

Publication of Orders (“Naming Policy”): Consultation Feedback

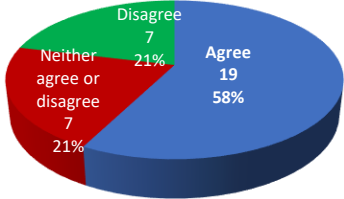
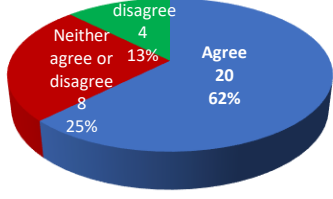
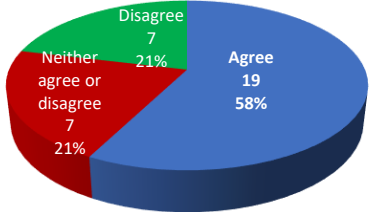
In December 2019, the Chiropractic Board (the Board) published a consultation document outlining a proposal to introduce a publication of orders (“naming policy”) as directed under section 157(1) of the HPCA Act 2003.

The Naming Policy requirements are set out under sections 157A to 157I of the Act and applies to the Board’s powers under section 157(1) of the Act, to publish a notice naming a health practitioner who is subject to an order or direction made under the Act.

This report provides a summary of the key themes of the consultation feedback, and the Board’s final decision.

The Board extends its thanks and appreciation to the individuals and groups who provided feedback.

Results

Question	Result												
<p>Do you agree with the proposed circumstances under which a chiropractor may be named?</p>	 <table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Agree</td> <td>19</td> <td>58%</td> </tr> <tr> <td>Neither agree or disagree</td> <td>7</td> <td>21%</td> </tr> <tr> <td>Disagree</td> <td>7</td> <td>21%</td> </tr> </tbody> </table>	Response	Count	Percentage	Agree	19	58%	Neither agree or disagree	7	21%	Disagree	7	21%
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<p>Do you agree with that the guiding principles the Board will apply in decisions to publish a notice?</p>	 <table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Agree</td> <td>20</td> <td>62%</td> </tr> <tr> <td>Neither agree or disagree</td> <td>8</td> <td>25%</td> </tr> <tr> <td>disagree</td> <td>4</td> <td>13%</td> </tr> </tbody> </table>	Response	Count	Percentage	Agree	20	62%	Neither agree or disagree	8	25%	disagree	4	13%
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<p>Do you agree with the procedure and time frame for publication and submissions the Board proposes to follow?</p>	 <table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Agree</td> <td>19</td> <td>58%</td> </tr> <tr> <td>Neither agree or disagree</td> <td>7</td> <td>21%</td> </tr> <tr> <td>Disagree</td> <td>7</td> <td>21%</td> </tr> </tbody> </table>	Response	Count	Percentage	Agree	19	58%	Neither agree or disagree	7	21%	Disagree	7	21%
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Key Themes and Board’s Considerations

Key Theme	Board Consideration
At what stage will the Board publish the details of a chiropractor.	<p>The Board will publish a decision or outcome, after thorough deliberation has occurred, investigations have completed, and after a period of time allowing for the chiropractor an opportunity to respond to the decision to publish particulars.</p> <p>The chiropractor will not be named while undergoing and investigation and will not be named if it is not in the public interest (unless a Court requires it).</p>
Respondents were concerned of the impact the naming of a chiropractor may have on that chiropractor and their whānau.	The Board’s primary role is the health and safety of the New Zealand public; however, all affected parties’ considerations will form part of the Board’s deliberations.
The risk of ability to identify the patient through the publication process.	The Board will take all precautions to ensure any information published does not identify any patients.
An opportunity to appeal or make a submission.	The affected chiropractor will always have an opportunity to make a submission for consideration prior to any information is published. The chiropractor’s submission will be considered; however, the Board reserves the right to make the final decision.
Examples of where information may be published.	<p>The following is an example of where the Board may publish information about a chiropractor, but is not limited to:</p> <ul style="list-style-type: none"> • where a chiropractor was found guilty of professional misconduct: • where a chiropractor was found guilty of sexual misconduct: • where a chiropractor was found guilty of ACC fraud: • where a chiropractor’s name was cleared of previous charges

Conclusion

The Chiropractic Board advises it will introduce the *Publication of orders (“naming policy”)* effective 01 April 2020. The final policy can be found on the Board’s website under Publications & Forms: Policies.