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**The Royal Australasian College of
Physicians Submission to the Medical
Council of New Zealand**

**Council's Policy on publication of orders
and directions**

November 2019

Introduction

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to submit feedback to the Medical Council of New Zealand (the Council) on their Policy on publication of orders and directions (naming policy).

The RACP works across more than 40 medical specialties to educate, innovate and advocate for excellence in health and medical care. Working with our senior members, the RACP trains the next generation of specialists, while playing a lead role in developing world best practice models of care. We also draw on the skills of our members, to develop policies that promote a healthier society. By working together, our members advance the interest of our profession, our patients and the broader community.

Key Points

The RACP supports the Council's proposed naming policy. We believe that it represents a pragmatic and moderate approach to implementing the amended requirements of the Health Practitioners Competence Assurance Act 2003 (HPCAA), and that in practice, it will contribute significantly to maintaining public confidence in the medical profession.

Building upon this, we believe that the naming policy could be enhanced by further defining concepts integral to its functioning, and by improving its readability for consumers and others who are not practitioners.

Importance of the Naming Policy

It is important that confidence and trust is maintained between people, their whānau and caregivers and doctors for a number of reasons. It has been shown that a higher degree of patient trust in their physician raises self-care ability, adherence to treatment and commitment to maintaining healthy lifestyles. This contributes to a range of positive outcomes for people in the health system¹. Aside from the aforementioned statutory requirement for the Council to publish a naming Policy, it may make a significant contribution to maintaining this trust by ensuring the public has access to information on doctors who have not met expected standards of care and/or ethical conduct.

Comments

Lack of defined thresholds for action

If a new or continuing risk to public health and safety from the practice of a doctor is identified, Council will consider publishing publicly a notice of its order or direction. This aims to improve confidence in the medical profession, and provide transparency about the Council's decision-making processes.

However, no objective standard of what constitutes a risk to public health and safety is provided. It is worth considering that a lack of such a definition works against transparency of decision-making and may reduce public accessibility and confidence in the Council. Transparency in the decision-making of regulators is a key concern for consumers that directly influences their perceptions of the medical

¹ Huang E C.-H, Pu C, Chou Y.-J. Public Trust in Physicians—Health Care Commodification as a Possible Deteriorating Factor: Cross-sectional Analysis of 23 Countries. [Internet] Inquiry. 2018; 55: 1-11. Available from: <https://journals.sagepub.com/doi/10.1177/0046958018759174>. Accessed 25 November 2019

profession². The lack of an easily accessible and defined threshold by which cases will be judged mandates further investment and research from consumers to understand the process of the Council, which is undesirable if the goal is to increase accessibility of decisions. This is reflected further by the overall lack of clarity on the threshold for publication.

Similar policies such as the Health and Disability Commissioner's Naming Policy further clarify thresholds for action and general practice in complaints against different types of institutions³. Statements such as 'individual providers found in breach of the Code will rarely be named by the Commissioner' promote understanding by the public of the likely course of decision-making and could easily be incorporated into the Council's naming Policy.

Unclear what publications constitute the public register

The RACP believes that it is particularly important that the forms of publication which constitute the 'public register' as referred to in the naming policy are defined. Currently, the naming policy considers orders and directions in the public register as a satisfactory publication, thus making Council publication unnecessary. If this is not clarified, it may create situations where the Council's judgement on what constitutes the public register is in conflict with public opinion. This could foreseeably inflict damage to confidence in the medical profession in situations where the Council's decision-making process is not immediately obvious.

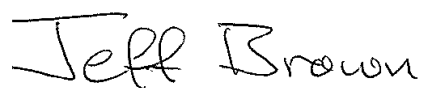
Accessibility to the public

While the policy as it stands is largely readable, there are areas which could be simplified to improve accessibility and comprehension by the public at large. Particularly, adding explanations of the use of terms such as 'notice' and 'direction' in the context of the policy could allow the policy to become more readable for people who are unfamiliar with such language.

Conclusion

The RACP thanks the Medical Council of New Zealand for the opportunity to provide feedback on their proposed naming policy. To discuss this submission further, please contact the Aotearoa NZ Policy and Advocacy Unit at policy@racp.org.nz.

Nāku noa, nā



Dr Jeff Brown
Aotearoa New Zealand President
The Royal Australasian College of Physicians

² Community Research. Promoting and maintaining public confidence in the medical profession Full Research Report. Available from: https://www.gmc-uk.org/-/media/documents/promoting-and-maintaining-public-confidence-in-the-medical-profession---final-report_pdf-78718694.pdf. Accessed 25 November 2019

³ Health & Disability Commissioner. Naming policy. Available from: <https://www.hdc.org.nz/decisions/naming-policy/>. Accessed 25 November 2019