
1. Introduction

The Chiropractors Board of Queensland ('the Board') welcomes the opportunity to respond to the Consultation Paper issued by the Chiropractic Board of Australia ('CBA') on 27 October 2009. The Board, with the assistance of the Office of Health Practitioner Registration Boards, has reviewed the CBA proposals together with those made by the other national boards.

That review has identified specific issues with the standard proposed by the CBA and general issues with the standards as proposed by all of the national boards. Both specific and general issues will be addressed in the following sections of this submission.

The Board wishes to preface its comments on each of the standards by advising of its support for recognition of oral health therapists in the professions registered by the CBA.

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3. English Language Standard

The Board wishes to raise a number of matters in regard to the proposed English Language Standard.

First, the definition of 'international student' is problematic. The standard as proposed does not provide adequate guidance to an applicant, or a registration officer, as to the requirements for international students to provide evidence of secondary education in English with their application. In this regard, it relies on self identification by the applicant in relation to their secondary education, and if they do not identify as an international student, they are automatically exempt from the requirements of the standard. However, the registration officer assessing the application will not be able to determine if documentation was not provided because they did not fall within the definition of 'international student', or because they failed to comply with the application requirements. This will mean follow up will be required in every instance resulting in additional costs and delays to the registration process.

There are two options available to address this issue as follows:

1. Define an 'international student' as 'a person who completed their secondary education outside of Australia' while concurrently requiring all applicants to state in the application form where they undertook secondary education; or
2. require every applicant to provide evidence of their secondary education as a component of the application.

Option 1 is preferred as it is more cost effective and the Board will be able to rely on the false and misleading information provisions rather than seek evidence from every applicant.

Second, the inclusion of countries under exemption 1(a) of the standard is supported. However, the exemption could be strengthened by clarifying that the listed countries apply to both the secondary education and the tertiary qualification components and by deleting the following text at the end of the paragraph: ‘...where English is the native or first language.’

These amendments will make it clear which applicants are required to undertake an assessment and will remove any room for argument from persons educated in a country where English is one of the first languages.

Third, the English language requirements specify applicants must ‘submit evidence or arrange for evidence to be provided’. However, under note 7 the applicant is then obliged to make arrangements for test results to be provided directly to the Board by the testing authority. This internal inconsistency needs to be addressed and it is submitted that applicants be enabled to submit evidence on the basis that the Boards can directly confirm these results with the testing authority.

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Registration Standard: Continuing Professional Development

Legislative basis

The Board has established this standard in compliance with section 38(1)(c) of the Act.

Scope

This standard is applicable to all persons who are registered by the Chiropractic Board of Australia with the exception of those registered in the non-practising and student registration categories.

This standard does not apply to:

- a registrant who graduated from the course required to qualify for registration if the graduation date was within X years of the date of renewal; and
- to a registrant who has been registered for less than three months.

Practitioners who have been registered for more than three months but less than one year will need to show compliance with the requirements for CPD on a pro-rata basis proportionate to the fraction of the year they have been registered.

Requirements

1. Registrants must complete a minimum of 25 hours of CPD activities annually. At least 12.5 hours of the required CPD must be 'formal' learning activities. The balance may be either 'formal' or 'informal' learning activities.
2. All practising registrants must hold a first aid certificate at the minimum standard of a Senior First Aid (Level 2) certificate or equivalent. The certificate must have been issued in the three years preceding the application for renewal.
3. Registrants must maintain an up to date CPD portfolio detailing:
 - (a) a self-assessment of their personal CPD needs and desired outcomes;
 - (b) how the CPD relates to the practice of the profession;
 - (c) all CPD activities undertaken; and
 - (d) an evaluation of the CPD activities undertaken to determine whether the desired outcomes have been achieved.

The portfolio must include supporting documentation as follows:

- (a) receipts from formal courses undertaken or conferences attended;
- (b) certificates issued upon completion of CPD activities by an approved training or educational provider; and
- (c) records of any self-directed CPD, including what activity was undertaken and for how long.

Exemptions

The Board may grant an exemption from the from this standard where there are valid reasons why the registrant has not been able to complete their CPD requirements in the preceding year, such as the need to cater for family leave, long term illness, or any other good reason.

The Board, therefore, will allow eligible registrants to be exempted from the CPD requirement for one yearly registration period, provided the registrant has not been exempted for more than one year in the past three years.

Registrants seeking an exemption should contact the Board as soon as the need for an exemption is known, particularly where the Board needs to determine whether the registrant has sufficient reason for applying (illness, other good reasons). Prior notice of bona fide family leave is not required.

Compliance assessment

Renewal requirements – s109 Act

A registrant will be required to make a declaration at renewal that they have completed the CPD the registrant was required by this standard to undertake during the registrant's preceding period of registration.

Audit

The Board will conduct random audits of professional portfolios to determine compliance with this standard.

Consequences of non compliance

If a registrant is unable to make the declarations required on renewal, the Board may refuse to renew registration and any endorsements or approve renewal of registration and any endorsements subject to conditions.

Knowingly making a false declaration may be considered by the Board to be unprofessional conduct or professional misconduct and, as such, may be dealt with by the Board through the disciplinary mechanisms available under the Act. These mechanisms include sanctions ranging from cautioning or reprimanding the registrant to cancellation of registration.

Definitions

Act means the *Health Practitioner Regulation National Law Act 2009* as amended.

Continuing professional development or CPD means study, training, courses, seminars, reading and other learning activities that could reasonably be expected to advance the registrant's professional development and contribute to safe and competent practice.

Formal learning activities include: tertiary and other accredited courses; accreditation activities; teaching; distance education modules; conferences, forums and seminars;

undertaking research and presentation of work; online learning; in-service education programs; making presentations; engaging in co-ordinated CPD activities through a professional group or organisation who will issue a certificate of compliance/completion; and Senior First Aid Level 2.

Informal learning activities include: self study: reading books, journals, etc; clinical discussion and/or contact with other health professionals; quality assurance activities, such as practice accreditation; participation in profession-related committees; clinical or case information sharing at meetings; clinical or case discussion with colleagues; internet research; and student clinical supervision.

Portfolio means:

- (a) a private collection of evidence which demonstrates the continuing acquisition of skills, knowledge, attitudes, understanding and achievement (it is both retrospective and prospective, as well as reflecting the current stage of development of the individual);
- (b) something that describes learning experiences and provides evidence that concepts and principles from these experiences are being applied in practice; and
- (c) a means of recording personal career progress and to show that a person is demonstrating professional knowledge and competence.

Practice includes work in clinical, administration, research and education fields, using the knowledge, skills and attitudes of the chiropractic profession, whether remunerated or not, and regardless of job title.

Commencement

This standard will commence on 1 July 2011.

Review

The Board will review this standard within three years of operation.

Registration Standard: Previous Practice of the Profession

Legislative basis

The Board has established this standard in compliance with sections 52(1)(e) and 55(1)(f) of the Act.

Scope

This standard is applicable to all persons who apply for registration with the Chiropractic Board of Australia with the exception of those applying in the non-practising and student registration categories.

This standard does not apply to an applicant who graduated from the course required to qualify for registration if the graduation date was within two years of the date of application.

Requirements

1. Those seeking registration must have practised chiropractic within the two years preceding the date of the application.
2. Those seeking registration who have not practised for more than two years will be required to undertake one or more of the following:
 - (a) approved course of study or retraining;
 - (b) approved mentoring/supervised practice arrangement;
 - (c) approved assessment or examination;
 - (d) approved CPD activities; and/or
 - (e) condition on practice.
3. To inform its assessment decision for those who have not practised for more than two years the following matters will be considered by the Board:
 - (a) the person's registration and practice history;
 - (b) the period the person has not been practising;
 - (c) when the person's primary qualification was awarded;
 - (d) the activities related to the practice of chiropractic the person has undertaken in the last five years;
 - (e) the person's continuing professional development history; and
 - (f) any additional qualifications obtained during the period the person was not practising.

Exemptions

Applicants who have successfully completed a competency evaluation required by the Board within the previous two years are exempt from the requirement.

Consequences of non compliance

If an applicant cannot show sufficient practice upon application for registration to comply with the standard, the Board may refuse to grant registration and any endorsements or approve the grant of registration and any endorsements subject to conditions.

Knowingly making a false declaration that leads to registration may be considered by the Board to be unprofessional conduct or professional misconduct and, as such, may be dealt with by the Board through the disciplinary mechanisms available under the Act. These mechanisms include sanctions ranging from cautioning or reprimanding the registrant to cancellation of registration.

Definitions

Act means the *Health Practitioner Regulation National Law Act 2009* as amended.

Competency evaluation means a competency assessment or supervised practice assessment or a course of study approved by the Board.

Practice includes work in clinical, administration, research and education fields, using the knowledge, skills and attitudes of the profession, whether remunerated or not, and regardless of job title, provided that if the jurisdiction the practice occurred in required registration, only practice that occurred whilst registered will be recognised by the Board as complying with this standard.

Commencement

This standard will commence on 1 July 2010.

Review

The Board will review this standard within three years of operation.

Registration Standard: Recency of Practice

Legislative basis

The Board has established this standard in compliance with section 38(1)(e) of the Act.

Scope

This standard is applicable to all persons who are registered by the Chiropractic Board of Australia with the exception of those registered in the non-practising and student registration categories.

This standard does not apply to:

- a registrant who graduated from the course required to qualify for registration if the graduation date was within two years of the date of renewal; and
- to a registrant who has been registered for less than three months.

Requirements

1. Those seeking renewal of registration must have practised chiropractic within the two years preceding the date of the application.
2. Those seeking renewal of registration who have not practised for more than two years will be required to undertake one or more of the following:
 - (a) approved course of study or retraining;
 - (b) approved mentoring/supervised practice arrangement;
 - (c) approved assessment or examination;
 - (d) approved CPD activities; and/or
 - (e) condition on practice.
3. To inform its assessment decision for those who have not practised for more than two years the following matters will be considered by the Board:
 - (a) the person's registration and practice history;
 - (b) the period the person has not been practising;
 - (c) when the person's primary qualification was awarded;
 - (d) the activities related to the practice of chiropractic the person has undertaken in the last five years;
 - (e) the person's continuing professional development history; and
 - (f) any additional qualifications obtained during the period the person was not practising.

Exemptions

The Board may grant an exemption from the from this standard where there are valid reasons why the registrant has not been able to complete their recency requirements in the preceding year, such as the need to cater for family leave, long term illness, or any other good reason.

The Board, therefore, will allow eligible registrants to be exempted from the recency requirement for one yearly registration period, provided the registrant has not been exempted for more than one year in the past three years.

Registrants seeking an exemption should contact the Board as soon as the need for an exemption is known, particularly where the Board needs to determine whether the registrant has sufficient reason for applying (illness, other good reasons). Prior notice of bona fide family leave is not required.

Applicants who have successfully completed a competency evaluation required by the Board within the previous two years are exempt from the requirement.

Compliance assessment

Renewal requirements – s109 Act

A registrant will be required to make a declaration at renewal that they have completed the recent practice the registrant was required by this standard to undertake during the registrant's preceding period of registration.

Audit

The Board will conduct random audits to determine compliance with this standard.

Consequences of non compliance

If a registrant is unable to make the declarations required on renewal, the Board may refuse to renew registration and any endorsements or approve renewal of registration and any endorsements subject to conditions.

Knowingly making a false declaration may be considered by the Board to be unprofessional conduct or professional misconduct and, as such, may be dealt with by the Board through the disciplinary mechanisms available under the Act. These mechanisms include sanctions ranging from cautioning or reprimanding the registrant to cancellation of registration.

Definitions

Act means the *Health Practitioner Regulation National Law Act 2009* as amended.

Competency evaluation means a competency assessment or supervised practice assessment or a course of study approved by the Board.

Practice includes work in clinical, administration, research and education fields, using the knowledge, skills and attitudes of the profession, whether remunerated or not, and regardless of job title, provided that if the jurisdiction the practice occurred in required registration, only practice that occurred whilst registered will be recognised by the Board as complying with this standard.

Commencement

This standard will commence on 1 July 2011.

Review

The Board will review this standard within three years of operation.