Fw: Consultation Paper on Codes and Guidleines
Southern Spinal Care
to:
chair
11/05/2010 03:51 PM
Show Details

Dr Phillip Donato
Chair
Chiropractic Board of Australia

Dear Dr Donato,

RE : Consultation Document 2nd Draft

I noticed some changes in 2nd draft, however, specifically the guidlines on SPINAL SCREENING still have anomalies according to the Australian Consumer and Competition Commission (ACCC).

The problem arises specifically in the areas c), d), e) and f) of "Appendix 1: Guidelines in relation to Public Spinal Screening".

In c) it states that you may hand out a business card but not make an appointment. Not making an appointment contravenes the Trade Practices Act. If a member of the public wishes to make an appointment it is their free choice to do so.

In d) it states "that unsolicited contact is not made with participants after a screening". This also contravenes the Trade Practices Act. If a participant wishes for the chiropractor to contact them after the screening then it is their free choice for you to do so.

In e) it has already been tested in NSW by the NSW Registration Board that a screening is just a screening and not a diagnosis and does not need to be done by a registered pratitioner or student. Please refer to the "NSW Chiropractors Code of Professional Conduct, Section 19 Chiropractors Act 2001, Impact Satetment 17 June 2002".

In f) it is obvious that it contravenes the Trade Practice Act in that a fee may be charged or discounted or at no charge. That needs no explanation.

The Registration Boards are in existence for the safety of the public and not for the professions opinions on how to practice. It seems that some of these opinions are filtering through into the new National Guidlines. The ACCC is aware of Professions desires to influence guidlines and would not be happy to see these in place. The ACCC has analysed the Spinal Screening Procedures over 10 years ago in NSW and covered section c), d), e) and f) of the new guidelines and it is an area your board needs to familiarise itself with. A precedent has been set on Spinal Screening Guidelines by the ACCC. I have all of these papers and Regulations and to save time if you wish I can make it available to you. I hope that the board sees this view because the ACCC does take a literal and hard line on these matters.

My reccomendation is for the board to remove c), d), e) and f) from the "Guidelines in relation to Public Spinal Screening". The Board should be concerned only if the Spinal Screening has been misleading, false or fraudulent. This is also in Trade Practice Law in this country and making registered practitioners aware of this is all you need to do. The registered chiropractors should be aware of Trade Practice Law anyhow.

If any further clarification is required please do so by return email.

Regards
Terry Notaras
Doctor of Chiropractic
Member Chiropractors Association of Australia
Suite 1, 104 Railway Pde
Kogarah NSW 2217

----- Original Message -----
From: Southern Spinal Care
To: chair@chiropracticboard.gov.au
Sent: Saturday, March 27, 2010 9:19 AM
Subject: Consultation Paper on Codes and Guidleines

Dr Phillip Donato
Chair
Chiropractic Board of Australia

Dear Dr Donato,

RE: Consultation Paper on Codes and Guidlines

I note that some of the Advertising guidelines in the Consultation paper on Codes and Guidlines are inconsistent with current National Legislation and refer you to :

1 Subordinate Legislation Act 1989 in 1997
2 NSW Chiropractors Code of Professional Conduct, Section 19 Chiropractors Act 2001, Impact Satetment 17 June 2002

The detailed submission that entails submissions to and responses by the Australian Competiton and Consumer Commission needs to be analysed by the Chiropractic Board of Australia so that it falls in line with National Guidlines. I would prefer Chiropractic Board of Australia take the initiative to make the necessary changes rather than an outside government body.

I can forward the submissions and responses to you if you require clarification.

I hope this email meets with your approval and also congratulate the new Board on its large task of standardising nationally Chiropractic professional standards for public safety and benefit.

Regards,

Terry Notaras
Doctor of Chiropractic
Member Chiropractors Association of Australia
Suite 1, 104 Railway Pde
Kogarah NSW 2217