

Requests for vaccination exemptions

We have been told that many psychologists have been approached to provide letters or certificates for people seeking an exemption from Covid vaccination, many from teachers or health practitioners subject to the COVID-19 Public Health Response (Vaccinations) Order 2021, but also from people whose employers are requiring it, or others who wish to participate in activities that will require vaccination. Whatever reason is behind the request, the psychologist is not obliged to provide a letter or certificate of exemption. Threats that the psychologist is “legally obliged” to provide an exemption, are without foundation. Any letters or certificate of exemption issued at this stage, in the absence of the detailed guidance to accompany the Order, are invalid. Covid Response Minister Chris Hipkins said today, 3 November 2021, that a central process for approving medical exemptions is being established for people who are required to be vaccinated under the mandatory vaccination orders, with a similar related process for people who need a vaccine certificate.

"That application process and the criteria under which people can apply will be on the ministry of health website and we will publicise it early next week. It will incorporate both applications for medical exemptions as well as those for a service delivery disruption and it will be a centralised process."

Hipkins said people who have been issued with paperwork that is intended to be such an exemption will still need to apply. People who have paid for this paperwork may want to seek a refund.

"This new central process, which has not yet opened, is the only valid process through which anyone can obtain an exemption either because they are required to be vaccinated under the order or because they cannot be vaccinated for a medical reason and want that recorded in their Covid vaccination certificate when that becomes available.

"If someone's offering to sell you an exemption... they are trying to rip you off. There is no other language that I can use than that."

<https://www.rnz.co.nz/news/national/454842/covid-19-aggressive-demands-for-vaccine-exemptions>

The Order does have an exemption/exception process that is very broadly worded ‘ the affected person has particular physical or other needs that a suitably qualified health practitioner ... determines would make it inappropriate for the person to be vaccinated’.

<https://www.legislation.govt.nz/regulation/public/2021/0094/latest/LMS487853.html>

This has led many people to believe that a range of health professionals, including osteopaths, chiropractors and psychologists will be able to issue exemptions.

Some psychologists have told us that they think the Order contravenes their right to refuse any and all medical treatment as outlined in section 11 of the NZ Bill of Rights Act 1990. This right still exists but exercising that right will have consequences unless the person is given an exemption from vaccination.

The Ministry of Health has indicated that more detailed guidance about the exemption process will be made available during the week of 8 November. It is expected that the acceptable reasons will be a very small number of medical/physical contraindications and will not include anxiety or phobia. The indications are that it will be similar to a “special authority” process. We do not expect that psychologists will be mandated to provide exemptions. The role for psychologists is to assist people who might be anxious or phobic about the vaccination so that they can have the vaccination.

Psychologists' Compliance with the Covid Vaccination Order

Some psychologists have questioned their need to comply with the Vaccination order if their work does not involve any face-to-face contact as they have heard that it only applies to people whose work involves high risk situations or being in close contact with people. Schedule 2 to the Order <https://www.legislation.govt.nz/regulation/public/2021/0094/latest/LMS487853.html> lists the groups of affected persons, including Section 7, Groups in relation to health and disability sector. 7.1 is 'health practitioners'; as defined in the Interpretation section, this has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003, that is, "a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession". **This means that all health practitioners registered under HPCA are subject to the order.** Section 7.2 refers to "workers whose role involves being within two metres or less of a health practitioner or a member of the public for a period of 15 minutes or more". This is a different group of workers **in addition** to the 7.1 group that psychologists fall in. The Order makes no distinction about the place or manner of work carried out by the health practitioners in 7.1. We have specifically checked with the Ministry of Health about the possibility of work being done by distance. Their response has been ***"We anticipate all practitioners regulated under the HPCA will be required to be vaccinated irrespective of the setting they work in."***

The Psychologists Board has not made the Order requiring health practitioners to be vaccinated, this is a Government Order. Please do not direct your criticism at Board staff because you are unhappy with the vaccination Order. If any psychologist decides not to be vaccinated, as they are free to do, they will not be able to work as a psychologist after 15 November 2021 and will need to make alternative arrangements for their clients. Any work in breach of the Order will be an infringement offence; this is neither monitored nor enforced by the NZ Psychologists Board, but if a psychologist is subject to any conviction related to this and it is brought to our attention we will follow the usual processes to deal with this as a conduct matter.