

HOW PHYSIOTHERAPISTS CAN SEE THEIR PATIENTS UNDER ALERT LEVEL 3 (non-DHB settings)

UPDATE as at 15 October 2021

Introduction

In recent weeks we have received many enquiries from physiotherapists asking what services they can provide under changing COVID-19 Alert Levels. Until now our advice has been to follow the Ministry of Health guidance.

The Ministry of Health rules regarding the provision of health services (including physiotherapy) are set out in Alert Level Requirements orders made by Minister for COVID-19 Response.

Mandatory requirements

Regulatory requirements

Current Alert Level requirements are set out in an [Order](#) that commenced on 21 September 2021. The [Order](#) specifies mandatory legal requirements for individuals, businesses, and services at various alert levels. Requirements for business and services include matters such as the number of customers and clients allowed in a workplace, physical distancing rules, and contact record rules.

Importantly, apart from a few specific exceptions, nothing in the current [Order](#) applies to health services (including physiotherapy). In other words, the [Order](#) enables physiotherapists to provide health services to the public provided they comply with those exceptions.

In summary, the exceptions require physiotherapists to take the following actions:

Under all Alert Levels

- [Display of QR codes in workplaces](#) (clause 9)
- [Workplace systems and processes to enable keeping of contact records](#) (clause 11)

Under Alert Levels 2 and 3

- [Systems and processes for contact record rule](#) (clauses 28 and 44)

The person in control of a workplace of any health service must have systems and processes in place to ensure, so far as is reasonably practicable, that each person aged 12 years or older who enters the workplace—

- (a) scans the QR code for the workplace or otherwise makes their own contact record; or
- (b) provides a contact record that the person in control of the workplace collects

but only in relation to people other than workers of the health service.

- [Additional face covering requirements for individuals \(clauses 23 and 39\)](#)

Every person who is not a patient or worker of the health service must wear a face covering on the premises of the health service.

Ethical and other legal requirements

When deciding whether to provide face-to-face services where COVID-19 alert levels apply physiotherapists must consider their ethical obligations to patients. This includes ethical principle 2.1, which states that physiotherapists must consider the health and wellbeing of the patient to be their first priority.

This principle requires the physiotherapist to apply their clinical judgment to balance the treatment needs of the patient against the need to take appropriate steps to keep the patient, and others who may be in the workplace, safe from the risk of infection.

Always conduct a suitable risk assessment and take appropriate measures to mitigate identified risks having regard to:

- the nature of the presentation,
- the health condition and vulnerability of the patient and others present,
- alternative treatment options
- implementation of hygiene measures such as hand sanitation, mask wearing, and ventilation.

The risk assessment, measures taken, and clinical reasoning for decisions made should be documented in each case.

Physiotherapists who are persons conducting a business or undertaking (PCBU) for the purposes of health and safety legislation should also consider their obligations to ensure, so far as is reasonably practicable, the health and safety of their workers and others who could be put at risk by the work of the business, for example customers, visitors, children and young people, or the general public.

Guidance (non-mandatory)

The Physiotherapy Board, Physiotherapy New Zealand and other Allied Health organisations have been working with the Ministry of Health in an effort to develop a consistent set of *guidance* for Allied Health. Unfortunately, the Board was unable to reach agreement with the Ministry on guidelines we consider would be suitable for physiotherapists providing services to meet the health and safety needs of the public. However, physiotherapists may consider the current Ministry [guidance](#) and apply it where considered appropriate.

What does this all mean?

The mandatory requirements identified above are the law and **must** be followed in all cases to which they apply.

There are no restrictions on whom you choose to provide physiotherapy services. It is your clinical judgement whom you choose to see.

The Ministry of Health guidelines may help inform your clinical decision making.

Future updates

The rules relating to COVID-19 Alert Levels are not made by the Board and are constantly changing. Therefore, we should all expect further changes to be made to the rules as the COVID-19 pandemic continues to progress. We will try to keep you informed if changes are made to the current order.

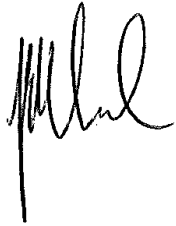
Disclaimer

This document provides a brief summary of the current rules as we understand them. You should refer to the Order at the link provided above and consult the Ministry of Health for more detailed information. Please note that the advice we provide is general in nature and is not a substitute for legal advice. You

should seek advice from a lawyer should you wish to understand how the rules apply to your specific circumstances.

Contact us

If you have any queries, please contact us: physio@physioboard.org.nz or pnz@physiotherapy.org.nz



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