

APPLICATION OF BETTER REGULATION PRINCIPLES

Health Administration Amendment (Reportable Incidents) Regulation 2021

Principle 1 - Need for government action

The *Health Administration (Reportable Incidents) Regulation 2021 (Amending Regulation)*, has been prepared to facilitate notification and information exchange between public health organisations and private health facilities regarding reportable incidents.

A reportable incident is a serious adverse incident that is likely to be the result of systems issues. A team investigates and reports on why an adverse incident occurred and can make recommendations for improvements to procedures, practice, or systems to reduce the likelihood of a similar incident occurring in the future. The Amending Regulation creates a clear legal mechanism to facilitate notification and information exchange between two facilities to assist a second facility to fulfil its reportable incident obligations.

Principle 2 - Objective of government action should be clear

The Amending Regulation enables a public health organisation to share information with a private health facility or another public health organisation where that notification/information may assist the second entity to fulfil its reportable incident obligations. This mechanism is anticipated to facilitate greater transparency for health facilities on the scope of lawful information exchange. The amendments are anticipated to assist in such circumstances as where there has been a transfer of care of a patient between facilities, where a patient has presented to both a private and public facilities regarding the same underlying condition, and where two facilities are required to investigate a reportable incident.

Principle 3 – The impact of government action should be properly understood by considering the costs and benefits of a range of options including non-regulatory options

Non-regulatory options were considered in developing the Amending Regulation and it is noted that the Amending Regulation creates a clear legal mechanism to facilitate notification and information exchange between two facilities. In consultation with both private and public health facilities, the lack of this clear legal mechanism has, to date, created operational difficulties, confusion, and resistance; the Amending Regulation addresses these.

Principle 4 - Government action should be effective and proportional

The Amending Regulation is considered effective and proportional. The Amending Regulation provides for discretionary notification and information exchange where that notification or information exchange will assist the second health facility to fulfil its reportable incident obligations. This has been framed as a discretion, rather than a mandatory obligation, to share information, to seek to ensure that the amendments are effective and proportional.

Principle 5 – Consultation with businesses and the community should inform regulatory development

The Ministry has engaged with public health organisations and private health facilities through development of the Amending Regulation, including via focus group with public stakeholders and a roundtable with private health stakeholders in December 2020 and a written consultation process in March-April 2021.

Principle 6 - Simplification or reform of existing regulation

Once made, the Amending Regulation will be incorporated into the *Health Administration Regulation 2020*.

Principle 7 - Periodic review of efficiency and effectiveness

The Amending Regulation will be subject to the normal five-yearly detailed staged review under the *Subordinate Legislation Act 1989*.