18th Annual Medical Law & ETHICS Forum

Providing health sector professionals with the latest medico-legal and ethical updates

COVERING THE KEY ISSUES FOR TODAY’S MEDICAL PRACTITIONER INCLUDING:
- Priorities for the Office of the Health and Disability Commissioner
- Medical professional performance
- Working with Enduring Power of Attorney
  - Ensuring privacy
  - The DHB role in public health
- Managing Mental Health and Substance Abuse
- Changes to prescribing
- An update on the coronial system

EXPERT ETHICAL AND MEDICO-LEGAL INSIGHTS FROM:
The Office of the Health and Disability Commissioner • Ministry of Health • Buddle Findlay
New Zealand Coronial Services • Auckland University of Technology • Vida Law • Claro

CONFERENZ.CO.NZ/MEDICAL
The Medical Law and Ethics Forum will provide delegates with the chance to:

- Learn about the latest updates in the key medico-legal issues facing today’s practitioners
- Hear from the regulators about their areas of focus
- Stay ahead of the curve on what is on the horizon for medico-legal topics
- Understand the pressures and key ethical considerations of the healthcare sector
- Collaborate with your peers in interactive table discussions on pressing issues in healthcare

**WHO WILL BE THERE**

**FEATURED SPEAKERS**

**Kate Diesfeld**, Director of National Centre Health Law & Ethics, Auckland University of Technology
Kate Diesfeld is a member of the California State Bar and represented people with developmental disabilities in Los Angeles. In England, she represented people before the Mental Health Review Tribunal. Also, she was a legal academic and Legal Supervisor of the Kent Law Clinic (Mental Health and Learning Disability) at the University of Canterbury in England. With Ian McIntosh, she co-edited Elder Law in New Zealand. She is Professor of Law, and Chairs the Ethics Committee, at Auckland University of Technology.

**Stewart Jessamine**, Director Protection, Regulation & Assurance, Ministry of Health
Stewart’s career has taken him from rural General Practitioner to Director of Protection Regulation and Assurance. In his 24yr career at the Ministry of Health he has undertaken a number of roles including Group Manager of Medsafe, and Director of Public Health. Stewart completed his Master’s in Public Health in 2002 and was admitted as a Fellow of Royal Australasian College of Medical Administration in 2007.

**Holly Hedley**, Senior Associate, Buddle Findlay
Holly specialises in health, employment and privacy law. Her health expertise includes advising on medico-legal matters, health information privacy, adverse events and health-related litigation such as coronial investigations and judicial review. Holly has a wide range of litigation experience and she regularly provides training and seminars on health, employment and privacy topics. She was also a contributing author in New Zealand’s first Elder Law text book.

The Medical Law and Ethics Forum will be taking place this October, providing attendees with the ability to learn about medico-legal practice and how changes to legislation will affect their field.
8.30 REGISTRATION AND COFFEE

9.00 Opening remarks from the Chair
Renée Ridell-Garner, Barrister, Central Chambers

ETHICAL CONSIDERATIONS FOR
THE WIDER HEALTHCARE SECTOR

9.10 The changing needs of the New Zealand healthcare system: new ethical considerations
• Exploring the importance of greater cultural consideration and consumer advocacy in the healthcare sector
• Looking at the move to digital healthcare and how this affects ethics and privacy
• Assessing the case for an Age and Disability Commissioner, due to an ageing population
Richard Catto, Director, KPMG

9.55 Research involving people who are unable to give informed consent to participation - consultation by Health and Disability Commissioner
• Exploring the background and reasons for consultation
• Discussing the process of consultation
• Examining what was heard during the consultation process
• Where to from here?
Cordelia Thomas, Associate Commissioner - Investigations, Office of the Health and Disability Commissioner

10.40 MORNING BREAK

11.20 Managing health professionals' performance
Poor performance in a healthcare setting can create complex problems. Nicola Ridder, Senior Associate at Buddle Findlay, will explain the responsibilities of individual health practitioners and the organisations who employ them when concerns about a health professional's clinical competence, performance or fitness to practise arise.
• Explaining your obligations, and the role of the Registration Authority, under the Health Practitioners Competence Assurance Act 2003
• Differentiating between poor performance, clinical competence, and fitness to practice
• Addressing issues as an employer and dealing with the statutory overlay
• What if a health professional is charged with criminal offending?
Nicola Ridder, Senior Associate, Buddle Findlay

12.00 Table Talks: Public health and end of life decisions
Delegates will be invited to discuss in groups two very important public health issues and the ethical considerations of each for practitioners.
• TOPIC 1: Should Voluntary Euthanasia be legalised in New Zealand?
• TOPIC 2: How can health practitioners approach public resistance to vaccination?

12.40 LUNCH BREAK

AGENDA DAY 1: Monday 30 October 2017

MANAGING THE LAW IN DAY TO DAY PRACTICE

1.40 Privacy Update: Keeping patient privacy paramount
• Examining the important considerations for privacy in a system with increasing information sharing
• Looking at the impacts of cyber security and privacy - what is the process in case of a security breach
• Managing privacy in the face of social media and mobile devices becoming commonplace in hospitals
Representative of Office of the Privacy Commissioner

2.25 Gaining clear informed consent from patients
• Assessing the competency of the patient to understand treatment
• Looking at the responsibility of practitioners to communicate options
• Managing refusal of treatment and patient demand issues

3.10 AFTERNOON BREAK

3.40 Working with Enduring Powers of Attorney (EPOAs) in the healthcare context - challenges and changes
Holly Hedley, Senior Associate at Buddle Findlay, will discuss the role and powers of Enduring Powers of Attorney appointed for personal care and welfare decisions. Issues discussed will include:
• The process for appointing and activating EPOAs
• The limits on an EPOAs’ power to make decisions for a patient
• What can you do if you think an EPOA isn’t acting in the patient’s best interests?
• What changes might be coming to the law relating to EPOAs (including discussing the Law Foundation’s recent report on Mental Capacity)
Holly Hedley, Senior Associate, Buddle Findlay

4.20 The DHB role in public health decisions
Important decisions on public health are becoming more important to DHBs, and recent changes have led to increased decision-making from boards - the clearest example of this being fluoridation in water. Catherine Deans will join us to discuss the role of the DHB in public health and possible future developments.
• Looking at the move to district health boards being in charge of decisions over fluoridation in water supply
• Examining the role of DHBs in public health decisions on controversial topics
Catherine Deans, Senior Solicitor, Claro

5.00 Summary remarks from the Chair and Networking Drinks
9.00 Welcome back from the Chair
Iris Reauvcamp, Principal, Vida Law

MENTAL HEALTH LAW AND ETHICS

9.10 Keynote: Suicide prevention - Having honest conversations
New Zealand’s rate of suicide has faced significant media attention in 2017 and provoked questions around whether the mental health system is fit for purpose. Hear about the current state of mental healthcare in New Zealand and how mental health can be better served.
• Discussing the current state of mental healthcare and suicide prevention in New Zealand
• Examining the legal and ethical guidelines surrounding suicide and mental healthcare
• Looking at possible changes to healthcare that can ensure patients are further supported during crisis
Shaun Robinson, Chief Executive, Mental Health Foundation of New Zealand

9.50 The Mental Health Act - is it out of date from a human rights perspective?
• The right to freedom from discrimination under section 19 of the New Zealand Bill of Rights Act (NZBORA)
• A closer look at the MHA
• Consequent limits on the rights of patients subject to the MHA
• Are the limits reasonable, and can they be demonstrably justified in a free and democratic society?
Iris Reauvcamp, Principal, Vida Law

10.30 MORNING BREAK

11.00 Substance Abuse (Compulsory Assessment and Treatment) Act 2017
• Providing an introduction to the Act
• Exploring the changes from the Alcohol and Drug Addiction Act 1966
• Looking at emerging issues
• Discussing comparative perspectives
Kate Diesfeld, Director of National Centre Health Law & Ethics, Auckland University of Technology

11.50 Table talks: Mental health and Managing high pressure situations
Delegates are invited to discuss their perspectives among their peers on important legal and ethical considerations in the health care sector and then report this back to the group.
• TOPIC 1: How should the methods of treating patients with acute mental health concerns be changed?
• TOPIC 2: How can hospitals continue to provide high quality care while facing increased pressure from a changing population with diverse needs?

12.30 LUNCH BREAK
9.30 - 12.30: INSIDE THE ‘BLACK BOX’ OF THE CONSULTATION: CONFIDENT COMMUNICATION FOR MEDICAL PROFESSIONALS

This interactive workshop will explore some of the communication challenges commonly encountered in medical interactions, such as:

- Discussing sensitive topics
- Delivering unwelcome news
- Explaining complex concepts
- Achieving genuine ‘informed consent’ or ‘shared decisions’
- Responding to emotions

We will look in detail at video clips from real consultations and interviews with patients, along with evidence from New Zealand and international research, with the aim of identifying specific problem areas and possible strategies for managing these. The emphasis will be on practical exercises, discussion and gaining tools for critical self-reflection on communication practice.

**Maria Stubbe, Senior Lecturer, University of Otago Wellington**

Dr Maria Stubbe is a senior lecturer and Co-Director of the Applied Research on Communication in Health (ARCH) Group at Otago University’s Wellington School of Medicine and Health Sciences. She is a sociolinguist by training and specialises in consultation analysis and patient experience research. Maria’s recent work has included analyses of clinical decision-making, surgical communication, lifestyle talk in routine consultations, communication in interpreted health encounters, and patient experiences of living with diabetes.

1.30 - 5.00: EMPLOYMENT LAW FOR THE HEALTH SECTOR

Employment relations in a healthcare setting can be particularly complex. In this workshop delegates will be taken through key employment law principles, how these apply in a healthcare setting, and particular challenges that arise in the health sector.

- Key employment law principles
- Health sector overlay
- Employment Agreements in the health sector
- Dealing with pressures on the health professionals
- Managing poor performance
- Working through complaints about bullying
- Disciplinary investigations and processes
- Restructuring and redundancy

**Nicola Ridder, Senior Associate, Buddle Findlay**

Nicola specialises in employment and industrial relations, health law, and dispute resolution. She has particular expertise in the public health sector, and represents individuals and employers in both the public and private sectors. On the health law side, she specialises in managing complaints and adverse events, treatment issues (including consent to treatment, competency issues and mental health), health information and privacy, HDC investigations, Coronerial inquiries, and the regulation of health professionals.
**REGISTER NOW**

W: conferenz.co.nz/medical  
P: (09) 912 3616

**2ND DELEGATE DISCOUNT - $500 OFF***

*Applies to conference only. Bookings must be from the same organisation and made at the same time. Contact the team on 09 912 3616 for more information.

<table>
<thead>
<tr>
<th>BOOKING OPTIONS</th>
<th>SUPER SAVER</th>
<th>EARLY BIRD</th>
<th>LAST MINUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Register &amp; Pay before 5pm</td>
<td>Register &amp; Pay before 5pm</td>
<td>Register &amp; Pay after 5pm</td>
</tr>
<tr>
<td>28 AUGUST 2017</td>
<td>29 SEPTEMBER 2017</td>
<td>29 SEPTEMBER 2017</td>
<td></td>
</tr>
<tr>
<td>CONFERENCE</td>
<td>$2,299 + GST</td>
<td>$2,499 + GST</td>
<td>$2,599 + GST</td>
</tr>
<tr>
<td>WORKSHOP (EACH HALF DAY)</td>
<td>$599 + GST</td>
<td>$699 + GST</td>
<td>$799 + GST</td>
</tr>
<tr>
<td>SAVE $300</td>
<td>SAVE $100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**WHAT HAPPENS IF I HAVE TO CANCEL?**  
**YOU HAVE SEVERAL OPTIONS:**  
• Send a substitute delegate in your place  
• Confirm your cancellation in writing (letter or email) at least ten working days prior to the event and receive a refund less a $300+GST service charge per registrant. Regrettably, no refunds can be made for cancellations received after this date.  
**GST No. 66-938-654**

**Agenda Updates:** Conferenz Ltd reserves the right to make any amendments deemed to be in the best interest of the conference. Agenda is correct at time of printing, please check online for any updates.

**HOW TO PAY - DIRECT CREDIT**
Direct credit to our bank account  
(Account Details: Conferenz Ltd  
Account No: 06-0273-0228588-25)

**HOW TO PAY - CREDIT CARD**
We accept most major credit cards. Please contact our office directly on (09) 912 3616 if you wish to use this method of payment, or register online for this event at conferenz.co.nz

A 2.5% surcharge will be added to credit card payments


**Don’t take our word for it; this is what past attendees had to say about the event:**

“Excellent event and one I enjoy attending and find valuable”

“Fantastic conference - I would highly recommend it! Excellent range of speakers both medical and legal. Lots of interactive debate and discussion.”

“Great conference and well worth 2 days out of the office and the inevitable catch-up needed on our return to work!”