

From the Chair

Welcome to the Chiropractic Board of Australia's (the Board) second newsletter, our first for 2012. Despite it being March I would still like to take the opportunity to wish everyone a happy new year for 2012.

2012 is looking like a very busy year for the Board. We're just putting the finishing touches on our workplan and the rest of 2012 should see a significant amount of work being done towards the review of the Board's registration standards in addition to the Board's ongoing work.

Since our last newsletter there are a number of things to report. We have completed a review of the *Code of Conduct for chiropractors*, which will now go out to the public and the profession for consultation. We have finalised the consultation on our proposed registration standards for Limited Registration – Public Interest & Teaching & Research. The final standards have now been tabled with the Ministerial Council for approval later this year.

There has been some confusion amongst practitioners about who needs to be registered. Now that the Board, in conjunction with six other Boards, has finalised consultation on the definition of practice, some revised FAQs and factsheets about registration will be released in the next few weeks.

In this edition we have, for the first time, a report from the NSW Chiropractic Council. Under the provisions of the *Health Practitioner Regulation National Law*, the Board is responsible for notifications made in every state and territory except NSW and registration matters Australia-wide. Notification matters in NSW are managed by the NSW Chiropractic Council.

We thank Dr Peter Cowie and the NSW Chiropractic Council for providing this informative report on matters in NSW.

The Board hopes to be releasing professional practice notes for practitioners that highlight some of the important notification and registration issues that have come to the Board's attention.

Dr Phillip Donato OAM
Chiropractor
Chair, Chiropractic Board of
Australia

Data about chiropractors

On 1 July 2010, Australia introduced the National Registration and Accreditation Scheme to regulate practitioners of 10 health professions: chiropractic, dental, medicine, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology. At the end of the first year there were more than 530,000 health practitioners registered, meaning that one in 44 Australians – or one in every 20 working Australians - is a registered health practitioner.

Nursing and midwifery were the professions with most practitioners, with 290,072 nurses, 1,789 midwives and 40,324 practitioners registered as both nurses and midwives. Medical practitioners were the second largest group, with 88,293 practitioners registered, followed by psychologists (29,142 practitioners), pharmacists (25,944 practitioners), physiotherapists (22,384 practitioners) and dental practitioners (18,319), who include dentists, dental specialists, dental therapists and hygienists and dental prosthetists. The remaining professions of optometry (4,442 practitioners), chiropractic (4,294 practitioners), podiatry (3,461 practitioners) and osteopathy (1,595 practitioners) made up the balance.

There were 98,934 students from nine of the health professions (psychology uses the category of provisional registration) registered across Australia, including 998 chiropractic students.

Chiropractic renewal data

The Board noted that over 95% of practitioners had renewed their registration by the 30 November 2011 due date and a further 1% renewed in the 1 December to 31 December late period. Over 75% of those renewed online which was an outstanding success.

Those practitioners who have not renewed must submit a new application for registration and have that approved before they can commence practice. If you have not applied for renewal and are still practising then you must cease practising immediately as you are in breach of the law

The next registration renewal date for chiropractors is 30 November 2012, which is the ongoing annual renewal date. Practitioners are encouraged to make sure they keep their contact details up to date, including providing a valid email address, to receive registration reminders from AHPRA.



Chiropractic registration data

The collection of the renewal of registration data provided an opportunity to see the distribution of chiropractors across their principal place of practice (see Table 1), by age (see Table 2) and by state and gender (see Table 3).

Table 1 - Chiropractors: state/territory by registration type

State/ territory	Registration type			Total
	General	Limited	Non-practising	
ACT	54		2	56
NSW	1376	1	39	1416
NT	23		1	24
QLD	669		18	687
SA	344		11	355
TAS	44			44
VIC	1076		59	1135
WA	444		10	454
Not supplied	65		58	123
Total	4095	1	198	4294

Table 2 - Chiropractors: age by registration type

Age	Registration type			Total
	General	Limited	Non-practising	
20 - 25	99			99
26 - 30	615	1	25	641
31 - 35	654		40	694
36 - 40	708		25	733
41 - 45	579		19	598
46 - 50	408		23	431
51 - 55	372		19	391
56 - 60	263		11	274
61 - 65	181		14	195
66 - 70	113		8	121
71 - 75	64		10	74
76 - 80	24		4	28

Age	Registration type			Total
	General	Limited	Non-practising	
81 - 85	10			10
86 +	2			2
Not supplied	3			3
Total	4095	1	198	4294

Table 3 - Chiropractors: gender by state/territory by registration type

Gender	State/ Territory	Registration type			Subtotal	Total
		General	Limited	Non-practising		
Female	ACT	25		2	27	1505
	NSW	482	1	17	500	
	NT	9		1	10	
	QLD	203		5	208	
	SA	118		2	120	
	TAS	11			11	
	VIC	395		21	415	
	WA	166		3	169	
	Not supplied	19		25	45	
	Male	ACT	29			
NSW		892		22	914	
NT		14			14	
QLD		466		13	479	
SA		226		9	235	
TAS		33			33	
VIC		680		39	719	
WA		277		7	284	
Not supplied		45		32	77	
Not supplied	NSW	2			2	5
	VIC	1			1	
	WA	1			1	
	Not supplied	1			1	
Total		4095	1	198	4294	4294

Quarterly updated information on registration data will shortly be available from the Chiropractic Board of Australia's website at www.chiropracticboard.gov.au.

Chiropractic notification data

During the first half of this financial year the Board received 45 notifications relating to the conduct, health or performance of chiropractors. Of these, 35 (78%) related to professional conduct, eight (18%) related to professional performance and two (4%) related to practitioner health matters. This figure excludes matters received in NSW which operates as a co-regulatory jurisdiction in notification matters only.

Of the total notifications received, a trend analysis shows that the key areas that give rise to notifications are: standards of clinical care (24%), clinical records (8%) and breaches of the National Law (16%) which includes advertising offences. The Board will be working to try and assist practitioners in gaining a better understanding of their professional obligations in these areas to try and improve the professional conduct of chiropractors and reduce the number of notifications made against chiropractors.

It is of note that advertising offences generally do not become notifications unless the compliance based approach has been unsuccessful or if that matter is particularly serious. The number of chiropractors whose advertising has entered into an advertising compliance process is very high when compared to other health professions.

To date, 1.8% of chiropractors have had notifications made against them in the 2009/2010 reporting period, which on a notifications made basis unfortunately ranks chiropractors third behind dentists (5.8%) and medical practitioners (4.0%); see Table 4. If the number of advertising compliance matters were included this percentage would be much higher. The Board hopes its work will reduce this percentage.

Table 4 – Notifications data as a percentage of registrants

Profession	Notifications	Per cent of registrants with notifications
Chiropractor	104	1.8%
Dental practitioner	1,322	5.8%
Medical practitioner	4,122	4.0%
Midwife	62	0.1%
Nurse	1,238	0.3%
Optometrist	55	1.1%

Profession	Notifications	Per cent of registrants with notifications
Osteopath	19	1.0%
Pharmacist	419	1.4%
Physiotherapist	111	0.5%
Podiatrist	55	1.4%
Psychologist	390	1.2%
Not stated	242	1.3%
Grand total	8,139	

The information in this table is taken from the AHPRA Annual Report 2010 – 2011. Copies of the annual report are publicly available at www.ahpra.gov.au.

Code of conduct review

Over the past few months the Board has undertaken a detailed review of the *Code of Conduct for chiropractors*. The Board has already received significant input from some stakeholders and will shortly commence the stakeholder and public consultation phases of their review of the Code of Conduct.

We expect that the proposed document will be available for consultation for all, sometime in May of this year. It is hoped that the final version of the document will be released sometime after July. Everyone is welcome to provide consultation feedback as a part of the Board's consultation process, including chiropractors and other members of the community.

As AHPRA will collate and assemble the feedback, we ask that any feedback be delivered in a constructive format. Keep an eye out for advice about this consultation on the Board's website (www.chiropracticboard.gov.au) under the News tab.

Advertising

Non compliant advertising by practitioners continues to be a significant problem for the Board and AHPRA. The Board has released FAQ documents on Advertising and Testimonials to assist practitioners to better understand their obligations under the National Law. These documents can be found on the website (www.chiropracticboard.gov.au), on the FAQ page under the Codes and Guidelines tab.

Practitioners should note that many advertising offences (such as testimonials and the use of time limited and special offers) are considered a breach of the National Law. These offences can be punished in the Magistrates Court and can result in significant fines. Prosecutions for these offences can be undertaken by AHPRA, the Board or other regulatory agencies such as the ACCC.

Practitioners should also seek guidance from the cross-professional *Guidelines for the advertising of regulated health services* published on the Board's website (www.chiropracticboard.gov.au) under the *Codes and guidelines* tab. Practitioners should be also aware that they can be advertising, even when they did not think they were or did not intend to be advertising. It is quite easy for this and a number of other offences to occur when using social media such as Facebook and Twitter. Another common issue is the use of evidence and the appropriate referencing of that evidence in advertising. The Board will be attempting to provide some more assistance for practitioners about social media and using evidence over the next few months to improve practitioner's awareness and understanding of these issues.

Social media

Social media is an expanding area of on-line communication. Social media is a useful way to communicate on both a professional and personal level. Some common sources of social media include: Facebook, Twitter, YouTube, LinkedIn, blogs and MySpace.

Although chiropractors are increasingly participating in social media, evidence is emerging in both the chiropractic and other health professions that the use of social media can pose a risk for health practitioners, as well as being seen as advertising in many contexts.

Inappropriate comments or behaviour in any forum can potentially damage personal integrity, professional integrity, patient-practitioner, intra-professional and inter-professional relationships. Inappropriate material can also be in breach of the advertising guidelines and the provisions of the National Law.

In order to assist practitioners in their use of social media the Board has been working closely with a number of other boards to develop guidance for practitioners on the use of social media. The Board will commence stakeholder consultation on this document shortly and hopes to have a guideline to assist practitioners in the next few months.

Record keeping

As indicated in the notifications data about chiropractors, problems related to the keeping of clinical records is a significant theme. In order to assist practitioners with information, beyond that already provided in the *Code of Conduct for chiropractors*, the Board has created a draft guideline on record keeping.

The Board will commence stakeholder consultation on this document shortly and hopes to have a guideline to assist practitioners finalised and approved over the next few months.

Anyone is welcome to provide consultation feedback as a part of the Board consultation process. Keep an eye out for advice about this consultation on the Board website www.chiropracticboard.gov.au on the current consultations page, under the *News* tab.

Board survey

As advised in the Board's monthly communiqués, the Board has surveyed practitioners about their knowledge and understanding of the activities of the Board and to obtain valuable feedback from practitioners on the communication activities of the Board. The Board received over 600 responses and would like to thank all practitioners who participated. The results of the survey will be invaluable in assisting the Board in better communicating and engaging with the profession.

The final analysis of data will available to the Board shortly and the Board will publish a summary report of the data on their website once it becomes available.

Managing notifications in NSW: a report from the NSW Chiropractic Council

The Chiropractic Council of New South Wales is a statutory body established in July 2010 under the *Health Practitioner Regulation National Law (NSW)*. The Council does not manage registration matters, but manages complaints and notifications about the conduct, performance or health of chiropractors and students in NSW.

In NSW, the Health Care Complaints Commission (HCCC) has an integral role in complaints management as the independent investigator and prosecutor of complaints, and works in consultation with the Chiropractic Council on the investigation and management of all complaints relating to NSW chiropractors.

The Council comprises four members:

- Dr Peter Cowie (Chiropractor) President
- Dr Geoff Irvine (Chiropractor)
- Mr David Swain (Legal Practitioner)
- One chiropractor position currently vacant

The Council is supported by Executive Officer Ms. Amanda McEacharn and support staff Ms. Sue Toohey

Complaints can be made directly to the Council, HCCC, AHPRA or the Chiropractic Board of Australia. Wherever a complaint is lodged, all of the other bodies are notified.

The Council meets monthly and discusses each new complaint with a member from the HCCC and determines the best manner to deal with it. It also reviews and manages the progress of previously received complaints.

Matters involving clinical judgment are usually referred to the Assessment Committee which determines whether there has been a breach of standards. The most common complaints referred to the Committee involve a patient who alleges that they were injured by a chiropractor.

Once the Committee has completed its investigation it may recommend that the Council:

- deals with the complaint as a complaint of unsatisfactory professional conduct
- directs the chiropractor to attend counseling, or
- dismisses the complaint if there is no evidence of departure from expected standards of care.

Boundary issue complaints are usually investigated by the HCCC and, if unsatisfactory professional conduct or professional misconduct is identified, the matter is referred to a tribunal. The tribunal has suspended a number of chiropractors for periods up to three years for serious sexual misconduct.

The Council has taken a pro-active stance in dealing with most complaints of a minor to moderate nature. This approach has resulted in a number of chiropractors attending counselling where two members of the Council discuss the complaint with the chiropractor to identify modes of practice that might have led to the complaint being made and to find ways to avoid procedures that might lead to further complaints.

There are approximately 1,550 chiropractors in NSW and the Council is currently dealing with 20 complaints comprising six boundary issues, four fraud, three injuries and seven management or communication issues.

www.hpca.nsw.gov.au

Board appointments

Consistent with the provisions of the National Law, all National Board positions will become vacant in September this year. Accordingly, advertisements calling for expressions of interest for Board appointments were published in February. These applications closed on Friday 2 March 2012.

Applications received will be reviewed by a committee appointed by the Ministerial Council with a view to making appointments commence in September 2012.

Updating contact information

Chiropractors should check their contact details and update them if necessary to receive regular reminders from the Board and AHPRA. Email accounts should be set to receive communications from AHPRA and the Board to avoid misdirection to a 'junk email' box or account.

Practitioners who have not yet provided AHPRA or the Board with their email contact information, are encouraged to do so as a matter of urgency.

Practitioners seeking to update their contact information should, go to www.ahpra.gov.au, click online services, use their unique contact number (User ID) and follow the prompts. The User ID is not the same as a registration number. Practitioners who do not have a User ID should complete an online enquiry form, selecting 'User ID' as the category of enquiry or by calling 1300 419 495.

www.chiropracticboard.gov.au

