

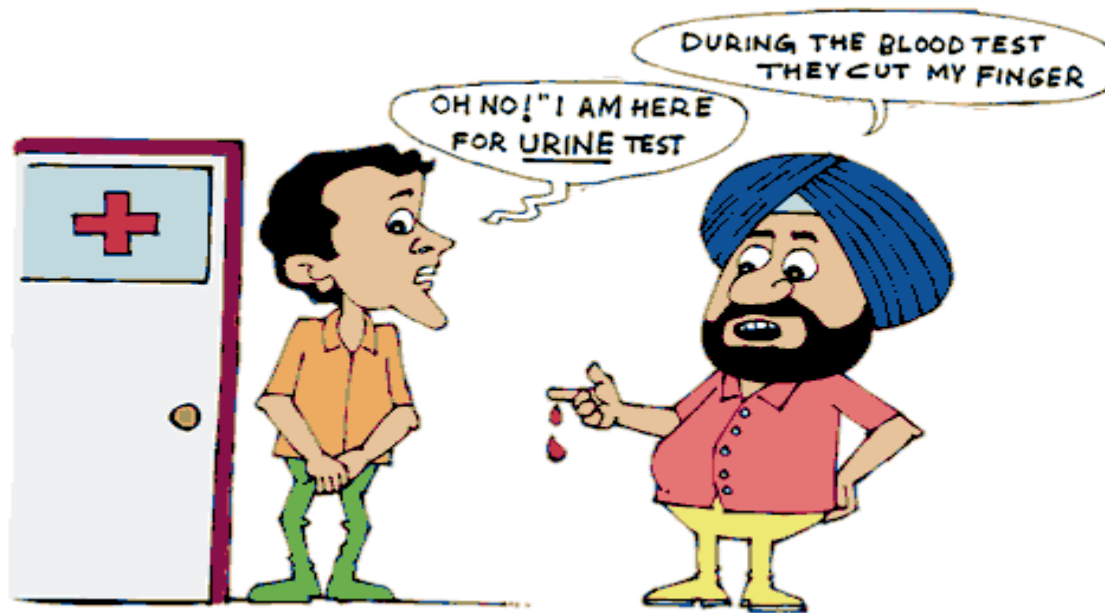
Occupational Health 101

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Need to adhere to the following principles:

- ▶ • Informed consent
- Human rights legislation
- Privacy legislation
- Natural justice



Legislation need to consider

- ▶ Health and Safety at Work Act
- ▶ ACC legislation.
- ▶ Human Rights act
- ▶ Privacy Act
- ▶ Bill of Rights Act
- ▶ Land transport Act
- ▶ Consider :
- ▶ Medical Council
- ▶ Health and Disability Commissioner

Informed consent

- ▶ The purpose of the assessment - i.e. the difference between your role and role of patients own doctor.
- ▶ Explanation of what is going to happen in the assessment
- ▶ Obtain the patients consent - i.e. any part of the assessment may be included in the report , also inform the patient that they have a right to withdraw.
- ▶ Explain the report will be the property of the third party
Any questions should be addressed to the third party
- ▶ Any sensitive issue - either omit or paraphrase for the report .

Informed consent

- ▶ Any follow up or rehabilitation will be the GP / other specialist .
- ▶ Obtain relevant information from GP in advance - the notes can be sent to you directly ..
- ▶ If they don't understand feel free to ask
- ▶ Support person happy to have - but it the patient being assessed and therefore needs to answer the questions.
- ▶ Emphasize the point that any decisions regarding claim decision are the remit of the insurer not yourself. Clarify possible outcome i.e. claim accepted /declined /right of review /public system

Human Rights Act

Example: A man was transferred to another workplace because he could not wear the required safety boots due to having diabetes and the necessity to follow diabetic foot-care. The company justified the transfer on the grounds that safety boots were necessary to fulfil requirements under the Health and Safety in Employment Act. The company maintained that it had made all efforts to accommodate the complainant's disability by, for instance, allowing him to have two hourly breaks for food. The Commission's Complaints Division found that the company had fulfilled their obligation to try to accommodate him and also found that the 'risk of harm' exemption applied.

On the record - is asked to be videoed

- ▶ What are grounds re refusing a video recording ?
- ▶ Why do patients want to record?
- ▶ Legitimate grounds for this ..

On the record

- ▶ Need to justify why refused i.e. need to stand up to scrutiny..
- 1. The presence of a recording device will hinder the open sharing of information
- 2. A recording cannot convey the relevant non- verbal cues that effect an assessment
- 3. The recording may be edited in ways that alter its significance
- 4. The subsequent use of the recording will be outside your use and could be used to misinterpret your actions or views.
- 1. MPS - these issues have all arisen ...

Surveillance video

- ▶ Asked by insurer after you have seen the person for a fitness to work issue re your comments regarding her work ability given the information you see on the video
- ▶ How respond?
- ▶ What are the issues ?

Surveillance video

- ▶ Clarify if patient is aware - if not then it may be difficult to form a valid medical opinion on a video made without the patient's knowledge, in non-clinical circumstances and without the opportunity to ask the patient questions arising from the recording.

Finishing off interview

- ▶ Understand your main findings .
- ▶ Any issues of privacy
- ▶ Copy to client and GP
- ▶ Happy with proceedings

Lawyers

- ▶ Understand that they are representing their client .
- ▶ Explain you will happy to see client and that you will provide independent opinion
- ▶ This may or may not be in favour of the client ..if they are happy to proceed on that basis ..go ahead otherwise decline
- ▶ Payment



“Well, we can try, Ma’am. But to my knowledge, nobody has ever sued

Correcting medical information

Tim finds a specialist's report on file stating that he had appendicitis in 1976, not 1986. He wants this corrected. Tim also disagrees with the opinion of the specialist as to the significance of a childhood illness he suffered. He wants that section of the report deleted.

How should you respond to these requests?

If unsure:

- ▶ You have time to reflect
- ▶ Discuss with colleagues
- ▶ Contact MPS.
- ▶ Discussion in Peer group

LOONEY TUNES



That's all Folks!