

18 March 2016

Medical Council of New Zealand  
PO Box 10509  
The Terrace  
Wellington 6143

## **Re: Revised Statement on Telehealth**

Thank you for the opportunity to comment on the Medical Council of New Zealand's (MCNZ) revised/proposed Statement on Telehealth. The primary focus of my Office is on ensuring that health and disability consumers in New Zealand receive high quality and safe services that comply with the Code of Health and Disability Services Consumers' Rights (the Code), whether those services are provided locally or internationally. I recognise the value in utilising improvements in technology and communication to enhance the quality of services offered to consumers of health and disability services and support the decision to revise MCNZ's Statement on Telehealth.

### *Definitions*

You have proposed that the definition of the term "face-to-face" be defined as: "Where the doctor and patient are physically present in the same consultation room". This does not capture consultations between a provider and a consumer that are not held in a consultation room, but are nonetheless both in the same physical location, for example, where treatment is provided in a community setting.

I suggest that the definition be amended to refer to the same *physical location*, rather than consultation room. I note that this change would also bring the definition in line with the definition of telehealth by the New Zealand Telehealth Forum.<sup>1</sup> I suggest the same change to the definition of "video consultation".

### *Providing care*

I agree with the principle that a provider is responsible for ensuring that s/he has obtained all necessary and relevant information before providing treatment to a patient. As I have previously stated:<sup>2</sup>

"Overall, I consider that if [the provider] becomes aware that it has insufficient information on any aspect of a client's care to enable it to support the client adequately, the onus is on [the provider] to obtain the necessary information. Otherwise, [the provider] should not take on the responsibility of providing care to that client. In accepting responsibility to provide care to a consumer, [the provider] must ensure it has sufficient information to provide an appropriate standard of care."

### *Registration requirements and standard of care*

I agree that treatment provided to a patient by a provider in another location, should meet the same standard of care as treatment provided in a face-to-face consultation. To that end

---

<sup>1</sup> The New Zealand Telehealth Forum and the New Zealand Telehealth Resource Centre define telehealth as "the use of information and communication technologies to deliver health care when patients and care providers are not in the same *physical location*" (emphasis added). <http://healthitboard.health.govt.nz/who-we-work/new-zealand-telehealth-forum> and <http://www.telehealth.co.nz>.

<sup>2</sup> See opinion C11HDC00712 on [www.hdc.org.nz](http://www.hdc.org.nz).

doctors providing care to New Zealand consumers from other countries via telehealth are regarded as practising medicine within New Zealand, and as such, should be registered with the Council. New Zealand Law, including the Code, applies to that practise.

Thank you again for the opportunity to comment. I look forward to receiving a copy of the MCNZ's revised Statement once it is finalised.