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## Note from the Chair

Despite it being February, as this is the first newsletter for 2013, I would like to take the opportunity to wish everyone a happy and healthy New Year.

Just like other years, 2013 is looking like a very busy year for the National Board. We're putting the finishing touches to our revised strategic work plan, which notes that a significant amount of this year will be taken up by the registration standards revision project. The revision of registration standards and consequential documents is required to begin within three years of their approval, which means that all registration standards approved by health ministers before the transition into the National Scheme are scheduled for review.

As you know, the National Board is part of the National Registration and Accreditation Scheme (National Scheme) with 13 other health practitioner boards. One of the fundamental tenets of the scheme is national consistency: members of the public share similar expectations in relation to the conduct and performance of their health practitioners and where possible there should be consistency across professions. Therefore, the review of standards is being conducted in conjunction with the other health practitioner boards to achieve a shift towards more consistency across professions, where appropriate.

Aside from the cross-professional work planned for 2013, the National Board intends to further develop its engagement with the profession and the public to facilitate clear communication about the expectations and professional obligations of a registered chiropractor.

In this edition, the Board has again provided some professional practice notes for practitioners. These highlight some of the important notification issues that have arisen recently.

**Dr Phillip Donato OAM**  
Chiropractor  
Chair, Chiropractic Board of  
Australia

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## National Board membership and vacancy

In January 2013, the National Board was advised that Dr Sharyn Eaton was resigning from the Board in order to pursue other work opportunities. Although Dr Eaton was only with the Board for a relatively short time, her rigour and input into Board policy and planning was greatly valued by all members. The Board would like to thank Dr Eaton for her contributions and wish her all the best in her future endeavours.

There is now a vacancy on the Board for a practitioner member from NSW, which has been advertised. The application guide and application form are available on the [AHPRA website](#). The Board encourages chiropractors based in NSW to express their interest in being appointed by the Australian Health Workforce Ministerial Council to the vacancy. Applications close 5pm AEST, Monday 25 February 2013.

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## Accountability and transparency: panel and tribunal hearing decisions published

AHPRA and the National Boards' commitment to transparency and accountability continues with an expansion of the information published about legal issues and hearing decisions. AHPRA has published a table of [panel hearing decisions](#) dating back to July 2010. Summaries have been provided where there is educational and clinical value and some summaries of [tribunal decisions](#) are also provided, to help share information and guide practitioners.

Practitioners' names are not published, consistent with the requirements of the National Law.

AHPRA will also publish a series of legal practice notes to support the consistent understanding and application of the National Law by National Boards and AHPRA staff. These will be available on the AHPRA website for their wider value.

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## Website accessibility

AHPRA and the National Boards recognise the importance of providing a website that is inclusive and available for all user groups. We are changing the way web documents are



published as part of our commitment to providing websites that are accessible to all users.

This is in line with AHPRA's goal to achieve Level A compliance with the World Wide Web Consortium's (W3C) [Web content accessibility guidelines](#) (WCAG). This change in process is an important step in AHPRA complying with the [Disability Discrimination Act 1992](#) as well as supporting the goals of two of its [2012-13 Business Plan](#) initiatives.

Whenever possible, documents and downloadable files will be published in multiple formats. These formats include Portable Document Format (PDF), Rich Text Format (RTF), Microsoft Word (DOC) and Microsoft Excel (XLS).

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## Online searchable course database – an Australian first

A comprehensive, easily searchable national database of approved programs of study is now accessible through the AHPRA website. It is only possible through the National Scheme, because education programs for all professions are accredited nationally and AHPRA is able to gather national data about accredited courses.

- For the first time, potential students, practitioners, the public and education providers can conduct an easy online search to identify approved programs of study. This allows potential students to check courses to ensure that they will lead to registration with one of the National Boards.
- Detailed information about individual programs of study, such as course length, approval dates and any conditions, is published in one place.
- Education providers can check, in real time, any changes or updates to the approved programs of study that they are required to report on for student registration.

The online service provides a single point of entry to important information that was previously scattered between states and territories.

The searchable database replaces previously published static lists for each profession and makes it easier and quicker to find important information about approved programs of study for the following professions: chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy and podiatry. Lists for the other professions in the National Scheme will be made available in the future.

The database can be accessed at [www.ahpra.gov.au/Education/Approved-Programs-of-Study.aspx](http://www.ahpra.gov.au/Education/Approved-Programs-of-Study.aspx).

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## Registration renewal update

The support of key stakeholders during our renewal campaign has resulted in the highest number ever of chiropractors renewing their registration on time and online. Thank you to 97% of chiropractors who renewed on time, over 91% of whom did so online. Registration renewal for almost 4,500 chiropractors – and more than 125,000 other health professionals – went smoothly and showed an improvement on the 2011 renewal process.

Chiropractors are reminded that it is their responsibility to ensure that their registration is renewed by 30 November each year.

AHPRA now gives health practitioners the option to go online and 'opt out' of renewing their registration. This online option provides the National Boards and AHPRA with better data about the number of practitioners who choose to opt out, to distinguish them from individuals who intend to renew, but do not do so on time.

For further information, or to provide your feedback on the renewal process, please contact [communications@ahpra.gov.au](mailto:communications@ahpra.gov.au).

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## Standards compliance audit

All health practitioners registered under the National Law are required to comply with a range of registration standards (which are developed after wide-ranging consultation and approved by the Australian Health Workforce Ministerial Council).

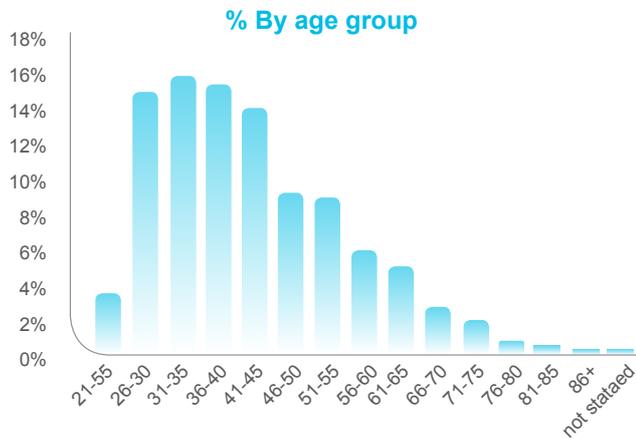
AHPRA is developing an auditing framework to test compliance with standards through a practitioner audit project. As advised in National Board communiqués, the second phase of the audit pilot has been run at registration renewal this year with the chiropractic, optometry, and pharmacy professions.

Chiropractors were randomly selected when they applied to renew their registration for the 2012-13 registration period. This applied to both paper and online renewal applications. The National Board would like to thank all participants for their cooperation in developing and refining the AHPRA audit protocols via this audit pilot. First, it is important to remember that this is a pilot and much has been learned by everybody through this process and second, that compliance with the registration standards of the National Board is a requirement for ongoing registration under the National Law.

AHPRA is still working through the audit process and information on the outcome of the project will be published by the National Board when available.

## Quarterly data update

Now that the renewal process is complete for chiropractors, the latest data about the profession is available.



## New national Community Reference Group

A Community Reference Group is being established by AHPRA and the National Boards. This group has been designed to advise AHPRA and National Boards on ways in which community understanding and involvement in our work can be strengthened. This might include strategies for promoting greater community response to consultations, ways in which the national registers of practitioners can be more accessible and better understood and strategies to build greater community understanding of how practitioner regulation works.

AHPRA and the National Boards will work with the Community Reference Group to agree on a set of priorities. This will build on the community feedback received at the recent community forums held across Australia in partnership with the Consumers Health Forum of Australia (CHF). The forums provided an opportunity for AHPRA and members of national

### Chiropractors: state and territory and gender by registration type

Sex	State	General	Limited		Non-practising	Total Count	% By Sex By State
			Area of need	Public interest			
Female	ACT	26			1	27	0.59%
	NSW	518			21	539	11.69%
	NT	7			2	9	0.2%
	QLD	215			7	222	4.82%
	SA	113			6	119	2.58%
	TAS	12				12	0.26%
	VIC	444			35	479	10.39%
	WA	207			6	213	4.62%
	Not Stated	13		1	23	37	0.8%
	Sub total		1,555		1	101	1,657
Male	ACT	32				32	0.69%
	NSW	942			30	972	21.08%
	NT	17				17	0.37%
	QLD	476			11	487	10.56%
	SA	230			11	241	5.23%
	TAS	34		1		35	0.76%
	VIC	717		3	45	765	16.59%
	WA	307			9	316	6.85%
	Not Stated	36	1	1	47	85	1.84%
	Sub total		2,791	1	5	153	2,950
Not Stated	NSW	2				2	0.04%
	WA	1				1	0.02%
	Sub total	3				3	0.07%
<b>Total</b>		<b>4,349</b>	<b>1</b>	<b>6</b>	<b>254</b>	<b>4,610</b>	

and state boards to meet members of the public to explain how health practitioner regulation works and what it offers the community, and to get feedback on issues of concern.

The Community Reference Group will complement the role of community members of the National Boards. The group will consist of members from the community who are not health practitioners or current/past members of a National Board or committee in the National Scheme.

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## Consultation update: accreditation and guidelines

Consultations provide an important opportunity for practitioners, members of the community and other stakeholders to provide feedback on draft documents and help shape the future of health practitioner regulation in Australia.

This will be a big year for National Board consultations, with dozens of papers scheduled for public consultation across all professions. The best way to keep abreast of upcoming or current consultations relevant to the chiropractic profession is to check the National Board's website.

The National Board has recently completed public consultation on a number of items including:

- accreditation arrangements
- *Guidelines for the supervision of chiropractors*
- *Guidelines for clinical record keeping by chiropractors*, and
- *Code of conduct for chiropractors*.

### Accreditation consultation

Ministers assigned accreditation functions for the first 10 professions in the National Scheme to external accreditation authorities. The National Law requires that National Boards review the accreditation arrangements for these professions by 30 June 2013. A review process began in mid 2012, based on principles agreed by the National Boards, the accreditation authorities (through the Australian Health Professions Councils' Forum) and AHPRA. The review included wide-ranging consultation as required by the National Law.

The National Board carefully considered feedback received during the review process and decided that accreditation functions for the profession will continue to be exercised by the Council on Chiropractic Education Australasia (CCEA) for a further five-year period.

In making its decision, the Board balanced the requirement for flexibility and responsiveness to developments (such as the review of the National Scheme) with the need for certainty

and continuity for education providers, and the need to enable effective planning and efficient management by CCEA. Accordingly, the Board will build appropriate flexibility into its future arrangements with CCEA.

Submissions to the consultations listed above will be published on the National Board's website on the past consultations page in due course (follow the *News* link).

### Supervision guidelines

Along with the consultation on accreditation arrangements, the National Board also completed consultation on *Guidelines for the supervision of chiropractors*.

These guidelines set out the principles the National Board considers central to safe and effective supervision in a range of clinical contexts, and they provide assurance to the National Board and the community that the registrant's practice is safe and is not putting the public at risk.

Chiropractors may be required to work under supervision for a period of time when:

- they hold limited registration
- they have conditions or undertakings related to their registration
- they are returning to practice after a prolonged absence, or
- their conduct, performance or health has been assessed as affecting safe and/or appropriate practice.

These guidelines set out:

1. principles of supervision
2. levels of supervision
3. requirements and responsibilities
4. the standard supervision agreement, and
5. reporting requirements.

A copy of this document can be found on the National Board's website under [\*Codes and guidelines\*](#).

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## Notifications matters: case studies

The Registration, Notification and Compliance Committee of the National Board meets monthly and considers the notifications about chiropractors received by AHPRA on behalf of the National Board. In order to assist all practitioners to provide safe and effective chiropractic care and to inform the community, the National Board will provide examples

and summaries from time to time to highlight certain issues. While tribunal and panel decisions are published under the requirements of the National Law, some matters may not progress to that stage yet may contain valuable information for practitioners.

This edition of the newsletter includes notes on cases about consent, self-referral, treatment claims and spinal screenings.

## Consent

This practitioner began providing treatment to the thoracic and cervical spine in addition to the lumbar spine when the patient presented with what was clearly a lower back problem that had previously responded well to treatment. The practitioner did not obtain consent to provide treatment to these additional areas, nor cease treating those areas when specifically asked to do so by the patient.

The practitioner was found to have engaged in unsatisfactory professional performance, both in failing to obtain consent to treat the patient and in failing to stop treating the patient when asked to do so, and was also found to have poor clinical record keeping. The practitioner was cautioned and required to undertake counselling/further education at their own expense on obtaining consent to treat patients and on record keeping.

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

- obtain proper informed consent for any treatment they wish to apply
- keep proper records and document any consent given, and
- stop providing treatment when requested to do so by a patient.

## Self-referral

The practitioner self-referred for x-rays using the provider number of a colleague without that colleague's knowledge. The colleague only became aware that their provider number had been used when the radiologist sent through a report.

The practitioner agreed that they had engaged in unprofessional conduct and agreed to undertake counselling/further education at their own expense on professional conduct and ethics.

The lessons to be learned from this case are that:

- the use of a colleague's provider number without consent amounts to unprofessional conduct, and
- referrals for x-rays should only be made by a treating practitioner after an examination has been performed and an adequate history taken.

These matters can also be referred to other bodies such as Medicare and the Department of Veterans Affairs for investigation and action.

## Treatment claims

This practitioner had engaged in advertising that persistently breached both the *Guidelines for advertising of health services by chiropractors* and s133 of the National Law. This entailed the use of testimonials and making misleading and unsubstantiated claims that were unable to be reasonably supported. A number of the resources referred to in support of these claims were deemed to be either misinterpreted or misrepresented by the practitioner in making the claims.

The practitioner agreed to comply with the requirements of the National Board and National Law in relation to advertising and to undertake a counselling/further education program at their own expense on the requirements of the guidelines and the National Law.

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

- comply with the requirements of the National Law and any guidance provided by the National Board despite any personal views or opinions held to the contrary, and
- ensure any treatment claims they make in advertising can be adequately supported.

## Spinal screenings

This practitioner was conducting a spinal screening activity at a local shopping centre. The practitioner not only conducted spinal screenings on members of the public but also displayed and distributed advertising material whose content was considered false and misleading. The advertising material and the practitioner's conduct in performing the spinal screening activity may have elicited fear in the mind of a member of the public, seemed to have guaranteed a cure and may have led to the unnecessary or unwarranted use of health services by members of the public.

The practitioner also made appointments and effectively collected fees at the time of screenings, and claimed to be providing exclusive or superior services when compared to other members of the profession.

The practitioner admitted to engaging in unprofessional conduct and was cautioned. The practitioner agreed to ensure that all advertising and promotional material used in the future will comply with the requirements of the Board and the National Law and to either cease or substantially modify their approach to conducting spinal screenings to ensure compliance with the requirements of the National Board, as set out in Appendix 1 of the *Code of conduct for chiropractors*.

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

- comply with the requirements of the National Law and any guidance provided by the National Board in relation to both advertising and spinal screenings.

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## Update your contact details

Please check your contact details and update them if necessary in order 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.

If you have not yet provided AHPRA or the Board with your email address, please do so as a matter of urgency.

To update your contact details, go online at [www.ahpra.gov.au](http://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.

