



Health and Disability Commissioner  
Te Toihau Hauora, Hauātanga

24 April 2013

Street

AUCKLAND 1

Dear Mr

**Complaint:** Dr D at Health Centre  
**Our ref:** C12HDC

I write further to your recent email correspondence with J Z of this Office. We apologise for the delay in responding to you again.

I have now completed my assessment of your complaint and outline my decision below.

*Your complaint*

You complain that Work and Income New Zealand (WINZ) appointed assessor, Dr , performed an inadequate medical consultation and examination on 17 June 2010. You also allege he failed to give due consideration to evidence from other health providers, made incorrect diagnoses, and recorded inaccurate details in his report to WINZ. In particular, you raise the following concerns about Dr :

- You state his line of questioning resembled an interrogation rather than an examination, as all his questioning was targeted at details associated with your previous work experience and benefit history. He was unsympathetic towards you. The examination only lasted 12 minutes, and you believe Dr conducted it with a prejudicial mindset. You feel you were not given sufficient opportunity to explain your health issues.
- You provided Dr with documentation that gave evidence of your diagnosed health issues and treatment by mental health and addiction specialists. Upon doing so, he advised you that he would not need them, and refused to make a copy of the information to assist with his assessment.
- You dispute the accuracy of the information contained in Dr 's WINZ 'Designated Doctor Report', and you consider his assessment and report were not evidence based, unfair, unprofessional and biased. In the diagnosis section of the report he referred to you as an "alcohol binge drinker" who lacks motivation to work. The report failed to indicate that you were receiving

current treatment/intervention, or were under the care of specialists. You state WINZ relied on his assessment, while ignoring all other relevant medical information, when making its decision to transfer you from an invalids to sickness benefit.

- You state Dr [redacted] is not appropriately qualified to conduct an assessment of a client with your particular medical conditions. You believe he should have acknowledged and accepted his professional limitations and refrained from conducting the assessment.
- You state Dr [redacted] did not follow guidelines set out in the Ministry of Social Development's resource manual, "Guide for Designated Doctors".

*My consideration*

Under section 38 of the Health and Disability Commissioner Act 1994 (the Act), the Commissioner has the discretion to take no further action on a complaint when he considers it is unnecessary or inappropriate to do so. One of the relevant factors he may take into consideration is whether there is an adequate remedy or right of appeal that it would be reasonable for the complainant to exercise.

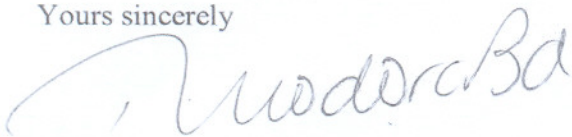
In this instance, I consider that the Medical Appeals Board is an adequate right of appeal for WINZ decisions, and it seems that you have been successful at overturning WINZ's original decision via this appeals route.

However, this Office did ask Dr [redacted] to specifically respond to the communication issues you raised. In his response to this Office, dated 22 November 2012 (copy enclosed), he states that his interviews are all patient-centred and he is very careful to approach all cases in a standardised and non-judgmental manner. Thus, it is clear that his views about his communication style during the consultation are contrary to yours. I do not consider further investigation into this matter will provide any new information that will help resolve this discrepancy, especially given the amount of time that has elapsed since your assessment.

Accordingly, in accordance with section 38(1) of the Health and Disability Commissioner Act 1994, I have decided to take no action on your complaint. I have, however, asked Dr [redacted] to reflect on the way he communicated with you.

Thank you for bringing your concerns to our attention.

Yours sincerely



Ms Theo Baker  
**Deputy Health and Disability Commissioner**

cc: Dr [redacted]

Health Centre Ltd  
Street  
P.O. Box Auckland 1  
Ph. Fax:  
Website: www .co.nz

RECEIVED  
27 NOV 2012  
HDC AKLD

Debbie O'Flaherty  
Complaints Assessment Manager  
Health and Disability Commissioner  
PO Box 1791  
Auckland 1141

COPY

22 November 2012

Re:  
Mr Street

DOB:  
Your ref: C12HDC

Dear Ms O'Flaherty,

I respond to your request to respond to Mr's claim that I breached Right 5 - Right to Effective Communication.

I stress here that I saw Mr two and a half years ago and I do not have clear recall of having seen him however I make the following points:

- In all cases including his I give the reason why I have been asked to see them
- I check with them which benefit if any they are currently receiving
- I check with them who their GP is
- I then carefully go into their working and medical history
- I briefly ask about their social circumstances to get an impression of what they are capable of and the issues that they face.
- I explore the barriers to working.
- I ask their opinion regarding all of the above
- In most cases and his I explain that I request a Host Doctor Report from their own GP

In my report regarding Mr all these issues are clearly covered.

The fact that he has come for an interview at the request of WINZ is clear acceptance that he is willing to do this.

Far from being one sided my interviews are all patient-centred and I am very careful indeed to approach all cases in a standardised and non-judgemental manner

I believe that this is clear in my report to WINZ - a copy of which you have and I attach again

Yours sincerely,

NZMC:  
BSc, MBChB, , FRNZCGP