

The Council has the statutory responsibility of setting standards of clinical competence, cultural competence and ethical conduct to be observed by oral health practitioners. This means that all standards set by the Council are **mandatory**.

Compliance with the standards framework requires practitioners to adhere to the ethical principles, demonstrate insight and use their professional judgement to determine appropriate behaviour; and be able to justify their behaviour when it is contrary to the standards.

Failure to comply with the standards could result in the Council's involvement and may impact on the practitioner's practice.

The initial consultation document advised stakeholders that the Council's current codes of practice and statements would be rebranded as 'practice standards' when the standards framework came into effect; and the Council Statement – *Principles of Ethical Conduct for Oral Health Practitioners* would be repealed.

3. Key changes

An overview of the key changes made to the proposed standards framework is set out below. These changes have been made by the Council in response to the submission comments, the forum discussion comments and its further deliberation.

i. Use of "should" and "must" in the guidance statements

Various submissions commented on the use of "must" and "should" in the guidance statements. The concerns expressed were that the use of "should" to achieve a "must" to meet a professional standard was confusing, and inconsistent with the objective of achieving a minimum standard.

It was also arguable that having a mandatory requirement, "must", included as guidance was contradictory in nature – as it set a standard rather than provided advice on how to achieve a standard.

Consequently, the Council resolved to remove the terms "should" and "must" from the guidance statements, and the statements have been rephrased accordingly.

The ethical principles and professional standards are the mandatory requirements for practitioners to meet, and the guidance stays true to its intent - to help practitioners achieve the minimum standards.

This is the most significant change made to the revised draft of the proposed standards framework. These changes modify the overall tone of the document to be more constructive, while not losing the primary intent and principles expressed in the guidance statements.

ii. The use of examples within the guidance

The examples were removed from the guidance where the principle was already expressed in the guidance. The remaining examples were reformulated as guidance statements. This removed any potential ambiguity of the difference between guidance and examples.

The purpose of the guidance statements is to assist practitioners' understanding of the professional standards. The guidance is not intended to provide specific advice on every possible application of the standards, but rather a general interpretation of the professional standards by way of explanation.¹ Some professional standards do not require guidance statements. Therefore, unneeded statements have been removed from the standards framework document.

iii. Purpose

The purpose section of the document has been strengthened by introducing the legislation that underpins the standards framework.

Practitioners' duties under Right 4(2) of the Health and Disability Services Consumers' Rights has been introduced. In addition, reference to the Council's responsibility under the Health Practitioners Competence Assurance Act 2003 to set standards of clinical competence, cultural competence and ethical conduct has been included.

It was noted that the professional associations may develop additional requirements for their members and therefore, ethical conduct was not necessarily limited to the standards described in the Council's standards framework document. Accordingly, the word "threshold" has been added to describe the standards of ethical conduct in the standards framework.

iv. Compliance

The compliance section has been expanded by acknowledging that there are sometimes factors outside the control of the practitioner that impedes their compliance with the standards; and that they should use professional judgement to determine appropriate behaviour in such cases; and be able to justify their behaviour if contrary to the standards; and document their reasons.

The compliance statement has been block shaded to highlight its significance.

v. Terminology

The terminology section has been removed as a result of the removal of "must" and "should" from the guidance statements. Where the word "must" remains in the document, it has its ordinary meaning.

vi. Ethical principles, professional standards and practice standards introductions

The consultation document highlighted that the ethical principles were not listed in any order of priority, as they all had equal importance. However, this was not emphasised in the standards framework document itself, and has been included in the revised version.

The revised version includes clarifying statements that the professional standards can relate to a number of ethical principles; that each professional standard has been grouped with the ethical

¹ Practice standards provide the more detailed requirements to enable practitioners to meet the professional standards and ethical principles.

principle it most relates to; and that the practice standards are also relevant to various professional standards and ethical principles.

Numbering against the ethical principles was not fully supported, and consequently removed. The professional standards in the body of the document would be numbered consecutively for convenient referencing.

vii. Acknowledgement

The relevant sources used in the development of the standards framework were acknowledged in the initial consultation document but not the standards framework itself. The acknowledgement has been modified and included in the revised standards framework.

viii. Diagram

The need for the diagram was reconsidered in light of comments received during the targeted key stakeholders' forum. The Council agreed that some refinement of the diagram may be beneficial to better portray the circular continuum and overlapping relevance of the standards to one or more of the ethical principles. However, there was sufficient support overall for retaining the diagram and for the patient being depicted in the centre, recognising the standards framework is properly patient-centric in accord with the Council's primary responsibility to protect the safety of the public.

ix. Professional standards and guidance

As can be seen from the revised standards framework document, a number of specific changes have been made to the wording of the professional standards and associated guidance. Some of the more significant changes are detailed below. For a complete comparison please refer to the initial consultation document and revised version of the standards framework.

Professional standards

The following two professional standards have been removed:

- *You must know when to refer to another oral health practitioner or other health professional* (2.2). The intended meaning of the standard has been incorporated into another existing standard (2.1). The new combined standard is numbered 8 in the revised version of the standards framework.
- *You must recognise the importance of fair allocation of health care resources within your practice* (4.4). The standard caused considerable confusion to a number of stakeholders. Upon further deliberation the Council decided the standard did not necessarily add to practitioners' duty to conduct themselves professionally. Further, the standard was embodied in the ethical principles – *Put patients' interests first* and *Provide good care*. The compliance statement in the standards framework introduction would safeguard any concerns about balancing the provision of good care with resource limitations.

The remaining professional standards have been renumbered 1 to 28 in the revised draft document. Ten standards have undergone some wording changes.²

² Refer to standards 1, 2, 6, 8, 9, 11, 18, 26, 27, 28 of the revised version and 1.1, 1.2, 1.6, 2.1, 2.3, 2.5, 3.6, 5.4, 5.5, 5.6 of the version in the initial consultation document.

Guidance

Please note, not all professional standards have guidance statements. Should a practitioner find themselves in a situation where the choices they face are at odds with a particular professional standard, they should measure their options against the compliance section. In all cases, practitioners are expected to adhere to the ethical principles, demonstrate insight and use their professional judgement to determine appropriate behaviour; and they must be able to justify behaviour that is contrary to the standards; and document their reasons.

The examples of legislation included as guidance for the professional standard - *You must be familiar and comply with, your legal and professional obligations* - have been removed. It is not feasible to maintain a comprehensive and up-to-date list of all legislation applicable to practitioners and their different practices in the standards framework document. The Council is of the view that it is the responsibility of individual practitioners to be aware of, and keep current with, legislation that applies to them. However, the Council will develop a section on its website with links to significant legislation for practitioners.

4. Revised draft standards framework

The revised draft of the proposed standards framework is available as Attachment 1.

The first draft standards framework distributed for initial consultation in August 2014 can be accessed for comparison, if required, [on the Council's website](#).

5. Consultation question

The Dental Council invites all stakeholders to comment on the revised draft standards framework by responding to the following question:

Do you agree with the revised draft standards? If not, please detail the areas of disagreement; reasons for disagreement; and, where relevant, alternative suggestions.

6. Next steps

The closing date for submissions on the follow-up consultation on the standards framework is **17 June 2015**.

Discussion forum dates

Parallel to the follow-up consultation, the Council will convene several discussion forums for stakeholders to engage with the Council on the revised standards framework.

The stakeholder discussion forums will be held at the main centres, as follows:

- Wellington, James Cook Hotel Monday 11 May at 7pm
- Auckland, Ellerslie Racecourse Wednesday 13 May at 7pm
- Dunedin, Dental School Otago University Monday 18 May at 7pm
- Christchurch, Chateau on the Park Tuesday 19 May at 7pm
- Webinar Thursday 21 May at 7pm

The webinar offers stakeholders unable to attend the meetings in the main centres the opportunity to participate in an interactive, online discussion forum.

[Click at your preferred option to register](#)

Stakeholders registering for the webinar forum will be sent further details, such as log on information, etc., prior to the forum event.

The Council anticipates that the final standards framework could be adopted by July/August 2015. Should there be substantial changes required to the standards framework document following the consultation feedback and deliberation, the Council will issue a further follow-up consultation.

The Council expects the promotion of the final standards framework will be an ongoing process during 2015 and 2016.