

15 December 2006

Mr Ron Paterson
Health & Disability Commissioner
PO Box 1791
AUCKLAND

Dear Mr Paterson

re: Open Disclosure Policy

I am responding to your recent request for information on our policy related to open disclosure.

Currently we have a comprehensive policy regarding managing adverse events, however prompted by your request we have noted that it does not explicitly indicate our current practice of ensuring patients and/or their support person are provided with information in an open and transparent manner.

We are therefore including the following section in our revised event management policy (which will be released to staff early in 2007, following sign off from our Clinical Board.

Open Disclosure

The Hutt Valley DHB requires that any patient/consumer harmed as a result of a mistake or an error is to have the circumstances associated with the event, fully explained to them in an open and transparent manner.

Exceptions may occur when the information is likely to prejudice the physical or mental health of the individual. This decision is made in conjunction with the appropriate clinical staff.

A patient and/or their support person must be informed where:

- They have suffered harm directly or indirectly as a result of care
- Harm is possible though not yet evident (ie potential consequences not already discussed)
- There is not harm however; a reasonable person in these circumstances would perceive the information as relevant to future care decisions.

Information about an event that causes harm must be given to the patient and/or their support person as soon as possible after the event is identified, and by an appropriately skilled staff member.

The patient and/or support person must receive an honest and genuine apology for any harm caused. An apology is not an admission of liability.

The patient and/or support person may reasonably expect to be:

- Fully informed of the facts surrounding an event where harm has occurred and the consequences of that harm.
- Treated with empathy, respect and consideration and to be provided with such support as necessary in a manner appropriate to their needs.
- Fully informed as to the outcome of any investigation undertaken, together with any changes instituted as a result of that investigation.
- Receive information regarding further management or rehabilitation as a result of harm caused.

We welcome feedback from you regarding our proposed wording.

Yours sincerely

Helen Smith
Service Manager, Quality
Hutt Valley District Health Board

17th October 2007

Mr Ron Paterson
Health and Disability Commissioner
P O Box 1791
AUCKLAND

Dear Mr Paterson

I have had the opportunity to review the overview of responses report provided to you by Dr Mary Seddon, summarising the responses of the DHBs to the HDC enquiry of Capital & Coast DHB.

I am concerned about the comment made in Dr Seddon's report, Section 6 Open disclosure – policy and practice. In the second paragraph the report notes that "...most DHBs have components of open disclosure embedded within something like a sentinel event policy, some are planning policies, some are waiting for a national policy and some do not mention it at all (eg Hutt Valley DHB)".

While Dr Seddon's comment is technically correct in that we did not mention our open disclosure process in our response to HDC regarding the Capital & Coast DHB case, we did this in the knowledge we had written to you on 15 December 2006, confirming that we had revised our event management policy and included a section on open disclosure. Our Clinical Board formally signed off the revised policy on 7 March 2007. We attach our correspondence and approved policy.

I should also point out that when we responded to your request to provide information on "what safeguards are in place to prevent a similar event occurring" we focused on the patient care issues highlighted in the original enquiry. In hindsight we agree it would have been helpful to also include information on our event reporting/open disclosure process.

We feel that the overview of responses could lead readers to incorrectly imply Hutt Valley does not have an open disclosure policy. I therefore respectfully request that the reference to Hutt Valley DHB in the above sentence be deleted before the report is finalised, and publicly released.

I would be happy to discuss this with you if you felt this would be helpful.

Yours sincerely

Chai Chuah
Chief Executive
Hutt Valley District Health Board