

## Ministry of Health's decision following audit of aged care facility not unreasonable

<b>Legislation</b>	Ombudsmen Act 1975
<b>Agency</b>	Ministry of Health
<b>Ombudsman</b>	Leo Donnelly
<b>Case number(s)</b>	443496 (previously unpublished)
<b>Date</b>	2017

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### *Ministry of Health's HealthCERT not unreasonable to issue an aged care facility with 'partial attainment' in its August 2016 surveillance audit*

The complainant and his partner owned and operated a rest home over nine years. In August 2016, the Ministry of Health undertook a surveillance audit for which it issued the facility with a 'partial attainment' finding. Full attainment was not granted because non-registered health professionals at the facility were transcribing clients' medication charts, rather registered health professionals working from the handwritten prescriptions.

Following the Audit, the complainant queried the Ministry's decision and sought clarification about whether or not the practice of transcribing was illegal. Following the complainant's correspondence with the Ministry over the matter, the Ministry refused to grant full attainment as it remained of the position that the transcription of the medication charts was contrary to the relevant guidance.

The complainant claimed that the Ministry's decision was unreasonable.

The Ombudsman made inquiries with HealthCERT about the reasons for the decision to issue the decision. He asked the Ministry whether the fact that the transcriptions were later checked by a registered nurse and then the GP (the two-tier check), would affect the Audit finding. HealthCERT confirmed that the two-tier check had not been advised to the auditor at the time of the Audit. However, the Ministry explained that even if a registered nurse and then the GP in fact checked the transcription, HealthCERT had indicated that it would still have awarded the

facility with a partial attainment. HealthCERT did not consider that it was appropriate for a non-registered health professional to take part in the transcription process.

HealthCERT also indicated that the facility had another option available to it (Electronic Charting system) if they wished to avoid any problems about the clarity of GPs' handwriting.

The Ombudsman did not form a view on the transcription issue because the Ministry was intending to review its Guidelines and to explore and clarify this matter with proper consultation of care providers and prescribers. The Ombudsman considered that the Ministry's review process of the Guide was the correct forum for the transcription issue to be explored and clarified and therefore, it was not appropriate for the Ombudsman to provide a definitive stance on the issue of transcription or to substitute the Ministry's forthcoming review with his opinion.

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