Chinese Medicine
Registration Board
of Victoria

Wednesday, 7 April 2010

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Chiropractic Board of Australia
Per Mr Martin Fletcher, CEO
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Consultation on Codes and Guidelines

Thank you for the opportunity to discuss and comment on the current consultation paper. The Chinese Medicine Registration Board of Victoria (CMRB) commends the Chiropractic Board of Australia for seeking to address the issue of acupuncture practice by chiropractors. The CMRB restricts its comments to the short section which refers to acupuncture practice.

The draft guidelines say:

> ***2.9 Acupuncture & Dry Needling***
> *2.9.1 Practitioners must ensure that they are appropriately trained, skilled, qualified and endorsed (if applicable) to practice these modalities.*
>
> *2.9.2 Practitioners must ensure that specific informed consent be obtained for these procedures.*
>
> *2.9.3 Practitioners should ensure that they are familiar with any relevant local or State laws that may affect the practice of these modalities or licensing of premises. Many of these standards/laws, including infection control, are also applicable to non-licensed premises.*
>
> *2.9.4 Acupuncture and Dry Needling are invasive procedures and therefore practitioners should engage in appropriate infection control measures as described by the relevant laws in their jurisdiction. In the absence of any such laws, practitioners should consider the guidelines on infection control developed by the Chinese Medicine Registration Board of Victoria (www.cmrb.vic.gov.au). The measures that may help reduce the risk of infection include: hand washing, using and disposing of gloves and aprons, using and disposing of 'sharps' safely and educating patients and their carers about infection.*

Title Use

The national law provides for a general exemption from any requirement for certain health professions (other than registered Chinese Medicine Practitioners) to be endorsed for acupuncture until 1 July 2012. In Victoria, however, this will not be so. The "Statute Law Amendment (National Health Practitioner Regulation) Bill 2010" makes transitional and consequential amendments to Victorian legislation to implement the national law from 1 July 2010.

Clause 16(1) amends the Table in section 80(2) of the Victorian Health Professions Registration Act (HPRAct) to reflect the enactment of the National Law (Victoria). Subclause (2) amends section 80 of the HPRAct to provide that the section does not apply to a person using the title acupuncturist **if the person's registration has been endorsed under section 97 of the Health Practitioner National Law as being qualified to practise as an acupuncturist**. Subclause (2) also amends section 80 to provide that **nothing in section**

300(3) of the Health Practitioner National Law affects the operation of section 80 of the HPRAct.

Section (s.278) of the national law says that existing (acupuncture) endorsements will transition across to the national register. As you know currently the power to endorse the registration of chiropractors to practise acupuncture only exists in Victoria.

So:
- Health practitioners currently endorsed for acupuncture in Victoria can continue practising acupuncture and using the relevant protected title
- Outside Victoria, endorsed or not, an exemption applies until 1 July 2012
- If any chiropractors new to Victoria wish to call themselves an acupuncturist, they will have to apply to the national Chiropractic Board for endorsement
- No national Board has established its standards and endorsement procedures and may not do so for up to two years

Effectively we will continue to have a different system in Victoria (from the rest of Australia) for up to two years[1].

The wording of your proposed guidelines is correct but somewhat general. In the view of the CMRB it would be helpful to be more explicit so that chiropractors understand that they will be prevented from using the title acupuncturist in Victoria unless they were previously endorsed under the HPRAct. In the experience of the CMRB many health practitioners have persistently failed to note or had difficulty understanding the existing restrictions despite the effort of the CMRB and other Boards (including chiropractic) to gain voluntary compliance via:
- Broad dissemination information
- Warnings and requests

This has resulted in approx 30 prosecutions.

Qualifications
The proposed code requires the practitioners to satisfy themselves that they are *appropriately trained, skilled, qualified and endorsed (if applicable)*. The CMRB is aware that many chiropractors are well qualified to offer this service to the public. On the other hand it is also aware that a number of health professionals outside Chinese medicine, including chiropractors, have completed very short courses on acupuncture, even as short as a single week-end. The CMRB anticipates that this is not likely to ever be deemed by the Chiropractic Board of Australia o be adequate. It may be helpful to:
- put registered chiropractors on notice that:
    - from 1 July 2012 it is the Chiropractic Board of Australia which must be satisfied as to their training, skills and qualifications
    - that in Victoria an endorsement requirement continues to operate as it did under the previous legislation
- if possible, give more guidance about what is likely to be viewed as an appropriate level of training, skill and qualification.

Dry Needling
The inclusion of the term "dry needling" is likely to cause confusion especially when the code says, "*....and endorsed (if applicable) to practise these modalities*". Endorsement as a dry needler under the National Law is not required and the term is not one of the protected titles.

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[1] Unless the national boards establish an acupuncture endorsement standard before they are required to

The CMRB is aware that:

- the public does not readily distinguish between the two practices of acupuncture and dry needling
- the professions themselves and individuals are inconsistent in their explanation of how the two practices differ, in fact there are examples of health professionals advertising "Dry-Needling (Acupuncture)"
- in some examples the term 'dry needling' is specifically used to avoid the law, rather than to distinguish a discrete and separate area of practice[2]
- other terms are sometimes used too

This continues to be an issue of concern to the CMRB and it would prefer that the national Board did not use these terms together as if they are interchangeable. Whilst both need to be addressed it would be preferable to address them separately.

Infection Control

Your reminder about requirements related to infection control and licensing of premises is most welcome and in particular your reference to the CMRB Acupuncture Infection Prevention and Control Guidelines.

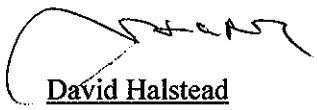
The CMRB requests that the order of the last two sentences be reversed. The current order gives an impression that the last sentence is cited from the CMRB Acupuncture Infection Prevention and Control Guidelines. Some of the measures cited, however, are not from the CMRB document.

Summary

The Chinese Medicine Registration Board of Victoria requests that the Chiropractors Board of Australia consider:

- making the ongoing restriction in Victoria more explicit
- dealing with acupuncture and dry-needling (or other needling practices) separately
- the ethical implications of title-avoidance and unqualified practices; self assessment of adequacy of qualifications could be assisted by further guidance from the Chiropractic Board of Australia

We would be happy to discuss this issue further with you.



David Halstead
President

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[2] The CMRB has examples of persons who did acupuncture courses, previously practised acupuncture, who may even have applied for and been refused registration, and as a result of registration of Chinese medicine have changed the words of the title they use to 'dry needling' or others, in order to continue their 'acupuncture practice' and avoid registration or endorsement..