

# DRAFT FOR CONSULTATION

## **New Zealand Public Health and Disability (3 Day Postnatal Stay) Amendment Bill**

Member's Bill

### **Explanatory note**

#### **General policy statement**

This bill seeks to address the needs of women who have just given birth to access their choice of post-natal care for a minimum of 72 hours if desired. It also requires the Lead Maternity Carer to let the mother know of what she is eligible for. In addition, it allows for mothers to stay for longer than 72 hours if the need arises.

Women are not making informed choices about post-natal care and the first 48 to 72 hours are critical to ensure that mothers form a loving attachment to their baby. Women are currently entitled to up to 48 hours of funded inpatient post-natal care, but many women don't realise this and at times are pressured to leave early.

That is why this bill proposes to increase entitlement to up to 72 hours so an expectation is better set for women to stay for up to 3 days, if they so choose, and includes the mandatory requirement for mothers to be advised of their choices by the Lead Maternity Carer.

Giving mothers this extra time and extra flexibility will result in positive outcomes for mother, baby and family from 2 to 3 days in a supportive environment and dedicated facility.

#### **Clause by clause analysis**

*Clause 1* is the title clause.

*Clause 2* is the commencement clause, and provides for the Bill to come into force 6 months after Royal assent.

*Clause 3* identifies the New Zealand Public Health and Disability Act 2000 as the Act being amended by the Bill (the **principal Act**).

*Clause 4* amends section 6 of the principal Act to insert a definition of **inpatient postnatal care**.

*Clause 5* inserts *new Part 4B* into the principal Act to require that all mothers or newborns be provided with access to a minimum of 72 hours inpatient postnatal care.

*Clause 6* inserts a new consequential provision into the principal Act (*new section 114A*) to render void any limit on the provision of, or funding for, inpatient postnatal care that is inconsistent with *new Part 4B*. This provision is intended to ensure that existing limitations based on time in the Maternity Service Specifications are no longer operative.

*Hon Louise Upston*

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**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the New Zealand Public Health and Disability (3 Day Postnatal Stay) Amendment Act **2019**.

**2 Commencement**

This Act comes into force on the day that is 6 months after the date on which it receives the Royal assent.

**3 Principal Act**

This Act amends the New Zealand Public Health and Disability Act 2000 (the **principal Act**).

**4 Section 6 amended (Interpretation)**

In section 6(1), insert in its appropriate alphabetical order:

**inpatient postnatal care** means inpatient care provided to a woman and baby immediately after labour and birth for the purposes of post-birth recovery

**5 New Part 4B inserted (Access to inpatient postnatal care)**

After section 70G, insert:

**Part 4B****Access to inpatient postnatal care****70H Purpose of this Part**

The purpose of this Part is to provide mothers and newborns with access to a minimum of 72 hours inpatient postnatal care.

**70I 72 hours of inpatient postnatal care to be provided**

- (1) Every woman and newborn is entitled to be provided with publicly funded inpatient postnatal care for a minimum period of 72 hours following birth.
- (2) The 72 hour period starts at the later of—
  - (a) the time of delivery; or
  - (b) the time of admission to inpatient postnatal care.
- (3) The minimum period set by **subsection (1)** does not restrict any requirement to provide a longer period of publicly funded inpatient postnatal care based on medical need.
- (4) This section applies despite anything to the contrary in any Crown funding agreement or related instrument.

**70J Requirement to provide information regarding 72 hour minimum**

- (1) Every lead maternity care provider is required to inform women in their care that she is entitled to a minimum period of 72 hours inpatient postnatal care.
- (2) The Director-General may prescribe the form and content of the information that must be provided under **subsection (1)**.
- (3) In this section, **lead maternity care provider** means a person selected by a woman to provide her lead maternity care who is—
  - (a) a registered midwife, an obstetrician, or a general practitioner who has a Diploma in Obstetrics (or its equivalent, as determined by the New Zealand College of General Practitioners); and
  - (b) either a lead maternity care provider in his or her own right, or an employee or contractor of a lead maternity care provider.

**70K Obligation to ensure 72 hours of inpatient postnatal care available**

Every DHB must ensure that sufficient maternity facilities are available in their district that can provide 72 hours of inpatient postnatal care in accordance with **section 70I**.

**6 New section 114A and cross-heading inserted**

After section 114, insert:

*Consequential amendment to instruments relating to inpatient postnatal care*

**114A Consequential amendment to instruments relating to inpatient postnatal care**

If an instrument or other thing seeks to limit the provision or funding of inpatient postnatal care in a way that is inconsistent with **Part 4B** of this Act, that limitation is void.