



Guidelines on Protected Quality Assurance Activities under the Health Practitioners Competence Assurance Act 2003

September 2024

This guidance document provides information on what a protected quality assurance activity (PQAA) is, how to apply for a PQAA and ongoing reporting requirements.

Citation: Ministry of Health. 2024. *Guidelines on Protected Quality Assurance Activities under the Health Practitioners Competence Assurance Act 2003*.
Wellington: Ministry of Health.

Published in September 2024 by the Ministry of Health
PO Box 5013, Wellington 6140, New Zealand

HP 9091



This document is available at health.govt.nz



This work is licensed under the Creative Commons Attribution 4.0 International licence. In essence, you are free to: share ie, copy and redistribute the material in any medium or format; adapt ie, remix, transform and build upon the material. You must give appropriate credit, provide a link to the licence and indicate if changes were made.

Contents

The purpose of protected quality assurance activities	1
Application process	2
Application form	2
Annual reporting	5
Reporting requirements	5
How we use your annual report	5
Completing the annual report	5
Replacing a responsible person	7
Completing the application form for replacing a responsible person	7
Duration and revocation of a PQAA notice	9

The purpose of protected quality assurance activities

Quality assurance activities (QAAs) aim to encourage health practitioners to perform their work as effectively as possible by assessing the practitioner's services. QAAs encompass a range of activities, including, clinical audits, academic studies, peer reviews and systems assessments – they are all activities that seek to improve health practices and patient care. QAAs are important for improving health care practices and competency of health practitioners.

Health practitioners can apply to have their QAA protected under the Health Practitioners Competence Assurance Act 2003 (the HPCA Act). This protection (protected quality assurance activities or PQAAs) gives confidentiality and immunity from civil liability to people who carry out quality assurance activities. It is essential to note that the protection only applies to information obtained as part of the QAA.

Application process

The Ministry of Health (the Ministry) has established an application process for organisations to request protection for their QAA. Health practitioners registered under the HPCA Act can apply to the Ministry for a PQAA.

The following pages include information to help you complete your application.

Download the PQAA application form from the QAA page of the Ministry of Health website:

www.health.govt.nz/regulation-legislation/health-practitioners/quality-assurance-activities

Email your completed application form and any questions to **QAA@health.govt.nz**

Application form

Your completed application form should include enough information to allow the Ministry to assess whether the proposed quality assurance activity should be declared a PQAA. Please ensure your answers address the specifics of each question as succinctly and directly as possible.

If you are applying for multiple activities, each activity will need its own application form.

Once an activity is declared protected and has been gazetted, it will become publicly available as secondary legislation under the HPCA Act. You can see the active PQAA notices on the Notice Under the Legislation Act 2019 webpage on the New Zealand Gazette website at: <https://gazette.govt.nz/notice/id/2024-sl1559>

The application form questions

Below we provide a short description of each question and examples of what each section should include.

1. What is the title of the QAA?
 - This short title will eventually be used as the activity identifier in the PQAA notice. The title should be a succinct description of the activity (for example, Clinical Audit, Peer Review).
2. Please describe the purposes of the QAA and how it improves the practice of one or more practitioners, as described in Section 53(1) of the HPCA Act.
 - QAA, or quality assurance activity, means an activity that is undertaken to improve the practices of one or more health practitioners by assessing the

health services performed by those health practitioners (whenever those services are or were performed).

- This section is looking for a clear description of how this QAA leads to practice improvement (for example, 'This QAA enables critical review and analysis of the health practitioner's performance of the activity.').
3. Who are the participants?
 - This question requires you to clearly identify the people or groups who are participating in this activity. For example, 'All orthopaedic surgeons who carry out reconstruction surgery in New Zealand'. If there are multiple participants or groups of professionals involved in the activity, please list them all. All participants should support the application for a PQAA notice.
 4. Please describe the methodology or how the activity will be carried out.
 - Provide a clear description of the QAA process from beginning to end. This description will inform how the PQAA notice is written and published if conferred by the Minister of Health.
 - The description could include a full outline of the process used to carry out the activity, the review cycle and any reporting or other actions that may result from the activity.
 5. What actions will be taken if the QAA identifies a problem or deficiency in the provision of health services by the health practitioners?
 - Explain how feedback and advice are given to the health practitioners to improve their services and introduce new processes or procedures for better health care provision.
 - For example:
 - Conducting clinical audits and providing detailed feedback reports to practitioners, highlighting areas for improvement and best practice
 - Implementing systems to gather patient feedback, such as surveys to identify areas for improvement from the patient's perspective and incorporate their input into practice.
 6. What information do you intend the PQAA notice to protect?
 - A PQAA only protects information that exists as a result of the QAA. Information that existed before the activity was conducted cannot be protected.
 - You should describe what information will be produced as a result of the activity that you believe should be protected. For example, meeting minutes from a peer review activity or written feedback following an audit activity.
 7. Why is it in the public interest for the activity to be declared protected?
 - The Minister of Health may only declare a QAA protected if they are satisfied that granting protection for the activity under the HPCA Act is in the public interest.

- The protection allows health practitioners to make improvements to their practice without liability and, as such, this is in the public interest. Applicants need to demonstrate how the protected activity contributes positively to public health, safety and wellbeing. For example, explain how the activity contributes to enhancing the quality of health care services, improving patient outcomes and promoting trust and confidence in the health care system.

8. Who is the PQAA's responsible person?

- All PQAA applications must have a nominated responsible person, as per section 57 of the HPCA Act. This person must be appointed by the Minister of Health. The person is responsible for maintaining the integrity of the QAA's methodology. They must provide impartial commentary and fulfill all reporting requirements.
- Explain how the responsible person has no association with the health practitioners whose performance is being assessed – for example, they work in a different area, do not have regular interaction with or are not responsible for oversight/supervision of the health practitioner's work and are not taking part in the QAA.
- When nominating a responsible person, you must confirm you have completed a criminal conviction check within the last three years for that person. You can find information on how to request this check on the Criminal Record Check webpage of the Ministry of Justice website at: www.justice.govt.nz/criminal-records

9. What are the responsible person's contact details?

- Provide the preferred contact details for the responsible person. This may be contact details for an organisation's administrator or the person submitting the application.
- You can provide multiple ways of contacting the responsible person.

Annual reporting

Reporting requirements

Reporting requirements are outlined in section 58 of the HPCA Act. The responsible person must submit an annual report for each PQAA to the Minister of Health and the service provider of participating practitioners. Where a notice holder has multiple PQAAs, each responsible person must submit a separate report on each activity. Reports must not identify individuals and should focus on improvements related to the PQAA.

The annual report must be submitted no later than two months after the anniversary date of the PQAA notice issuance date. To find out when your annual report is due, please check your gazette notice.

How we use your annual report

The Ministry, on behalf of the Minister of Health, reviews and evaluates annual reports on PQAAs to ensure compliance with reporting requirements and ongoing public interest. You will be notified once the Ministry has reviewed your annual report, and if any amendments are required.

These reports are crucial for determining whether QAAs should remain protected. They help the Minister of Health determine if there is ongoing public interest in protecting the QAA and whether the protection continues to contribute to the health and safety of members of the public.

Completing the annual report

You can download the annual reporting template form from the QAA page of the Ministry of Health website:

www.health.govt.nz/regulation-legislation/health-practitioners/quality-assurance-activities

The report should include the following information.

1. Name of the PQAA
 - State the name of the PQAA notice as published in the Gazette and the name of the activity, in the format 'Provider (Notice year) Name of activity'.
2. List of problems or issues
 - Identify any problems or issues that have been identified during, or as a result of, the activity. This could include, for example, inconsistencies in data

collection procedures, communication failures between health care teams or inadequate adherence to clinical protocols.

3. Actions taken and improvements made
 - List the actions taken and improvements made to resolve the identified problems or issues. This could involve updating processes, making decisions or implementing policies among other measures.
 - All actions taken, improvements made and recommendations should be linked to the specific issues they address.
4. Recommendations made
 - List any recommendations made because of the PQAA. This may include things such as updating process documents or implementing new procedures to enhance a practice.
5. Implementation monitoring
 - Describe how the implementation of these recommendations will be monitored. Specify who will be responsible for checking that recommendations have been implemented and how the monitoring will be recorded.
6. Management of improvements
 - Describe how any improvements to the practice or competence of your organisation, or any of your organisation's practitioners, will be managed. Explain the mechanisms or processes that will be used to implement, measure and monitor the improvements made. Examples may include implementing regular training sessions, conducting performance evaluations and utilising feedback mechanisms for continuous improvement.
7. Benefits to the public
 - Explain how the activity and its improvements benefit the public. This may include enhanced patient safety, improved health care outcomes and increased public confidence in health care services.

Email your completed annual reports and any questions to QAA@health.govt.nz

Replacing a responsible person

It is important that you apply for a change of responsible person as soon as you are aware of the anticipated change, such as a resignation, death or revocation of appointment. It's important to sort out a replacement as quickly as possible to ensure that the PQAA remains protected. Under Section 57 of the HPCA Act, the QAA ceases to be protected if a replacement responsible person is not appointed within 31 working days of the position becoming vacant.

Completing the application form for replacing a responsible person

Please make sure you complete all parts of the form. The form includes the following information.

- Name of the PQAA
 - State the name of the PQAA notice as published in the Gazette and the name of the activity, in the format 'Provider (Notice year) Name of activity'.
 - State the name of the sponsor of the PQAA and their relevant contact details.
- Name of the responsible person leaving and their leaving date
- Name and contact details of the proposed new responsible person
 - Describe the person's role within the organisation.
 - Explain how the new responsible person is independent from the health practitioners whose performance is being assessed.
 - Confirm the new responsible person has been subject to a criminal conviction check in the past three years. You can find information on how to request this check on the Criminal Record Check webpage of the Ministry of Justice website at: www.justice.govt.nz/criminal-records
- The responsible person must agree to:
 1. inform the Director-General of Health of any change to the purpose of the PQAA as soon as practicable after the change occurs
 2. inform the Director-General of Health of any significant change to the composition or purpose of the group of participating health practitioners, if that change is likely to affect the PQAA, as soon as practicable after the change occurs
 3. meet the obligations set out in section 58 of the HPCA Act relating to reporting as outlined in the HPCA Act.

- The responsible person must declare that they:
 - have not been convicted in any court in New Zealand, or elsewhere, of any offence punishable by imprisonment for a term of three months or more
 - have not been adjudged bankrupt under the Insolvency Act 1967 or any other relevant insolvency legislation
 - have been subject to a criminal conviction check by their employer in the last three years.

You can download the form for nominating a replacement responsible person from the QAA page of the Ministry of Health website:

www.health.govt.nz/regulation-legislation/health-practitioners/quality-assurance-activities

Email the completed form and any questions to **QAA@health.govt.nz**

Duration and revocation of a PQAA notice

PQAA notices are valid for five years unless revoked by the Minister of Health due to non-compliance or unsatisfactory progress. Unsatisfactory progress may include instances where the QAA fails to achieve its stated objectives, persistent issues remain unaddressed or there is a lack of improvement in health care practice services despite the implementation of corrective measures.

Before revoking a notice, the affected party will be notified, and they will be given the opportunity to provide a written submission (Sections 54 and 56 of the HPCA Act).