New Zealand Medico-Legal Congress

1-2 July 2019, Novotel Auckland Ellerslie

Analysing the latest medico-legal issues and their implications for the health and medical sector

- Hear about the latest regulatory and legal developments in the healthcare sector
- Explore the latest case law and legal decisions and understand their impact on your practice
- Learn from the hands-on experience of clinical practitioners and legal teams sharing real-life stories
- Engage in debates on the hottest issues related to new legislation
- Benefit from unrivalled opportunities to network and exchange ideas with experts and peers from across the legal and health sector

Speakers include:

- **Professor Ron Paterson**
  Senior Lecturer
  University of Auckland and Chair, Government Inquiry into Mental Health and Addiction

- **Professor Kate Diesfeld**
  Professor of Law, Chair
  Auckland University of Technology Ethics Committee

- **Scott Arrol**
  Chief Executive Officer
  New Zealand Health IT (NZHIT)

- **Dr Aileen Collier**
  Senior Lecturer - School of Nursing, University of Auckland and Clinical Nurse Specialist (Palliative Care), Auckland District Health Board

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The New Zealand Medico-Legal Congress explores the interface between health and the law. Providing unique insights on the interaction between health policy, regulation, clinical practice, law and biomedical ethics. It covers the latest developments in health policy, legislation and regulation, providing ample opportunity for lively discussion and debate. The Congress also delivers an overview of the most current case law and legal decisions and analyses their implications for health systems, clinical practitioners and legal teams.

The event also provides a platform to enable the sharing of the latest decisions and trends from New Zealand’s Health and Disability Commission, Practitioner tribunals and Coronial Service. Creating a unique opportunity to embed the learning from their findings and ensure improvement across the system.

WHO WILL BE THERE

CEOS
CLINICAL DIRECTORS
CLINICAL ADVISORS
CHIEF MEDICAL OFFICERS
MEDICAL PRACTITIONERS
ADVOCATES
LAWYERS
8.30 REGISTRATION AND COFFEE

9.00 Opening remarks from the Chair
Dr Jeanne Snelling, Lecturer - Law Faculty and Bioethics Centre, University of Otago

9.10 Updating on key medico-legal issues
• Reviewing the latest headline legal issues within the medical and healthcare environment
• Summarising developments in case law and regulation
• Analysing the impact on healthcare practitioners, managers and medico-legal professionals

9.50 The future of healthcare
New Zealand is striving to establish a more digitalised health system, aiming to provide better healthcare for all enabled by digital solutions. Robo doctors, personalised medicine, genomics diagnosis and much more will be revolutionising the healthcare sector.
• What difference will this make to the delivery of healthcare services in the future?
• What are the legal and ethical implications of the new technologies?
• What is the value of medical and health information and data – who owns it?
Scott Arrol, Chief Executive Officer, New Zealand Health IT (NZHIT)

10.30 MORNING BREAK

GOVERNMENT INQUIRY INTO MENTAL HEALTH AND ADDICTION

11.00 “A paradigm shift”: The Government Inquiry into Mental Health and Addiction
The Government Inquiry into Mental Health and Addiction is said to be a “once-in-a-generation” opportunity for change in the approach toward mental health and addiction issues.
• What are the biggest challenges in the shift from “big psychiatry” to “big community”?
• What are the recommendations proposed in The Inquiry?
• What has been the Government response to the recommendations?
• What has been implemented so far and what are the plans for further transformation of the mental health system
Professor Ron Paterson, Senior Lecturer, University of Auckland and Chair, Government Inquiry into Mental Health and Addiction

11.50 Reviewing the Mental Health (Compulsory Assessment and Treatment) Act 1992 from a human rights perspective
• How does the Mental Health (Compulsory Assessment and Treatment) Act 1992 (the Mental Health Act) relate to the New Zealand Bill of Rights Act 1990 and the Convention on the Rights of People with Disabilities (CRPD)?
• What are the plans for potential reform of the Mental Health Act?
• What would new mental health legislation that reflects modern approaches to human rights, supported decision-making and informed consent look like?
• Reconsidering mental health and risk - What does this mean in practice for mental health service users, whanau, clinicians, mental health service providers and our community?
Frank Bristol, Manager, Balance Aotearoa

12.30 LUNCH BREAK

1.30 Enhancing equity: Exploring culturally-appropriate evidence-based therapies for the Māori community
The current models of therapies are not working well for Māori. Māori people have a unique understanding of health and wellbeing. Therefore, culturally-appropriate therapies are needed to better serve Māori patients.
• Understanding the unique elements of Kaupapa Māori mental health and addiction services
• What is missing in the current care system for Māori?
• Exploring bicultural practice models in treating Māori people who suffer from mental health and addiction problems
Dr Maria Baker, Chief Executive Officer, Te Rau Ora

2.10 Panel Discussion: Changing drug use and addiction from a criminal issue to a health issue – what are the implications?
While this policy has a substantial international evidence base and is supported in principle the Government. Significant questions remain about what this means in practice for law enforcers and health professionals.
• Is decriminalisation of drug use and addiction the right direction?
• What are the implications to the wider public if personal drug use is decriminalised?
• Exploring the legal mechanics of medicinal cannabis
• Do we have adequate capacity to deliver health services to people with drug problems?
Kali Mercier, Policy Manager, NZ Drug Foundation
Benedikt Fischer, Hugh Green Foundation Chair in Addiction Research, University of Auckland
Dr Marta Rychert, Research Officer, Massey University

3.10 AFTERNOON BREAK

DEVELOPMENTS AND DEBATES ON HEALTH REGULATION

3.30 Panel discussion: The End of Life Choice Bill - do we have a choice?
Significant changes have been suggested to the End of Life Choice Bill, this session provides...
an opportunity to explore the key issues around the Bill.

- Debating on ethics and legal issues of euthanasia and assisted dying
- What are the implications to the medical and health practitioners should the bill is passed?
- How can medical practitioners protect their rights under the bill?

Dr Aileen Collier, Senior Lecturer - School of Nursing, University of Auckland and Clinical Nurse Specialist (Palliative Care), Auckland District Health Board
Jessica Young, Research Fellow – Dunedin School of Medicine, University of Otago

4.30 Adlam v ACC: How the new ‘non-negligence standard’ is working out ‘on the ground’ a year on
Following the 2005 amendment to the Accident Compensation Act 2001, the concept of ‘treatment injury’ was born. However, In Adlam, the Court of Appeal found that, in instances of delay or failure to treat, a ‘departure from a standard’ must be established showing that something else “could and should” have been done in the course of treatment.

- What does the new standard mean and how is it being applied in practice?
- Has the decision merged the concept of treatment injury too closely with concepts of medical misconduct and negligence?
- Does the Court of Appeal’s decision reveal that, the ambition of the amendment and what it achieved, are two different things?
- Is the Woodhousian dream of eventually eliminating the distinction between illness and injury still apposite?

Brittany Peck, Solicitor, John Miller Law

5.00 Summary remarks from the Chair & Networking Drinks

2 July

9.00 Welcome back from the Chair
Dr Jeanne Snelling, Lecturer - Law Faculty and Bioethics Centre, University of Otago

MANAGING DAY TO DAY WORK UNDER THE LAW

9.10 Health and Disability Commissioner: Stocktake of recent significant complaints and their outcomes
The Health and Disability Commissioner will update on recent complaints and its important decisions and opinions including; medication mistakes, vaccination errors and more.

9.50 Health Practitioners Disciplinary Tribunal developments
- Explore the implications of cases before the Health Practitioners Disciplinary Tribunal.

2.10 The registration of paramedics
Paramedics in New Zealand have been calling for national registration. Ambulance New Zealand has applied to put around 1000 paramedics and intensive care paramedics (ICPs) under registration. However, where does this leave first responders (FRs) and emergency medical technicians (EMTs).
• Should all ambulance officers get registration?
• What is the latest development in the registration of paramedics?
• What are the requirements for the qualification and trainings?

Mitch Mullooly, Chair - NZ Chapter, Paramedics Australasia

2.40 AFTERNOON BREAK

MEDICAL AND LEGAL DISCUSSION ON KEY HEALTH ISSUES

3.00 Medico-legal issues surrounding bariatric surgery in New Zealand
Bariatric surgery is increasingly used for people with obesity. Although the surgery has proved successful, complications can arise and there are controversial aspects.
• Who gets bariatric surgery and what are the typical outcomes?
• What are atypical outcomes?
• Ethical and social issues influencing surgery take-up
• Current controversies including:
  - The role of pre-surgery psychological assessment
  - Adolescents seeking surgery
  - What formal complaints arise?

Lois Surgenor, Associate Professor, University of Otago

3.30 Benchmark Toolkits for judges and lawyers in the cases involving foetal alcohol syndrome
Fetal alcohol spectrum disorder (FASD) is caused when babies are exposed to alcohol before birth and can lead to behavioural problems and intellectual disability, which makes the patient vulnerable to ending up in the criminal justice system. A man with fetal alcohol syndrome was wrongly convicted of rape and murder and spent 20 years in prison. This initiative aims to prevent this happening.
• What are the Benchmark Toolkits?
• Practical steps lawyers could take to improve matters for clients and witnesses.
• Examining the interviewing and cross-examination techniques of judges and lawyers
• What are the implications of the Benchmark Project to other vulnerable groups – exploring closely related initiatives: Child Witness and Sexual Offence Pilot Courts

Dr Emily Henderson, Consultant, Henderson Reeves

4.00 Closing remarks from the Chair and end of conference
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