

Registration standard: Consultation draft

18 October 2010

Proposed standard for limited registration for teaching and research
Proposed standard for limited registration in the public interest

Summary

This consultation paper seeks feedback on draft registration standards for:

- limited registration for teaching and research and
- limited registration in the public interest.

Limited means limited in scope and/or time.

The draft registration standards set out the requirements that would apply to each category of registration. Following public consultation, the Board will finalise the registration standards, taking into account the consultation comments, and submit the final standards to the Australian Health Workforce Ministerial Council (the Ministerial Council) for approval.

Information about the fees for limited registration is available on the Board's website at www.chiropracticboard.gov.au.

Background

From 1 July 2010, the Chiropractic Board of Australia (the Board) has been responsible for the registration and regulation of chiropractors under the *Health Practitioner Regulation National Law Act 2009* (the National Law), as adopted in every state and territory.

Registration standards

Section 38 of the National Law empowers the Board to develop and recommend to the Ministerial Council registration standards about issues relevant to the eligibility of individuals for registration in the chiropractic profession or the suitability of individuals to competently and safely practise the profession.

The Board has developed and consulted on a range of registration standards previously that have now been approved by the Ministerial Council. The approved standards can be accessed at www.chiropracticboard.gov.au under *Registration Standards*.

The Board has drafted registration standards regarding limited registration for teaching and research and limited registration in the public interest.

The National Law requires the Board to undertake wide-ranging consultation on proposed registration standards.

Interested parties are invited to make written submissions on this proposal for consideration before the Board submits the proposed registration standards to Ministerial Council.

A link to the National Law is available at www.ahpra.gov.au under *Legislation and Publications*.

If you wish to provide comments on this draft paper, please provide written comments in electronic form, at chiroboardconsultation@ahpra.gov.au by close of business on 10 December 2010.

Your submission will be published on the Board's website unless you request otherwise.

Draft

Registration standard: Limited registration for teaching or research

Authority

This standard has been developed by the Chiropractic Board of Australia (the Board) under section 39 of the *Health Practitioner Regulation National Law Act 2009* (the National Law) as adopted in each state and territory. The relevant sections of the National Law are at Attachment A.

Definitions

Supervision plan means a plan that sets out the arrangements or proposed arrangements for supervision of a chiropractor, which is a prerequisite for limited registration for teaching or research.

Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes working in a direct nonclinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession and/or use their professional skills. (This is a standard definition used across all National Boards.)

Employer includes employer, sponsoring body, organisation, institution or an individual.

Summary of the registration standard

The Board has developed this standard to set out the initial and ongoing requirements that a registrant must meet to be granted and to renew limited registration to fill a teaching or research position, under section 69 of the National Law.

This category of limited registration will provide a pathway for qualified chiropractors who are not qualified for general registration because they do not hold an approved qualification, but who have a chiropractic qualification that is relevant to, and suitable for the teaching or research position to which their application relates and who meet the other requirements of the Board. This category of registration is suitable for overseas-qualified chiropractors who intend to fill a teaching or research position and use the title “chiropractor” or otherwise hold themselves out as a chiropractor.

All chiropractors granted limited registration for teaching or research must comply with the requirements as set out in this standard, including:

- compliance with the supervision requirements
- authorising and facilitating the provision of regular reports from their supervisor to the Board regarding their safety and competence for registration
- satisfactory performance in the teaching or research position and
- not engaging in private or clinical practice or in supervision of students in relation to clinical skills or in a clinical setting.

These requirements are established under this standard to ensure safe and competent practice for the period of limited registration.

Summary of key requirements

The key requirements of the Board to register a person under section 69 - *Limited registration for teaching or research* are:

1. the applicant must meet all requirements of section 65– *Eligibility for limited registration* and meet any other requirements or conditions that the Board deems necessary in accordance with the National Law
2. chiropractic qualifications must be relevant and suitable for the teaching or research employment position
3. written confirmation and details of the teaching or research employment position
4. the applicant must agree to only work in the employment position under supervision and to provide a detailed supervision plan, before the commencement of employment and with the supervisor's written agreement, to provide a report every six (6) months to the Board (or as otherwise determined by the Board) and
5. the registration is granted for a period of not more than 12 months and may not be renewed more than three (3) times.

Key requirements

1. *Requirements of section 65 of the National Law*

The key requirements of limited registration include that the individual:

- is not qualified for general registration in the chiropractic profession
- is a suitable person to hold limited registration in the profession
- is not disqualified under the National Law or a law of a co-regulatory jurisdiction or a previous state and territory registration board from applying for registration
- for applicants seeking limited registration for teaching, the individual meets any other requirements as set out in the Board's registration standards (including the Board's registration standards on professional indemnity insurance, English language skills, recency of practice and criminal history) and
- for applicants seeking limited registration for research, the individual meets the Board's criminal history registration standard and other requirements as determined by the Board on a case by case basis. The Board will consider applications to waive the English language skills registration standard, for applicants seeking limited registration for research only, where no teaching is involved.

In addition to section 65, the National Law, under sections 80, 82 and 83, provides the Board with broad powers in relation to the process of granting of registration. These include the power to request further details from an applicant before deciding an application, decisions about an application and the ability to place conditions on registration which the Board considers necessary or desirable in the circumstances.

2 Relevant and suitable qualification

The applicant must have a chiropractic qualification as determined to be relevant and suitable by the Board in the circumstances. The Board may require a desktop audit assessment by the Board's accreditation authority, the Council on Chiropractic Education Australasia.

Applicants must provide evidence of current registration or eligibility for registration to practise chiropractic. The Board reserves the right to review and make determinations on individual applications under its powers in the National Law. The Board must be satisfied that the applicant's qualifications are suitable for the teaching or research employment position and that public safety is ensured.

3 Employment

At the time of application, the Board will require written confirmation and details of the teaching or research position, including a detailed job description, dates involved, and the scope of practice the applicant will undertake in the employment role. This is to be verified by the employer.

Employment in a teaching or research position is a key requirement of the initial and ongoing eligibility to be registered in this limited registration category. If chiropractors with limited registration for teaching or research do not maintain their employment, they do not satisfy a key condition of this category of limited registration and their registration will cease to be valid (note requirements below regarding variation of circumstances).

In addition, the practice of a chiropractor who is granted limited registration for teaching or research is restricted to the scope of practice approved for the teaching or research employment position. Chiropractors registered under this category of limited registration will not be eligible to undertake private or clinical practice, nor may they supervise students in relation to clinical skills or in a clinical setting.

4 Supervision and supervision plan

Attachment B sets out the requirements of the supervisor and the details required in the supervision plan. A chiropractor granted limited registration for teaching or research must comply with the supervision plan approved by the Board at the time of granting registration.

The supervisor must agree in writing to provide reports every six (6) months to the Board (or as otherwise determined by the Board) as a part of the initial application for limited registration. The supervisor must provide these reports on the chiropractor's competence to continue to be registered in the limited registration category to the Board as required by the supervision plan approved by the Board at the time of granting limited registration. If the supervisor does not provide reports as required by the supervision plan, the Board may withdraw the limited registration.

5 Renewal of limited registration

Limited registration is granted for a period no more than 12 months and may not be renewed more than three (3) times, as set out by section 72 of the National Law. If limited registration has been renewed three

times, a chiropractor seeking limited registration may submit a new application for limited registration which will need to meet the requirements set by the Board at that time.

In addition to the provisions of the National Law, the Board may refuse to renew the chiropractor's registration if:

- the chiropractor's employment related to limited registration ceases or is terminated or
- the chiropractor fails to comply with supervision requirements or
- reports every six (6) months have not been provided to the Board or
- the chiropractor cannot demonstrate compliance with any conditions or requirements on the limited registration or
- there is demonstrated unsatisfactory performance in the teaching or research position based on the supervision reports or other information received by the Board.

Application

- Applicants seeking registration under section 69 of the National Law must make a written application to the Board using the limited registration for teaching or research as a chiropractor application form available at www.chiropracticboard.gov.au under *Forms*, together with supporting documents.
- It is recommended that applicants submit their application with supporting documentation, at least two months prior to the employment position commencing, to ensure time for the application to be processed.
- Applications may be submitted up to six (6) months in advance. Applicants may request that the registration pre-dates their commencement of employment by up to one month.
- The Board requires details of the employment position, including details signed by the applicant, supervisor and the employer outlining:
 - who will supervise the applicant in his or her work
 - the supervision plan
 - where the applicant will be employed and a detailed job description, including the scope of practice of the teaching or research role and
 - the period of employment.

Applications for variation in changed circumstances

If a chiropractor registered in the limited registration for teaching or research category has a significant change in circumstances, such as a change in the teaching or research role, the chiropractor must submit a new application for limited registration. However, chiropractors can apply to the Board for a variation if there is a minor change to their circumstances, such as a change in supervisor.

When making an application for a variation, the Board requires details of the change of circumstances from the sponsoring employer and confirmation from the chiropractor and their supervisor that he or she agrees to the change in circumstances. Supporting documentation of the change must be submitted. If the Board considers that the variation is significant, it will require the chiropractor to submit a new application.

Review

This standard will commence on (a date to be advised following approval by the Ministerial Council). The Board will review this standard within three years of that commencement date.

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Attachment A: Health Practitioners Regulation National Law Act as adopted by each state and territory

General provisions

Division 4 Limited registration

65 Eligibility for limited registration

- (1) An individual is eligible for limited registration in a health profession if—
- (a) the individual is not qualified for general registration in the profession or specialist registration in a recognised speciality in the profession; and
 - (b) the individual is qualified under this Division for limited registration; and
 - (c) the individual is a suitable person to hold limited registration in the profession; and
 - (d) the individual is not disqualified under this Law or a law of a co-regulatory jurisdiction from applying for registration, or being registered, in the health profession; and
 - (e) the individual meets any other requirements for registration stated in an approved registration standard for the health profession.
- (2) Without limiting subsection (1), the National Board established for the health profession may decide the individual is eligible for registration in the profession by imposing conditions on the registration under section 83.

69 Limited registration for teaching or research

- (1) An individual may apply for limited registration in a health profession to enable the individual to fill a teaching or research position.
- (2) The individual is qualified for the limited registration applied for if the National Board established for the health profession is satisfied the individual's qualifications are relevant to, and suitable for, the position.

72 Period of limited registration

- (1) The period of registration that is to apply to a health practitioner granted limited registration in a health profession is the period (the registration period), not more than 12 months, decided by the National Board established for the profession and published on the Board's website.
- (2) If the National Board decides to register a health practitioner in the health profession during a registration period, the registration—

- (a) starts when the Board makes the decision; and
- (b) expires at the end of the last day of the registration period.
- (3) Limited registration may not be renewed more than 3 times.

Note.

If an individual had been granted limited registration in a health profession for a purpose under this Division, had subsequently renewed the registration in the profession for that purpose 3 times and at the end of the period wished to continue holding limited registration in the profession for that purpose, the individual would need to make a new application for limited registration in the profession for that purpose.

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Attachment B: Roles and responsibilities of the supervisor and supervision plan

1. The nominated supervisor must have appropriate qualifications and experience to supervise a person in the position for which the applicant is seeking limited registration.
2. The supervisor must be a chiropractor with general registration who has consented to act as a supervisor and must be listed on the original application form for limited registration teaching or research. The supervisor must be able to comply with the requirements of the level of supervision required and have agreed to comply with the reporting requirements of the Board in accordance with the supervision plan.
3. The relationship between supervisor and registrant must be professional. Therefore persons who have a family or personal relationship with the applicant will not be approved as supervisors.
4. The supervisor must take reasonable steps to ensure that the registrant is practising safely and competently by measures such as direct observation (where it is relevant to the level of supervision), periodic performance review and remediation of identified problems.
5. The supervision plan must detail the level and amount of supervision which the supervisor will provide to the applicant seeking limited registration for teaching or research. It should reflect a balance between the current training, competence and scope of practice of the applicant with the scope of practice and job description of the employment role.
6. The supervisor must notify the Board and employer immediately if there are concerns in relation to the registrant's performance, health or non-compliance with conditions or undertakings (other than minor issues that would be addressed through periodic performance review and remediation). The supervisor must ensure that the registrant is practising in accordance with the job description, the approved employment arrangements and the Board's registration standards, codes and guidelines, and must notify the Board of non-compliance with or of any proposed changes to those arrangements.
7. The Board must be notified if the supervisor is no longer able to provide the level of supervision that is required. A notification to the Board is not required if the supervisor takes temporary leave from their supervising role for a period of up to three (3) months. However, the nominated supervisor must arrange for another supervisor with appropriate qualifications and experience to undertake the supervision while the nominated supervisor is on leave.

Registration Standard: Limited registration in the public interest

Authority

This standard has been developed by the Chiropractic Board of Australia (the Board) under section 68 of the *Health Practitioner Regulation National Law Act 2009* (the National Law) as adopted in each state and territory and in accordance with section 38(2) of that Act.

Definitions

Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes working in a direct nonclinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession and/or use their professional skills. (This is a standard definition used across all National Boards.)

Summary of the registration standard

The Board has developed this standard to set out the requirements that a chiropractor must meet to be granted limited registration to practise as a chiropractor in the public interest, under section 68 of the National Law. This standard applies to chiropractors with international or other qualifications who do not qualify for general registration under the National Law.

The Board will determine whether it is in the public interest to register a chiropractor but in general, will only register a chiropractor under this category of registration for a limited time and/or for a limited scope.

Examples of where it might be in the public interest to register a chiropractor includes an unexpected situation where a natural disaster has occurred, where there is an international event (including sporting events), for an overseas expert to demonstrate or teach a procedure or for an overseas chiropractor to participate in a workshop/seminar involving clinical application.

Summary of key requirements

All applicants granted limited registration in the public interest must comply with the requirements for registration set out in this standard, including:

- 1 all requirements of the National Law under section 65 – *Eligibility for limited registration* and any other requirements or conditions that the Board deems necessary in accordance with the National Law
- 2 qualifications relevant and suitable for the purpose of the limited registration in the public interest and a chiropractic qualification determined to be relevant and suitable by the Board
- 3 written confirmation and details (including dates and location) to support the requirement of limited registration in the public interest and

- 4 that registration is granted for a maximum period of one month unless there are special circumstances to require limited registration for up to but not exceeding three (3) months. Please see below for information about renewal of limited registration in the public interest.

Requirements

1 Requirements of section 65 of the National Law

The key requirements of limited registration include that the individual:

- is not qualified for general registration as a chiropractor
- is a suitable person to hold limited registration as a chiropractor
- is not disqualified under this Law or a law of a co-regulatory jurisdiction from applying for registration and
- is able to meet any other requirements as set out in the Board's registration standards (including the professional indemnity insurance, English language skills, recency of practice and criminal history registration standards).

In addition to section 65, the National Law (under section 80, 82 and 83) provides the Board with broad powers in relation to the process of granting of registration. This includes the power to request further details from the applicant before deciding an application, decisions about an application and the ability to place any conditions on registration which the Board considers necessary or desirable in the circumstances.

The Board may require a chiropractor registered in the limited registration in the public interest to only practise under the supervision or oversight of a chiropractor with general registration.

2 Chiropractic qualification

The applicant must have a chiropractic qualification which is determined to be relevant and suitable by the Board. The Board may require a desktop audit assessment by the Board's accreditation authority, the Council on Chiropractic Education Australasia.

Applicants must provide evidence of their current registration status to practise chiropractic or eligibility for registration in their home jurisdiction.

The Board reserves the right to review and make determinations on individual applications through its powers under the National Law. The Board must be satisfied that the applicant's qualifications are suitable for the public interest activities proposed to ensure public safety.

3 Written details of public interest position/requirement

Applicants must provide detailed written confirmation of the sponsoring organisation/registered chiropractor and of clinical activities that will be undertaken, including a statement which details:

- sponsoring organisation/employer contact details

- the clinical activities the chiropractor will be undertaking, the location/s of clinical activities and the organisation/company that will auspice any demonstration or workshop
- professional indemnity insurance in place to cover the chiropractor and
- why it is in the public interest to register the chiropractor.

A chiropractor registered under this category of limited registration in the public interest will not be eligible to undertake independent private practice.

4 Duration of limited registration

Limited registration in the public interest is a short term category of registration and therefore will be granted generally for a period of one month unless there are special circumstances to require limited registration for up to but not exceeding three (3) months.

These requirements are established under this standard to ensure safe and competent practice for the period of limited registration.

5 Renewal of limited registration

An applicant may renew limited registration not more than three times.

Application

Applicants for registration under section 68 of the National Law must make a written application to the Board using the application form for limited registration in the public interest, together with supporting documents.

Applications may be submitted up to four (4) months in advance.

The Board may request any additional details necessary to consider the application for registration.

It is recommended that applicants apply to the Board as soon as possible before registration is required to ensure timely processing of the application.

Review

This standard will commence on (a date to be advised following approval by the Ministerial Council). The Board will review this standard within three years.

Attachment A: Health Practitioner Regulation National Law Act 2009 (as adopted in each state and territory)

General provisions

Division 3 Registration standards and codes and guidelines

39 Codes and guidelines

A National Board may develop and approve codes and guidelines—

- (a) to provide guidance to the health practitioners it registers; and
- (b) about other matters relevant to the exercise of its functions.

Example: A National Board may develop guidelines about the advertising of regulated health services by health practitioners registered by the Board or other persons for the purposes of section 133.

40 Consultation about registration standards, codes and guidelines

- (1) If a National Board develops a registration standard or a code or guideline, it must ensure there is wide-ranging consultation about its content.
- (2) A contravention of subsection (1) does not invalidate a registration standard, code or guideline.
- (3) The following must be published on a National Board's website—
 - (a) a registration standard developed by the Board and approved by the Ministerial Council;
 - (b) a code or guideline approved by the National Board.
- (4) An approved registration standard or a code or guideline takes effect—
 - (a) on the day it is published on the National Board's website; or
 - (b) if a later day is stated in the registration standard, code or guideline, on that day.

41 Use of registration standards, codes or guidelines in disciplinary proceedings

An approved registration standard for a health profession, or a code or guideline approved by a National Board, is admissible in proceedings under this Law or a law of a co-regulatory jurisdiction against a health practitioner registered by the Board as evidence of what constitutes appropriate professional conduct or practice for the health profession.