



MEDICAL SCIENCES COUNCIL OF NEW ZEALAND

TE KAUNIHERA PŪTAIAO HAUORA O AOTEAROA

MSC NEWS

NEWSLETTER OF THE MEDICAL SCIENCES COUNCIL OF NEW ZEALAND

FROM THE CHAIR

Tēnā koutou katoa,

Once again, the country finds itself navigating the challenges of the pandemic, and a lot is being asked of the medical laboratory science profession in addition to other healthcare practitioners. On behalf of the Medical Sciences Council (the Council), I would like to acknowledge your ongoing hard work and commitment, as well as offering a heartfelt thank you.

With the ongoing pandemic in mind, the Council is continuing to work with the Ministry of Health, professional bodies, and employers to relieve some pressures on the medical laboratory science workforce at this time.

The Council also notes that significant changes for the healthcare system and DHBs lay ahead for 2022, which will likely impact both the medical laboratory science and anaesthetic technology workforce.

All practitioners registered with the Council need to be aware of the recent government announcement regarding the requirement for all health workers to be fully vaccinated. Under the COVID-19 Public Health Response (Vaccinations) Order 2021, all registered practitioners must be fully vaccinated by 1 January 2022. As practitioners registered under the Health Practitioners Competence Assurance Act 2003, this is a mandated government requirement.

Please take note of the dates the MSS office will be closed over the Christmas break and the last day for registration and APC applications before the office closes for the year.

We wish you all a safe holiday season and hope you are all able to enjoy some time with family and friends for those of you fortunate enough to have leave over that time.

Ngā mihi,

Brett Besley
MSC Chair

YOUR RESPONSIBILITY

Once you are registered, you have a legal requirement to notify the Council of any changes to your residential, postal or work address within one month of the change. You can do this by logging into "My Profile" on the website.

COUNCIL'S RESPONSIBILITY

The primary responsibility of the Council is to protect the health and safety of the New Zealand public by ensuring practitioners registered in the professions of medical laboratory science, and anaesthetic technology are competent and fit to practise.

Protected Titles – Guidance for Employers:

The Council understands there may be some uncertainty as to when it is appropriate for a practitioner to work under a protected title. The Council has gazetted the scopes of practice - Medical Laboratory Scientist, Medical Laboratory Technician and Medical Laboratory Pre-Analytical Technician. Therefore, a person can only use one of these protected titles if they are registered and hold a current practising certificate issued by the Council. If a practitioner uses a protected title, but is not registered, they would be deemed to be practising illegally.

The Council also understands that there may be some uncertainty as to what titles students or trainees may work under, and so wishes to provide guidance on titles employers may wish to consider to avoid using protected titles while still accurately representing the practice the student / trainee is working in.

For people training in Medical Laboratory Pre-Analytical Technology:

- Trainee medical laboratory pre-analytical technology
- Trainee phlebotomy
- Trainee donor technology

For people training in Medical Laboratory Technology:

- Trainee medical laboratory technology

For people training in Medical Laboratory Science:

- Trainee medical laboratory science

For people training in Anaesthetic Technology:

- Trainee anaesthetic technology

Employers may use the titles above for trainees and students who are not yet registered with the Council. Employers may use alternative titles, but it is important that students and trainees who are not registered with the Council do not use the protected titles, listed above.

Surge Workforce

As demands increase for more COVID-19 testing, the Medical Sciences Council (the Council) wishes to advise that if there are registered medical laboratory practitioners who have let their APC lapse and would like to return to work for a limited amount of time to assist with COVID-19 testing, the practitioner can apply to the Council for an Interim Practising Certificate (IPC). The Council would issue an IPC at no cost, for the purpose of carrying out COVID-19 testing as part of the national strategic approach to managing COVID-19. The IPC would be issued for an initial period of 4 months but may be extended on application to the Council where needed.

Christmas Office Closure Dates

The office will be closed from 24 December 2021 to 10 January 2022. 16 December is the last day for registration applications from New Zealand graduates wishing to be registered and issued with an APC before the Christmas break. 20 December is the last day for APC applications from newly registered practitioners before the Christmas break.

AT CPD Audit 2022

The CPD audit for the January 2020 to December 2021 biennium will be in 2022. Please note that the requirements for the January 2020 to December 2021 biennium remain the same but if you are selected for audit and have had difficulties in meeting the 40 hours of CPD due to the ongoing effects of COVID-19, you will need to advise the Registrar. All such instances will be looked at on a case-by-case basis.

Medical Laboratory Science CPD Audit 2022

The CPD audit for the January 2021 to December 2022 biennium will be in 2022. Please note that the requirements for the January 2021 to December 2022 biennium remain the same but if you are selected for audit and have had difficulties in meeting the minimum requirement of CPD due to the ongoing effects of COVID-19, you will need to advise the Registrar. All such instances will be looked at on a case-by-case basis.

Regulatory Authority Audit

In April 2021, the Medical Sciences Council underwent a performance review in respect of their obligations and responsibilities under section 118 of the Health Practitioners Competence Assurance Act 2003. An independent reviewer (BSI New Zealand) was appointed to conduct the review. Of the 23 performance sections that the Council was measured against, 15 were fully achieved and 8 were partially achieved. The Council has an action plan in place to achieve the 8 partially achieved sections.

HPDT Decision S Davison:

In accordance with the Council's policy Publication of Practitioners Subject to an Order or Direction, and in accordance with section 157 of the Act, a HPDT finding in the matter of registered medical laboratory scientist, Sean Davison, has been published on the Council's website. Mr Davison's registration has been cancelled and he has been ordered to pay costs. A copy of the HPDT decision can be found on the Council's website under the Raising a Concern - (HPDT Decisions).

File No: MLS20/474P – Sean Davison

Charge

On 11 August 2020 the Health Practitioners Disciplinary Tribunal (the Tribunal) considered two charges laid by a Professional Conduct Committee against Mr Sean Davison (also known as Peter Sean Romeo Davison), registered medical laboratory scientist, formerly of Dunedin and now residing in South Africa (the Practitioner).

The charges were laid under the Health Practitioners Competence Assurance Act 2003 (HPCA Act).

Charge 1 alleged that the Practitioner's three convictions for murder in South Africa separately or cumulatively reflected adversely on his fitness to practise as a medical laboratory scientist.

Charge 2 alleged that the Practitioner failed to inform the Medical Sciences Council of New Zealand (the Council) about his involvement and convictions relating to 3 murders, when he knew that his involvement was unlawful conduct. The alleged conduct amounts to professional misconduct.

Background

In 2011, the Practitioner was convicted of aiding and abetting the 2006 suicide of his terminally ill mother. The Practitioner was sentenced to five months of home detention.

In 2011, the Practitioner founded Dignity SA, a group that supported and advocated for law change regarding assisted suicide in South Africa.

On 2 November 2013, the Practitioner unlawfully and intentionally killed a medical doctor and quadriplegic, through the administration of a lethal concoction of drugs.

On 25 July 2015, the Practitioner unlawfully and intentionally killed a man diagnosed with motor neurone disease, by asphyxiation.

On 8 November 2015, the Practitioner unlawfully and intentionally killed a man who had suffered brain injuries, by administering a lethal dose of pentobarbital. It remained the case that there was no right to assisted dying in South Africa.

On 24 May 2017, the Practitioner applied for New Zealand registration in the Medical Laboratory Scientist scope of practice. When asked about criminal convictions, the practitioner disclosed the assisted suicide of his mother. The practitioner failed to disclose the full details of his involvement in the unlawful assisted deaths in South Africa. The Practitioner was first registered in the Medical Laboratory Scientist - Provisional Scope of Practice, with the Council on 19 July 2018.

On 18 June 2019, the Practitioner was convicted of three offences of murder in South Africa. At all material times, the Practitioner was a New Zealand registered medical laboratory scientist.

Finding

The hearing proceeded via audio-visual link on an agreed summary of facts and the Practitioner accepted both charges.

The Tribunal found that both charges were established.

Charge 1 was established on the basis that the Practitioner's convictions met the threshold of being imprisonable for 3 months or longer. The charge was also proven to reflect adversely on the Practitioner's fitness to practise.

Charge 2 was established on the basis that the Practitioner failed to notify the Council of his involvement in two of the three murders and his three murder convictions. The Tribunal found that this amounted to professional misconduct.

Penalty

The Tribunal:

- Cancelled the registration of the Practitioner;
- Censured the Practitioner;
- Ordered the Practitioner to pay costs of \$8,439.00, amounting to 25% of the costs.

The Tribunal directed publication of the full decision and a summary.

The Tribunal further directed the Executive Officer to request the Medical Sciences Council of New Zealand to provide a copy of this decision to the Health Professions Council of South Africa.

The full decision relating to this case can be found on the Tribunal website at www.hpdt.org.nz reference no: MLS20/474P.