



10 March 2021

Amy S Van Wey Lovatt

By email: fyi-request-14570-104cb840@requests.fyi.org.nz

Dear Amy

We refer to your information request dated 29 January 2021 made under the Official Information Act (Act). We note that on 1 March 2021, we extended the time limit by which we must make a decision on your request to 10 March 2021.

We respond to each part of your request below.

Part 1 of your request – Documents on responsibilities and obligations

You have requested “all documents and information which inform the physician and student of:

1. their respective responsibilities and obligations to the patient to obtain informed consent from the patient when a student is present during a consultation or surgery; and
2. their respective responsibilities and obligations with regards to student's observational notes taken when the student is present in a consultation or surgery (e.g., what notes should be taken, whether the notes are to be added to the patients record, who will have access to the observation notes, etc.)”.

Previous OIA response

As an initial comment, we note that on 12 September 2019 we responded to an information request you made on 19 August 2019 under the Act – seeking a copy of the University’s policy on student observations of medical surgical procedures. As we noted in our response, the University has no specific policy on students recording the detail of observed surgery. We provided you with a link to policies relevant to the University’s MBChB programme and noted the following:

“The Director of the MB ChB programme summarised that students are asked to document patient histories with the patient’s consent. When these are presented as case histories by students, identifying details of patients are removed. As to observing operations, students wouldn’t be expected to provide any detailed documentation apart from noting that an operation or procedure had occurred; again, this would require patient consent.”

It might also be useful to note that trainee registrars, who may also be involved in observing operations, are not trained by the University but rather by the Royal Australasian College of Surgeons, which may have different expectations and/or policies.”

Documents

We attach copies of the following documents that we hold and are within scope of your request – some of these documents are already publicly available:

- Application for Unpaid Staff Status Form – responsibilities of confidentiality, compliance with Privacy Act and expectation to observe DHB policies including the Code of Conduct.
- Code of Conduct and Integrity
- Safety Checking Requirements for Students
- Code of Professional Conduct for Medical Students at the Universities of Auckland and Otago
- Medical Students and informed consent article – consensus statement prepared by Faculties of Medical and Health Science of the Universities of Auckland and Otago, Chief Medical Officers of District Health Boards, New Zealand Medical Students' Association and the Medical Council of New Zealand
- Extract from Trainee Intern handbook 2020/2021 – (also contained in the handbooks referred to below)
- 2021 University of Otago, Early Learning in Medicine Second and Third Year Handbook - this is the copy provided at the Dunedin campus. The other medical campuses have equivalent handbooks – substantially the same as this one
- 2021 University of Otago, Dunedin Campus Advanced Learning in Medicine Fourth and Fifth Year Handbook
- 2020-21 University of Otago, Dunedin Campus Advanced Learning in Medicine Sixth Year Trainee Intern Handbook
- 2021 University of Otago, Christchurch Campus Advanced Learning in Medicine Fourth and Fifth Year Handbook
- 2020-21 University of Otago, Christchurch Campus Advanced Learning in Medicine Sixth Year Trainee Intern Handbook
- 2021 SEGO Overview Booklet – outline of module in Surgery, Emergency Medicine, Gastroenterology and Oncology

Please note that we do not have electronic copies of the equivalent handbooks for the University's Wellington campus. We note however that these handbooks are substantially the same as the ones used for the Dunedin Campus and the Christchurch campus.

The above listed documents are provided to or made available to students. The University follows the policies of the local DHBs. It is not the responsibility of the University to inform the physician of the relevant responsibilities and obligations.

Further, as previously provided to you – the following link sets out the MBChB policies and guidelines for the Otago Medical School, including the Codes of Conduct - <https://www.otago.ac.nz/oms/education/mbchb/current-students/resources/policies-guides/index.html>.

The Otago Medical School takes informed consent very seriously. Each student is required to sign a declaration on their first day of medical school as part of learning about and agreeing to the Otago Medical School students' code of professional behaviour.

Part 2 of your request - Documents on the quality assurance process for DHB compliance

You have requested "documents on the quality assurance process to ensure that all DHBs are complying with the aforementioned responsibilities and obligations".

The University does not have a quality assurance process for DHB compliance with the responsibilities and obligation that you have specified in your request. Accordingly, we decline your request pursuant to section 18(e) of the Act on the basis that the information requested does not exist.

As noted above, when students on the MBChB programme are placed in the DHBs for training, they are required to complete an Unpaid Staff Status Form. These students are then (together with all DHB staff) expected to observe all DHB policies.

If you are not satisfied with our response to your information request, section 28(3) of the Act provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.

Yours sincerely

A handwritten signature in blue ink that reads "M. Mendis".

Mayhaka Mendis
Manager, Policy and Compliance
Office of the Registrar

