

From the Chair

The past few months have been a very busy time for the Board. Aside from the normal day-to-day activities of handling registration and notification matters, there has been a significant amount of other work underway.

When the *Code of Conduct for Chiropractors* was first introduced in mid 2010, the Board undertook to commence a review of that *Code* within 12 months. Accordingly, in May of last year the Board started a project to conduct a detailed and thorough review of the *Code*. That process involved a working party that contained nominees from most stakeholder groups, extensive preliminary consultation with major stakeholders, including other Boards and AHPRA, and a forum for stakeholders.

The review process did not recommend significant changes to the *Code*. In fact, most recommended changes were minor and aimed to improve the clarity and consistency of the document. The most significant changes proposed have been in the appendices, which include guidelines on public health activities (including dissemination of health information), on radiographic imaging, and on the duration and frequency of care. Public consultation on the revised document has been completed and all feedback will be considered.

In its handling of notifications, the Board has observed that in many cases the standard of clinical record-keeping by the practitioner is very poor. Good clinical records not only benefit the care of patients, they can also assist a practitioner in accurately recalling events that occurred some time in the past and can

be persuasive evidence of what did or did not occur in the event of a complaint. It is in everyone's best interest to keep good records. The Board has developed guidelines to assist practitioners with record keeping and is now considering the feedback from the public consultation phase.

Since the last newsletter there have been a number of new appointments to the Board.

The Board has welcomed Ms Barbara Kent, Ms Anne Burgess, Dr Sharyn Eaton and Dr Michael Badham as new members of the Board and has farewelled Dr Stephen

Crean and Dr Geoff Irvine. Many thanks must go to Stephen and Geoff for their hard work and commitment as inaugural members of the Chiropractic Board of Australia.

The Board will participate, in conjunction with the Optometry Board of Australia and the Pharmacy Board of Australia, in an audit pilot when registrations are renewed this year. A random sample of practitioners will be selected to provide additional information in support of their declarations of compliance with the Board's registration standards.

In this edition of its newsletter, the Board is providing for the first time some case notes on some of the notifications matters received by the Board over the past year. It is hoped that the lessons learned from these cases will assist other practitioners in providing safe and effective chiropractic care to their patients.

Dr Phillip Donato OAM

Chiropractor
Chair, Chiropractic Board of Australia

Board appointments

Australia's state and territory health ministers recently announced the membership of the Chiropractic Board of Australia, as well as the nine other National Boards that were originally appointed in 2009 in the National Accreditation and Registration Scheme (the National Scheme).

The appointments reflect the ministers' intention to balance stability with renewal in National Board membership. Details of the announcements were published in a Communiqué of the Australian Health Workforce Ministerial Council, which was released in late July. Continuing Board members are Dr Phillip Donato OAM, Dr Bevan Goodreid, Dr Amanda Kimpton, Dr Mark McEwan and Ms Margaret Wolf.

New appointments to the Board are Dr Michael Badham and Dr Sharon Eaton who are appointed as of September 2012 and Ms Anne Burgess, and Ms Barbara Kent who were appointed as of June 2012.

The Board will shortly be publishing brief biographies of its members on the Board's website in the About the Board section.



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 is a co-regulatory partner of the Board. In NSW, it is the Council, not the Board, that manages notifications about the conduct, performance or health of chiropractors and students.

There have recently been new members appointed by the NSW Minister for Health to the Council:

- Dr Anthony Richards (President)
- Dr Bryce Conrad (practitioner member)
- Ms Suzanne Tay (legal practitioner).

The Board congratulates the new members on their appointment and thanks the outgoing members Dr Geoff Irvine, Mr David Swain, and the outgoing Chair Dr Peter Cowie for their hard work, support and cooperation during the commencement of the National Scheme.

Consultations

As part of its obligations under the National Law, the Board is required to undertake wide-ranging public consultation about the content of proposed registration standards, codes and guidelines. The Board undertakes consultation in accordance with a process agreed to by AHPRA and all National Boards, which aims to help stakeholders understand how consultation will occur and the opportunities for input. In general terms, the process requires that, after development of a regulation, policy or guideline, there is some preliminary consultation with AHPRA, other Boards, government and some key national stakeholders.

After the preliminary consultation phase, there is a public consultation phase where members of the profession, the community, governments and other stakeholders are invited to make submissions. Unless otherwise specified, all public consultation phase submissions are published on the Board's website. After the public consultation phase, depending on the changes required, the Board determines if another period of consultation is necessary and releases the revised version.

Items that have previously been released for public consultation are:

1. *Code of Conduct for Chiropractors*
2. *Guidelines - Clinical Record Keeping for Chiropractors*
3. Review of accreditation arrangements

These can be viewed on the [past consultations](#) webpage.

All feedback from the public consultation phase will be considered.

As part of its schedule of work, the Board is participating in a review of its registration standards in conjunction with the other 13 Boards who are part of the National Scheme. Accordingly, the Board will be consulting on the revised standards over the next 12 months. All consultations will be posted to the 'Current consultations' page in the [News](#) section on the Board's website.

Health Profession Agreement

As part of a commitment to increased public access to financial information about the National Scheme, the Board and AHPRA have agreed to publish the Health Profession Agreement that outlines the services that AHPRA will provide to the Board in 2012/13.

Under the National Law, the Board and AHPRA work in partnership to implement the National Scheme, each with specific roles, powers and responsibilities set down in the National Law.

The guiding principles of the National Law require the National Scheme to operate in a 'transparent, accountable, efficient, effective and fair way'; and for registration fees to be reasonable 'having regard to the efficient and effective operation of the scheme'.

Once finalised, the Health Profession Agreement between the Board and AHPRA will be published on the Board's website.

Registration renewals

Chiropractors across Australia are reminded that their registration is due for renewal on 30 November.

AHPRA is sending a series of emails to chiropractors for whom an email address is known, reminding them to renew their registration with the Chiropractic Board of Australia.

The quickest and easiest way to renew registration is online. More than 75% of chiropractors renewed using this secure service last year and it is hoped that this could increase to a much higher number this year to be in line with the other professions.

Practitioners should check that their contact email details are up to date so they receive renewal reminders from AHPRA. These reminders are confirmation that online renewal is open.

To update your contact details held by AHPRA, go online at www.ahpra.gov.au, click 'online services', use your unique contact number (User ID) and follow the prompts. Your User ID, included in AHPRA correspondence to

practitioners, is not your registration number. If you do not have your User ID, complete an online enquiry form, selecting 'User ID' as the category of enquiry, or call 1300 419 495.

There is a new online facility to allow practitioners to 'opt out' of renewing, so that they will not then receive reminder emails and letters. This facility will provide the Board and AHPRA with better data on the number of chiropractors who choose to opt out of renewing their registration, to distinguish them from individuals who intend to renew, but do not do so on time.

Practitioners must remember that under the National Law, practitioners who do not renew registration within one month of their registration expiry date must be removed from the National Register of Practitioners. Their registration will lapse and they will not be able to practise in Australia until a new application for registration is approved. There is no discretion for either the Board or AHPRA in this, so practitioners must renew on time.

Standards compliance audit

Practitioners renewing their registration for the 2012-13 period may be randomly selected to take part in the second phase of a pilot to audit practitioner compliance with registration standards.

All chiropractors and other health practitioners registered under the National Law are required to comply with a range of registration standards. The registration standards are developed by each National Board after wide-ranging consultation and must be approved by the Australian Health Workforce Ministerial Council. All chiropractors must comply with the relevant registration standards for English language, criminal history, recency of practice, continuing professional development and professional indemnity insurance.

AHPRA is currently developing an auditing framework to test compliance with standards through a practitioner audit project. As part of this large program of work, the first phase of a pilot was conducted with the pharmacy profession earlier this year. A second phase of the pilot is being run at registration renewal this year with the chiropractic, optometry, and pharmacy professions.

This second phase began in October 2012 and will run for approximately three months. Chiropractors will be randomly selected when they apply to renew their registration for the 2012-13 period. This will apply to both paper and online renewal applications.

Those selected to participate will be audited for compliance against the Board's registration standards: criminal history, professional indemnity insurance, recency of practice and continuing professional development. The Board is working with AHPRA and key stakeholders to ensure that participants will be able to gather the necessary evidence to provide to the audit team.

Feedback from the pilot will inform the set-up of the auditing framework for use by other National Boards from 2013/14. The timing of further rollout will be informed by the findings of the second phase of the pilot.

There will be an information pack sent to those selected for the audit with additional information available on the AHPRA website www.ahpra.gov.au under *Registration*.

Quarterly data

The Board published its [quarterly data report](#) in early August. That data shows that there are currently 4,462 registered chiropractors, 34% of whom practice in NSW, 27% in Victoria and 15% in Queensland.

More than 61% of practitioners are between 26 and 45 years of age and 33% are female.

Online graduate registrations

Students about to graduate as chiropractors from approved programs of study can go online to apply early for registration and smooth the path from study to work.

Online applications for registration are now open for thousands of final year students who are about to graduate as health practitioners at the end of 2012.

The online graduate registration service enables students to apply for registration early, usually around four to six weeks before they complete their course.

Most students will be able to complete their registration application online, while others will use the dedicated web pages to be directed to the correct application form. All applications require students to return some supporting documents to AHPRA by mail and no applications can be processed until the appropriate advice is received by AHPRA from the relevant university.

Practitioners and students should note that graduates cannot practise as a chiropractor until their application has been processed and they receive confirmation from AHPRA that they are registered. There are significant penalties for both practitioners and employers for practising while not registered.

Go to the Graduate Applications Website www.ahpra.gov.au/Registration/Graduate-Applications.aspx for more information.

Notifications matters

The Registration, Notification and Compliance Committee of the Board meets monthly and considers the notifications received by AHPRA for the Board about practitioners. In order to assist all practitioners to provide safe and effective chiropractic care, the Board will provide

examples from time to time to highlight certain issues. This edition of the newsletter includes notes on cases about duty of care, clinical records, and use of evidence.

Unprofessional conduct, professional misconduct and unsatisfactory conduct

This practitioner failed to adequately examine, follow up and provide appropriate management for a patient that suffered a significant reaction to treatment.

The practitioner in this case was found to have engaged in unsatisfactory professional performance and suspended for several months and required to undergo a period of mentoring and supervised practice. Professional misconduct is where a tribunal finds that a practitioner's conduct is substantially below the standard of a registered practitioner of the equivalent level of training or experience.

The lessons to be learned from this case are that practitioners have a responsibility to:

- properly assess and monitor patients after care, especially those who appear to have had any reaction to treatment, and
- properly manage such cases and ensure that they receive appropriate care. This may include appropriate and timely referral.

Clinical records

This practitioner was providing treatment/care to a patient whose condition deteriorated throughout the course of care. The practitioner failed to properly document the response to treatment and keep records of any tests or monitoring evaluations performed.

The practitioner in this case was found to have engaged in unsatisfactory professional performance and was cautioned and advised to amend their record keeping practices. Unsatisfactory conduct is where the National Board finds that the knowledge, skill or judgment possessed, or care exercised by the practitioner is below the standard reasonably expected of a practitioner of the equivalent level of training or experience.

The lessons to be learned from this case are that practitioners have a responsibility to:

- monitor a patient's response to treatment/care
- keep clinical records that show a patient's response to treatment/care, and
- record the results of all tests and evaluations performed for comparative purposes and not just those that elicited a positive response.

Use of evidence

This practitioner used old references in a patient information publication that was well out of date and contradictory to the contemporary understanding of evidence on the matter.

The practitioner undertook to withdraw the publication and to ensure that any information provided in the future is balanced, up to date and unbiased in its presentation as required by the *Code of Conduct for Chiropractors*.

The lessons to be learned from this case are that practitioners have a responsibility to:

- ensure that any promotional material contains unbiased, balanced and up-to-date information.

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.

To update your contact details, go online at www.ahpra.gov.au, click 'online services', use your unique contact number (User ID) and follow the prompts. Your User ID is not your registration number. If you do not have a User ID, complete an online enquiry form, selecting 'User ID' as the category of enquiry, or call 1300 419 495.

