
About MedicAlert® Foundation – New Zealand Incorporated (The Foundation)
The Foundation provides a nationally and internationally accessible service that provides access to Health Consumers centric personal identity, medical alerting and wider medical information. In addition, the Foundation provides an electronic register of written legal Advance Directive documents and is currently developing additional registers of medically actionable health consumer centric information.

The Foundations connected Health IT, Digital and Hotline Services provide 24/7 emergency access to the Health Consumers vital information, including an Advance Directive, POA, EPOA and Emergency Medical Action Plan, when available.

MedicAlert Foundation is classified as a Health Information Agency under New Zealand law, it is listed by Government Regulation on Schedule 2 of the New Zealand Health Information Privacy Code and has a Ministry of Health assigned HPI number

Legal Structure of MedicAlert® Foundation
MedicAlert Foundation is an incorporated society of members, with common needs and expectations, it is also a New Zealand Registered Charity. The Foundation is governed by its Members, who set its rules, policies and procedures, in the best interests of all its Members as and when they become engaged with a Health Care Provider.

Policy Purpose
This policy document supports Health Consumers legal rights and empowers both Health Consumers and Health Care Providers to reliably and confidently ensure Health Consumers Rights are enabled, respected and exercised.

Benefits of this Policy
Use of the Foundations Service by Health Consumers builds trust and confidence in the New Zealand health system. The Foundations services give the Health Consumer confidence if they cannot communicate for any reason, be it anxiety, confusion, disorientation, fear, a disability, unconsciousness, pain, mental illness, Dementia, language barriers or any other situational circumstance that could seriously impact the individual resulting in embarrassment and/or fear of ridicule, their identity and vital medical information and or Medical Alerting details will be readily available, accessible, recognised, correct, current, complete and medically actionable. With this confidence comes a sense of peace of mind and trust they are being treated with dignity and respect.

Value of the Foundations Services
The value of the Foundations Services are widely shared. In an independent economic impact report conducted by PWC (2018) it was found MedicAlert® Foundations service supported and independently clinically validated MedicAlert® Medical ID’s are saving New Zealanders and the Government thirty eight (38) million dollars every year. With wider access and utilisation of the Foundations Services, this could extend out to over one hundred million dollars annually through even greater levels of avoided harm, reduced health service costs and lives saved.

Population Transience
Health Consumers in today’s modern world are transient, they relocate more frequently, moving homes, cities and countries. They also travel more frequently both domestically and internationally. People presenting to Health Care Providers to receive health services may not be from the same town or city as their existing regular Doctor, Health Care Provider, or in the New Zealand context a DHB, they may not even be from the same country and in the very first instance, if the Health Consumer cannot be quickly and readily identified, their exposure to avoidable harm may be significantly increased, along with the Health Care Providers exposure to increased costs of providing services and resulting reputational harm, if avoidable harm occurs.
Identity Services and Privacy
Providing 24/7 Identification Services has been a cornerstone service of the Foundation since its establishment. This service comes with privacy risks well known and managed by the Foundation over many decades. For further information on the Foundations Identity Services and Privacy Policies for privacy risk mitigation, including theft of Identity, Identity Fraud and Child Protection, please contact the Foundation.

Primary benefit of recognising and utilising a MedicAlert® Medical ID.
The Foundations Service provides immediate access to vital medically actionable Medical Alerting and Advance Directive information at the scene of an incident, with supporting identification and more complete health information only seconds away. Such information being accessible through 24/7 connected health information technologies, digital technologies or the Foundations Hotline Service, which is provided through the Government funded and Wellington Free Ambulance staffed Central Emergency Communications Centre. A MedicAlert® Medical ID is instantly recognisable both nationally and internationally.

Prevention of Avoidable Harm
Mitigating the risks of Avoidable Harm is a serious matter for all Health Care Providers and is estimated to costing the Government $700 million dollars every year. In addition, avoidable harm can cause a Health Consumer to lose their independence, significantly diminish their cognitive abilities and seriously undermine their future quality of life and that of their family when the family is dependent on the income of the Health Consumer. Death is also a very real risk for Health Consumers with Rear, Hidden or Life threatening Medical Risks.

Advance Directive and Health Consumers with Terminal Diseases
The Foundations Medical ID’s with supporting services also provide Health Consumer legal and active ‘Advance Directive’ orders, which may also include ‘Do Not Resuscitate’ orders. For more information on the Foundations Advance Directive Policy, please contact the Foundation.

Code of HDC, Health and Disability – Consumer Rights 1996

MedicAlert Foundation support and respect all Health Consumers Rights and its services empower and enable Health Consumers to benefit from their Rights.

Externally, the Foundation (MAF) provides services specifically intended to empower and enable both the Health Consumer and their Health Care Providers to respect and exercise Health Consumers Rights. The following listed Rights can be specifically exercised through use of the Foundations services:

1. Consumers have rights and providers have duties:
   (1) Every consumer has the rights in this Code.
   (2) Every provider is subject to the duties in this Code.
   (3) Every provider must take action to—
       (a) Inform consumers of their rights; and
       (b) Enable consumers to exercise their rights.

MAF Service Relevance:
The Foundation is providing a vital service to enable Health Consumers to be informed of their rights and by providing real time personal identification, medical alerting, health information and legal document access services, the Foundation is enabling Health Care Providers to exercise the Health Consumers Rights on a 24/7 basis, both nationally and internationally.

2. Rights of consumers and duties of providers:
The rights of consumers and the duties of providers under this Code are as follows:

   Right 1

   Right to be treated with respect
   (1) Every consumer has the right to be treated with respect.
(2) Every consumer has the right to have his or her privacy respected.

(3) Every consumer has the right to be provided with services that take into account the needs, values, and beliefs of different cultural, religious, social, and ethnic groups, including the needs, values, and beliefs of Māori.

**MAF Service Relevance:**
The Foundations Services support Health Consumers rights with respect to their needs, values, and beliefs of different cultural, religious, social, and ethnic groups, including the needs, values, and beliefs of Māori, to enable these matters to be known by Health Care Providers and confidently exercised by Health Care Providers, in the best interests of Health Consumers.

**Right 2**

**Right to freedom from discrimination, coercion, harassment, and exploitation**
Every consumer has the right to be free from discrimination, coercion, harassment, and sexual, financial or other exploitation.

**MAF Service Relevance:**
The Foundation provides a universally accessible identity, health information, medical alerting and Advance Directive service on a 24/7 basis that is available nationally and internationally, to ensure Health Consumers are not discriminated against due to their known Medical Risks, or financially exploited by Service Providers, who may otherwise not have access to their vital information, resulting in avoidable harm, or providing unwanted services against the Rights or expectations of the Health Consumer.

**Right 3**

**Right to dignity and independence**
Every consumer has the right to have services provided in a manner that respects the dignity and independence of the individual.

**MAF Service Relevance:**
Through Health Care Provider use of a Health Consumers MedicAlert Foundation Services and prevention of avoidable harm, all parties can benefit through improved health service outcomes and reduced costs by supporting and respecting the Health Consumers ongoing dignity and independence of living.

**Right 4**

**Right to services of an appropriate standard**
(1) Every consumer has the right to have services provided with reasonable care and skill.
(2) Every consumer has the right to have services provided that comply with legal, professional, ethical, and other relevant standards.
(3) Every consumer has the right to have services provided in a manner consistent with his or her needs.
(4) Every consumer has the right to have services provided in a manner that minimises the potential harm to, and optimises the quality of life of, that consumer.
(5) Every consumer has the right to co-operation among providers to ensure quality and continuity of services.

**MAF Service Relevance:**
The Foundation Services enable Health Care Providers and emergency responders to fulfil the Health Consumers Rights, when they may otherwise be unidentified or have rear, hidden or life threatening medical risks and therefore a known at risk exposure to avoidable harm.
The Foundations Services support people beyond those already known by a New Zealand Health Care Provider. The Foundations services enable prompt and timely identification and alerting of Medial Risks in emergency and non-emergency situations, which facilitates fulfilment of the Health Consumers Rights in all aspects of Right 4.
## Right 5

### Right to effective communication

(1) Every consumer has the right to effective communication in a form, language, and manner that enables the consumer to understand the information provided. Where necessary and reasonably practicable, this includes the right to a competent interpreter.

(2) Every consumer has the right to an environment that enables both consumer and provider to communicate openly, honestly, and effectively.

### MAF Service Relevance:
The Foundation Services are fundamentally intended to overcome communication barriers, both in terms of language and timely access to information. The International language for health information is English. The Foundation provides health information in this language for all Health Consumers to enable their vital information to be recognised and interpreted as and when required both nationally and internationally.

## Right 6

### Right to be fully informed

### MAF Service Relevance:
The Foundation fulfils its internal obligations to Health Consumers to ensure they are fully informed in accordance with this Right.

## Right 7

### Right to make an informed choice and give informed consent

(1) Services may be provided to a consumer only if that consumer makes an informed choice and gives informed consent, except where any enactment, or the common law, or any other provision of this Code provides otherwise.

### MAF Service Relevance:
The Foundation fully discloses the purpose of its service to its Members and obtains their consent as and when they enroll with the Foundation before providing them with such services, including obtaining a copy of their legal written Advance Directive, before engraving their Medical ID and lodging their Advance Directive on file for verification as and when required by a Health Care Provider.

(2) Every consumer must be presumed competent to make an informed choice and give informed consent, unless there are reasonable grounds for believing that the consumer is not competent.

(3) Where a consumer has diminished competence, that consumer retains the right to make informed choices and give informed consent, to the extent appropriate to his or her level of competence.

(4) Where a consumer is not competent to make an informed choice and give informed consent, and no person entitled to consent on behalf of the consumer is available, the provider may provide services where—

(a) it is in the best interests of the consumer; and

(b) reasonable steps have been taken to ascertain the views of the consumer; and

(c) either,

(i) if the consumer’s views have been ascertained, and having regard to those views, the provider believes, on reasonable grounds, that the provision of the services is consistent with the informed choice the consumer would make if he or she were competent; or

(ii) if the consumer’s views have not been ascertained, the provider takes into account the views of other suitable persons who are interested in the welfare of the consumer and available to advise the provider.

### MAF Service Relevance:
Correct utilization of a MedicAlert® Medical ID and its supporting services, enables a Health Care Provider to obtain prompt and efficient access to correct, current, complete and medically actionable health information.
relevant in an emergency, or non-emergency situation, provided with the informed consent of the Health Consumer, as if they were speaking for themselves, including an Advance Directive, where relevant.

(5) Every consumer may use an advance directive in accordance with the common law.

MAF Service Relevance:
The Foundation supports each active engraved Advance Directive on a Medical ID, with a copy of the Health Consumers written and duly signed Advance Directive accessible 24/7 on file for verification if deemed necessary by the Health Care Provider. This is a national and internationally accessible service.

Health Consumer Expectation:
It should be clearly understood by all Health Care Providers that a Body Worn Service Supported MedicAlert® Medical ID is being worn and presented by the Health Consumer with the express intent that their engraved information and/or Advance Directive speak for them, if they cannot speak themselves. A person wearing a MedicAlert Medical ID, reasonably expects their Information or Advance Directive to be respected, exercised and not ignored, on the basis of Health Care Provider self-interest, second guessing, or financial gain.

(6) Where informed consent to a health care procedure is required, it must be in writing if—
(a) the consumer is to participate in any research; or
(b) the procedure is experimental; or
(c) the consumer will be under general anaesthetic; or
(d) there is a significant risk of adverse effects on the consumer.

MAF Service Relevance:
The Foundation seeks written informed consent before a Member is enrolled and in other circumstances in accordance with their Rights, in particular before engraving an Advance Directive, which may lead to a health care procedure, treatment or medication being refused by the Health Consumer, exposing the Health Consumer to significant risk of adverse effects, such as avoidable harm or death.

(7) Every consumer has the right to refuse services and to withdraw consent to services.

MAF Services Relevance:
It is not common for a Member of the Foundation to withdraw a legal Advance Directive, having lodged it with the Foundation. Rules and procedures apply in accordance with the Foundations Advance Directive Policy.

General Disclaimer and certification of MedicAlert® Member legal expectations, with regard to an Advance Directive.
The Foundations Policy for provision of access to an Advance Directive, does not limit or impede on a Consumers Rights to provide an Advance Directive either verbally or in written form, directly to a Health Care Provider. A Health Care Provider being defined as in accordance with Section 3 of the Health and Disability Commissioner Act 1994.

However, in the absence of a legally defined Advance Directive being on file with a Health Care Provider, or such Advance Directive being deemed to be no longer valid, if the Health Consumer has provided the Foundation with their written Advance Directive and requested the existence of the Advance Directive including in the case of a ‘Do Not Resuscitate’ order, be communicated through their Service Supported MedicAlert® Medical ID, to enable the Health Care Provider to respect and act on the Advance Directive, in accordance with the Rights of the Heath Consumer, that these Rights be exercised by the Health Care Provider.
Such Terms and Conditions are set in the interest of Consumer rights and to eliminate doubt, as to the authenticity, activity or validity of an Advance Directive engraved on a genuine MedicAlert® Service Supported body worn visual Medical ID, or accessed/verified electronically via the MedicAlert® Global Access Service, or Digitally.

MedicAlert® New Zealand requires that a written Advance Directive is supplied, preferably in a format recommended by the Medical Association of New Zealand, before its will engrave a Medical ID with the instructions of the Advance Directive: