

DENTAL COUNCIL

Te Kaunihera Tiaki Nihō

· DENTISTRY · DENTAL HYGIENE · CLINICAL DENTAL TECHNOLOGY · DENTAL TECHNOLOGY · DENTAL THERAPY ·

4 February 2014

BY POST & EMAIL

Review of the HDC Act and Code
Health and Disability Commissioner
PO Box 11934
Manners Street
WELLINGTON 6142

Email: hdc@hdc.org.nz

Dear Commissioner

Review of the Health and Disability Commissioner Act 1994 and the Code of Health and Disability Services Consumers Rights

The Dental Council thanks you for the opportunity to provide a submission on the review of the HDC Act and Code. We offer the following feedback in response to the three questions posed in the December 2013 consultation document.

- *Do you think that the Act should be amended in any way? If so, please detail which section(s) of the Act and reasons for that amendment.*

Beyond the proposed amendments arising out of the 2009 Review of the Act and noted in the consultation document, the Dental Council does not consider further amendments are necessary to the Act.

In the 2009 Review, Council expressed support for an amendment to the Act to require HDC to refer **all** complaints about registered health practitioners to the relevant responsible authority. Council indicated the referral of a complaint should not preclude the HDC from taking further action on the individual complaint. Referrals should be clear whether or not any form of investigation had already taken place and whether the responsible authority was expected to investigate the practitioner and/or the complaint.

The Commissioner may decide under section 38 to take no further action on a complaint and unless there had been a referral to the responsible authority under section 34, that would be the end of the matter. However, some of the information gathered in the preliminary assessment or investigation may indicate that a practitioner needs some help – perhaps in the area of competence or as a result of specific distractors, a health issue for example. Such information would be helpful to the Council and a referral, informal or otherwise may be appropriate. This may be addressed by amendment to the complaint referral sections of the Act, or might otherwise be addressed through policy and process. The Council supports any improved process for fair and consistent information sharing between HDC and itself.

- *Do you think that the Code should be amended? If so, please detail which Code right(s) and reasons for that amendment.*

The Council does not consider amendments are necessary to the Code.

- *Do you have any comments on the operation of the Act and Code in general?*

Council's view is that, overall, the Act and Code appear to be operating effectively.

Council does not at this time have concerns about the operation of the Act or Code. However, we believe there are some matters of process where improvement would be desirable as noted above.

We look forward to receiving a consultation summary and any recommendations arising from the review in due course.

Yours sincerely



Marie Warner
Chief Executive