



# **New Zealand Nurses Organisation**

## **Submission to the Accident Compensation Corporation on the**

***Proposal to move treatment provider and registered health professional definitions into regulations; to amend existing definitions and add new definitions; and to amend the Accident Insurance ('Counsellor') Regulations 1999***

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## **EXECUTIVE SUMMARY**

1. The New Zealand Nurses Organisation (NZNO) thanks the Accident Compensation Corporation for this opportunity to comment on the proposal to move treatment provider and registered health professional definitions into regulations; to amend existing definitions and add new definitions; and to amend the Accident Insurance ('Counsellor').
2. NZNO is a Te Tiriti o Waitangi based organisation which represents over 41 000 nurses and nurses, midwives, hauora, students, health care workers and other health professionals.
3. As our members include both regulated and unregulated health care workers, we are interested in provisions which relate to how compensation for injury is regulated.
4. It is NZNO's view that all health professionals (HPs) that undertake treatments for ACC should be regulated under the Health Practitioners Competence Assurance Act (2003).
5. Currently the public are eligible for compensation for injury caused by all treatment providers, regardless of whether they are regulated, which can place an undue burden of responsibility on regulated HPs. For example many healthcare assistants administer medications in aged care settings without Registered Nurses on site. If a resident gets the wrong medication, this is a treatment injury. In this case, ACC would look at the practice of the RN who has delegated the activity, although it was the caregiver who wrongly gave the drug.
6. NZNO notes that these proposals do not resolve this discrepancy and that there are many unregulated providers and a number of groups still waiting for regulation by the HPCAA.
7. However, overall NZNO supports the proposals because of the flexibility it gives to align treatment providers and regulated health professionals without

legislative change, as long as there is assurance that professional groups will be properly consulted with ACC with any future proposed regulation changes. We note over 5 new regulations to the Injury Prevention and Rehabilitation and Compensation Act (2001) were put through in 2007 and it is important that robust consultation (such as that described in the State Services Commissions Guidelines on Consultation) is maintained when changes to definitions are facilitated with this proposal.

8. NZNO advises that it has used the Regulations Review Committee to question decisions made by authorities and strongly recommends that this process is available.
9. NZNO regrets that time constraints have prevented a more thorough examination of the proposal but would be very happy to discuss this at further length if that would be useful.

### **QUESTIONS**

*1 What do you think of the proposal to align ACC registered health professionals with the framework set out in the HPCA Act?*

It is important the legislation in NZ has synergies and alignments. The principle function of the HPCAA is to protect the safety of the public. It is important that Injury Prevention and Rehabilitation and Compensation Act, that provides compensation to the public, ensures all providers of healthcare have their practises scrutinised by this Act.

*2 What do you think about new health practitioner groups under the HPCA Act being added to the definition of registered health professionals, with the consequence that these groups would be covered under the treatment injury provisions of the IPRC Act?*

NZNO agrees. As stated in submissions on the regulation of anaesthetic technicians by NZNO and the Health and Disability Commissioner, we believe

that anaesthetic technicians do undertake activities that place the public at risk and should be regulated by the HPCAA.

*3 What do you think of the proposal to align the counsellor regulations with the framework set out in the HPCA Act?*

See below

*4 What do you think of the proposal to require counsellors to have at least two years' experience before they can provide services for ACC?*

See below

*5 What do you think of the proposal to remove specific named employer bodies from the counsellors' regulations?*

See below

*6 What do you think of the proposal to align counsellor qualifications with appropriate qualifications under the New Zealand Qualifications Framework?*

See below

### *7 Other comments*

For questions 3-6

It appears that ACC will be aligning the qualifications, professional codes of conduct and ethics, levies and disciplinary activities for counsellors that provide services for the mentally injured. It is an obvious concern to ACC that counsellors are not subject to the HPCAA. Some mental health nurses who are members of NZNO have expressed similar concerns.

However NZNO believes it is the role of ACC to set the assurance standards of competence for these counsellors to protect the public. ACC should undertake an examination of the issue with the Ministry of Health who administer the HPCAA, to undertake consultation to gauge the need for counsellors to be regulated by the HPCAA.

Marilyn Head  
**NZ Nurses Organisation**

## **ABOUT THE NEW ZEALAND NURSES ORGANISATION**

10. The New Zealand Nurses Organisation (NZNO) is a Te Tiriti o Waitangi based organisation which represents over 41 000 nurses and health workers. NZNO is the professional body of nurses and the leading nursing union in Aotearoa New Zealand. Our members include nurses, midwives, students, hauora health care workers and other health professionals.
11. The NZNO vision is “Freed to care, Proud to nurse”. Our members enhance the health and wellbeing of all people of Aotearoa New Zealand through ethically based partnerships. Our members are united in the achievement of their professional and industrial aspirations.