



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

14 September 2016

Marie Warner
Chief Executive
Dental Council

By email: consultations@dcnz.org.nz

Dear Ms Warner

Consultation on draft sedation practice standard

Thank you for the opportunity to comment on the proposed sedation practice standard (draft 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.

Given my focus on consumer protection and rights, I am supportive of initiatives aimed at minimising the risk of harm to consumers and ensuring that consumers are fully informed. I commend the Dental Council of New Zealand for working to produce clear standards for the administration of minimal and moderate sedation in dentistry.

References to Code Rights

I note the reference to Rights 4(1) and 4(2) of the Code on page 4 of the draft standard. I suggest that reference is also made to Right 6¹ and Right 7² as these rights are later paraphrased in the draft standard.

Standards 2 and 3 appropriately refer to the importance of providing information and gaining informed consent. Detailed guidance is provided on how that is to be achieved. I suggest consideration is given to including in that guidance that, where necessary and reasonably practicable, effective communication includes the right to a competent interpreter (Right 5(1)).

¹ Every consumer has the right to the information that a reasonable consumer, in that consumer's circumstances, would expect to receive...

² Services may be provided to a consumer only if that consumer makes an informed choice and gives informed consent ...

For completeness, I note that the title of the 1996 regulation footnoted on page 4 contains brackets as follows: "Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996".

Thank you again for the opportunity to comment on your sedation practice standard. If you have any questions regarding these comments, please contact Senior Legal Advisor Jessica Mills on (04) 494 7920 or by e-mail on jessica.mills@hdc.org.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'AH', with a large, sweeping flourish extending to the right.

Anthony Hill
Health and Disability Commissioner