

## 08 November 2021

### COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021

The [COVID-19 Public Health Response \(Vaccinations\) Order 2021](#) has been amended effect from 11.59 pm, 7 November 2021. Please read the full Order.

Amendments likely to affect Chiropractors directly are clause 7. An affected person must not carry out certain work unless they are –

- a. **Vaccinated; or**
- b. **An exempt person (which means a person who has a COVID-19 vaccination exemption).**

The definition of ‘affected persons’ has been amended so health practitioners are included only if they are “providing health services to patients in person.” Therefore, the Order relates to those practitioners who are working with patients through face-to-face consultations. If you are registered and non-practising, you are not an ‘affected person’ under this amended Order.

#### Vaccination exemption

Clause 7A has been revoked. This clause **formerly** enabled an affected person to carry out certain work without being vaccinated if a suitably qualified health practitioner determined it would be inappropriate for the affected person to receive a COVID-19 vaccination because of their physical or other needs.

Now, the **only** valid COVID-19 vaccination exemption is a COVID-19 vaccination exemption granted by the Director-General under clause 9B. Exemptions previously given under clause 7A are no longer effective (with a limited exception under which existing clause 7A exemptions for affected persons belonging to a group specified in Parts 6 or 8 of the table in Schedule 2 continue until 21 November 2021 or until an application made on their behalf under clause 9B is declined, if earlier).

A new clause 9B enables a suitably qualified **medical practitioner or nurse practitioner** to apply to the Director-General of Health on behalf of an affected person for a temporary exemption from the requirement to be vaccinated on the ground that they meet the specified COVID-19 vaccination exemption criteria.

#### In summary, key changes are:

- only chiropractors providing health services to patients in person are ‘affected persons’ who must either be vaccinated or obtain a vaccination exemption under the Order – i.e., non-practising chiropractor and chiropractors who only provide services to patients via telehealth are not included in the vaccination mandate
- chiropractors are not permitted to issue COVID-19 vaccination exemptions
- COVID-19 vaccination exemptions previously granted under clause 7A are no longer valid, with limited temporary exceptions.

#### Disclaimer

Please note, the above statement sets out the Board’s understanding of the likely impact of the amendment to the Order on chiropractors. The amendment and the Order are made by the

Ministry of Health, not the Board. For definitive advice, or should you have any questions regarding these Orders, please contact the Ministry of Health: [healthorders@health.govt.nz](mailto:healthorders@health.govt.nz)

## Board's Position

The Board expects chiropractors to adhere to the laws of New Zealand and, accordingly, to comply with the Order. Chiropractors who do not comply with the Order will not be able to practice unless they have a medical exemption or are providing services through telehealth.

There are responsibilities on employers and persons conducting a business or undertaking (PCBU, Health and Safety at Work Act 2015) to ensure that affected persons are vaccinated and to obtain and maintain safe and confidential records of vaccination status.

## Masks

The Board's received many calls from the public expressing concerns regarding their chiropractor not wearing a mask, or not requiring them to wear a mask.

As a reminder, you and your patient must wear an appropriate mask (as outlined by the Ministry of Health) unless you or your patient are exempted. Please refer to the Ministry website: [Use of masks and face coverings](#).

For guidance on using a suitable reusable or disposable mask or face covering see [Types of masks and face coverings](#).

## Regulatory questions and answers

We have received many questions from practitioners and the public:

- 1. Can I practice after 15 November 2021 if I have not received my first vaccination and do not have a medical exemption?**

No.

- 2. Do I need to advise the Board of my vaccination status?**

No. At this stage, the Board has no role in monitoring chiropractors' vaccination status and is not involved in directly investigating or enforcing compliance with this Order. Doing so is the responsibility of other agencies.

- 3. Can I start work again if I change my mind and seek a vaccination?**

Yes, but you must comply with dose requirements and timeframes. You must also ensure you have a current practising certificate.

- 4. I hold a chiropractic practising certificate but work in regulation/education/research/policy. Do I need to be vaccinated?**

If you are treating patients face-to-face, then you are required to be vaccinated.

- 5. How is the Chiropractic Board involved in this Order?**

This Order has been put in place by the Government, not the Chiropractic Board.

- 6. Will the Board cancel my APC or suspend me if I am not vaccinated at the required timeframes?**

No. The Board has processes that it must follow before it suspends a chiropractor or cancels their APC. The Board understands that some chiropractors will delay the decision to vaccinate, the key thing is that these chiropractors do not practise while they are not vaccinated.

**7. What action can the Board take if it is advised that an unvaccinated chiropractor continues to practise?**

There are different options open to the Board if it is formally advised that a non-vaccinated chiropractor continues to practise. This can include acting under section 69A of the Act to interim suspend a chiropractor's APC pending prosecution or investigation if the Board is of the opinion that the chiropractors' conduct poses a risk of serious harm to the public.

Each case will be assessed on an individual basis and a decision made before any action is taken and will be investigated in the same way as any other complaint or conviction that is referred to the Board.

**8. If the Board does act under section 69A of the Act what are the possible consequences?**

The chiropractor may be referred to a professional conduct committee for investigation and it is possible that charges may be laid with the Disciplinary Tribunal.

**9. I am unvaccinated can I remain in practice if I wear PPE and get tested?**

Only if you have a medical exemption granted by the Director-General that means you do not have to be vaccinated.

**10. Can I refuse to care for a patient who is unvaccinated?**

Chiropractors may not discriminate unfairly against members of the public; therefore, a chiropractor cannot refuse to provide care to those who are unvaccinated. If you have genuine reasons for refusing care, you are required to find that patient an appropriate health practitioner to continue their care.

Regardless of the context, chiropractors should ensure that they use appropriate PPE.

**11. Can I cancel my APC and work as a lay chiropractor?**

No, chiropractic is a regulated profession in New Zealand. That means all registered chiropractors must hold a practising certificate to practise in Aotearoa New Zealand. The most common reason for referral to the Tribunal is practising without a practising certificate.