

## 02 December 2021

Te Poari Kaikorohiti o Aotearoa (the Board) thanks all chiropractors for the essential services they are providing to help Aotearoa New Zealand during the COVID-19 endemic. Chiropractors have and continue to manage the challenges of the COVID-19 endemic while supporting the well-being of their clients.

### COVID Protection Framework (traffic lights)

The [COVID-19 Public Health Response \(Protection Framework\) Order 2021](#) has been released and comes into effect on 11:59 pm Thursday, 2 December 2021.

The Order aims to manage the effects of COVID-19 and implements the traffic light system as the country transitions from the strategic goal of elimination to minimisation and protection in its COVID-19 response. If there are any inconsistencies in this response, the Order itself remains to be the definitive source of information.

Chiropractors can operate under all levels of the traffic light system.

The Code of Ethics requires chiropractors to have a full understanding of and comply with the laws and regulations that govern and impact on the practice of chiropractic in New Zealand. Chiropractors therefore need to understand and comply with the Order.

Click on the following links for:

- [Allied Health COVID protection framework](#)
- [Additional guidance for Allied Health services](#)

### What does this mean for chiropractic services?

Health practitioners providing health services are not included in the Order except under [clause 103](#), which sets out COVID-19 provisions that apply to health services.

The definition of 'designated premises' in [clause 10](#) is critical because a business or service in control of designated premises must not deny a person, other than a worker, entry to the premises on vaccination grounds (see [clause 31](#)).

Designated Premises include premises of health services that are partly or wholly funded by

- i. the Ministry of Health:
- ii. Oranga Tamariki—Ministry for Children:
- iii. the Ministry of Social Development:
- iv. the Department of Corrections:
- v. a district health board:
- vi. Veterans' Affairs New Zealand:
- vii. the Accident Compensation Corporation.

**The effect of this Order is to remove the ability for health practitioners to refuse treatment to patients at designated premises on vaccination grounds. Therefore, a chiropractor receiving any funding from one of the above organisations for example ACC is unable to deny access into designated premises based on vaccination status.**

**Note:** patients may be denied access to services for other good reasons, which may include health and safety requirements of the service e.g., mask wearing, concerns following a COVID screening

questionnaire, apparent Covid-19 symptoms, recent contact with Covid-19 infected people, or inappropriate or abusive behaviour by the patient or their support persons.

### **Reminders:**

Health practitioners providing health services to patients in person (and staff) must be fully vaccinated in accordance with the COVID-19 Public Health Response (Vaccinations) Order 2021.

To support health practitioners, the Ministry of Health has developed a [position statement on pre-consultation testing of unvaccinated individuals in healthcare settings](#).

### **Precautions for chiropractors**

Infection protection control (IPC) precautions are the primary mechanism to protect yourself, your colleagues, and your patients. Clinical reasoning and risk assessment remain fundamental principles when considering how to provide face to face appointments.

It is recommended you continue with the following:

- screening for COVID-19 symptoms prior to face-to-face appointment
- infection prevention control measures including PPE where required
- transmission precaution measures including consideration of ventilation

### **Disclaimer**

This document provides a brief summary of the current rules as we understand them. You should refer to the Order at the link provided above and consult the Ministry of Health for more detailed information. Please note that the advice we provide is general in nature and is not a substitute for legal advice. You should seek advice from a lawyer should you wish to understand how the rules apply to your specific circumstances.

### **Regulatory questions and answers**

#### **1. Can I ask to see a patient's vaccination passport?**

No. All health services are open throughout the different stages of the COVID protection framework, and IPC continues to be the key.

#### **2. 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:

- Referral to HDC
- Referral to a PCC which could lead to a charge put before the Disciplinary Tribunal

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.

#### **3. 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.

#### **4. 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 they use appropriate PPE.

#### **5. 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.

There are currently limited ways for a person to see an unvaccinated chiropractor in person because of the broad definition of “health services” in section 5(1) of the HPCA Act (“a service provided for the purpose of assessing, improving, protecting, or managing the physical or mental health of individuals or groups of individuals”).

Even if deregistered, a chiropractor treating someone may still meet this definition if they are working in the same place as a health practitioner or for a certified provider providing health care services. If a deregistered practitioner is practising alone, they will fall outside the Order. But, once deregistered, such practitioners will need to adhere to the Board’s return to practice policy if they wish to re-register and this may incur a fee.

#### **6. What to do if a I, a member of staff or a patient has been exposed to or tested positive for COVID-19?**

- a. Contact the Ministry of Health’s, Healthline on 0800 358 5453 24 hours a day, seven days a week to determine:
  - i. contact tracing requirements
  - ii. who needs to be tested
  - iii. their advice around the clinic/organisation remaining open
- b. Risk assess to determine if it is safe to remain open or if the clinic/organisation needs to be closed if awaiting guidance and instruction from the Ministry of Health
- c. Deep cleaning of the clinic in line with guidance from the Ministry of Health [Cleaning following a confirmed or probable case of COVID-19](#)