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## **Consultation on new practitioners for registered health professional and treatment provider definitions**

Thank you for allowing the Dental Council (the Council) an opportunity to comment on the consultation of proposed changes to the regulations of the Accident Compensation Act (AC Act) 2001.

### [Proposal 1: Addition of eight new health practitioner groups to the registered health professional definition](#)

#### *General*

The Council supports the proposal for the eight identified health practitioner groups to be recognised in the AC Act regulations' definition of registered health professional.<sup>1</sup> This would provide consistency with the regulated health professionals listed in the Health Practitioners Competence Assurance Act 2003 (HPCA Act). Recognition as a profession only relates to those health services that pose a risk of harm to the public, or that is in the public's interest that the health service be regulated.<sup>2</sup> For that reason, those professions regulated under the HPCA Act should be recognised as a "registered health professional" within the ACC scheme and its treatment injury regime.

The proposal would also offer a more accurate reflection of treatment injuries within New Zealand, and provide equitable thresholds and outcomes for all treatment injury claims.

The Council in particular supports the addition of dental hygiene and dental therapy to the list of registered health professionals. These practitioners are key members of the dental team and have been regulated by the Council since the introduction of the HPCA Act in 2004. As recognised in the consultation document, these practitioners practise within a gazetted scope of practice. Their respective scopes require a consultative relationship (for dental therapy) or a working relationship and signed agreement (for dental hygiene) with a dentist and/or dental specialist to practise. However, they are accountable for their own clinical practice. For these reasons the Council considers the proposal appropriate.

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<sup>1</sup> Anaesthetic technology, Dental hygiene, Dental therapy, Dietetics, Osteopathy, Optical dispensing, Psychology, Psychotherapy

<sup>2</sup> Section 116 of the HPCA Act

The Council notes that “Dentist” is the terminology used in Table 1 of the consultation document. Section 114 of the HPCA Act uses “the professions of dentistry”, that includes dentists and dental specialists. The Council regulates 12 dental specialties, with some dental specialists not registered as dentists. Assurance that both dentists and dental specialists are included within the treatment injury regime is important, especially with dental specialists often undertaking more complex treatments with inherent potential for higher risks.

The Council also requests consideration for the addition of Oral health therapy to the list of registered health professionals, with effect from 1 November 2017. The Council recently established a new oral health therapy scope of practice, following extensive consultation with our stakeholders.<sup>3</sup>

Oral health therapy is a relatively new practice, integrating the previous separate educational programmes of dental hygiene and dental therapy. Aspiring practitioners wishing to obtain a degree in oral health in New Zealand have been able to do so since 2006, with the first cohort in 2008. There are no longer any stand-alone educational programmes for dental hygienists or dental therapists offered in New Zealand.

Oral health graduates currently register with the Council in either the dental therapy and/or dental hygiene scope of practice.

There are around 440 oral health therapy graduates on the Council’s register, and the majority of these practitioners will be moved from the dental hygiene and dental therapy scopes of practice to the oral health therapy scope of practice on 1 November 2017. In future, all new oral health graduates will be registered in the oral health therapy scope of practice.

The Council is currently in the process of legal implementation of this change. This includes an application for oral health therapy to be recognised by the Minister of Health as a profession under the HPCA Act. The Ministry of Health’s consultation on this application has just closed, and the Council is awaiting the outcome of this process in due course.<sup>4</sup>

#### *Impact and implementation*

The Council does not consider the impact on practitioners and implementation of this change to be significant. Most dental employers (mostly private dental practices and district health boards) would already have processes and systems in place for reporting treatment injuries or submitting ACC claims on behalf of patients.

#### **Proposal 2: New regulations would add pharmacists to the definition of treatment provider**

The Council notes the proposed addition of pharmacists to the definition of treatment provider. This would provide recognition of the importance of medicine management within patient care, in particular with an ageing and more medically complex population. It also aligns with the strategic direction for pharmacy articulated in the Ministry of Health’s Pharmacy Action Plan 2016 – 2020.

Increased access to primary care by patients should be facilitated by removal of any unnecessary regulatory barriers whilst protecting the safety of the public; this change would enable that.

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<sup>3</sup> Scope gazetted on 3 November 2016, 2016-gs6233

<sup>4</sup> The application is available on <http://dcnz.org.nz/assets/Uploads/Publications/Submissions/20170125-Application-to-regulate-a-new-profession-OHT.pdf>

The necessary safeguards are already in place through the regulation by the Pharmacy Council to ensure these practitioners are safe and competent to practise in New Zealand.

*Other*

The Council notes that dental therapists are not included within the definition of treatment provider. This prevents treatment provided by therapists, within their scope of practice and capabilities, to be claimed from ACC. Further discussion with the oral health sector on this would be encouraged.

Do not hesitate to contact us for any further information or to discuss any matter further.

Yours sincerely,

A handwritten signature in black ink that reads "Marie Warner". The signature is written in a cursive, flowing style.

Marie Warner  
Chief Executive