Managing risk to the public:
Regulation at work in Australia

Physiotherapy Board of Australia

2015/16 Annual Report Summary



Download this summary of the work of the Physiotherapy Board of Australia in 2015/16 from www.ahpra.gov.au or go to <u>www.physiotherapyboard.gov.au</u>. The full 2015/16 annual report by AHPRA and the National Boards, plus supplementary data tables and annual report summaries by state and territory, can be downloaded from <a href="www.ahpra.gov.au/annualreport/2016">www.ahpra.gov.au/annualreport/2016</a>.

## At a glance: Regulating physiotherapists in 2015/16

This annual report summary provides a snapshot of our work regulating almost 29,000 registered physiotherapists in the financial year to 30 June 2016.

A more detailed profile, with data relating to all 14 National Boards in Australia, is published in AHPRA and the National Boards' 2015/16 annual report at <a href="https://www.ahpra.gov.au/annualreport/2016">www.ahpra.gov.au/annualreport/2016</a>.

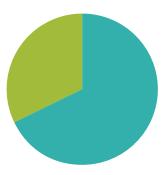
**657,621** health practitioners in 14 professions registered in Australia in 2015/16

**28,855** registered physiotherapists

This is **4.4%** of the registrant base



Registration grew by 4.8% from 2014/15



68% women

**32%** men



**8,943** registered students; down **1.7%**<sup>1</sup>



**2,505** new applications for registration received



**2,702** criminal history checks were carried out for physiotherapists, resulting in:

**94** disclosable court outcomes:

**No** regulatory action needed to be taken.

**66** notifications (complaints or concerns)<sup>2</sup> were lodged with AHPRA about physiotherapists



**55** notifications were closed<sup>3</sup>



**66** complaints were made about possible statutory offences relating to physiotherapy services

**40** statutory offence matters were closed

<sup>1.</sup> Compared with 2014/15.

<sup>2.</sup> This figure refers only to matters managed by AHPRA. For total notifications received about the profession, including matters managed by the Health Professional Councils Authority (HPCA), please refer to Table 4.

<sup>3.</sup> This figure represents complaints managed and closed by AHPRA, and excludes matters managed by the HPCA.

## **About this report**

This report provides a profession-specific view of the Physiotherapy Board of Australia's work to manage risk to the public and regulate the profession in the public interest in 2015/16.

The Board has worked in close partnership with the Australian Health Practitioner Regulation Agency (AHPRA) to provide all Australians with a safe, qualified and competent workforce under the National Registration and Accreditation Scheme (the National Scheme).

Information included in this report is drawn from the data published in the 2015/16 annual report by AHPRA and the National Boards, and was correct as at 30 June 2016.

Whenever possible, historical data are provided to show trends over time, as well as comparisons between states and territories.

For a wider context, and to compare the profession against national data from all 14 professions regulated by National Boards under the National Scheme, this report should be read in conjunction with the 2015/16 annual report. Download the report from <a href="https://www.ahpra.gov.au/annualreport/2016">www.ahpra.gov.au/annualreport/2016</a>.

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# Message from the Presiding Member, Physiotherapy Board of Australia

During 2015/16, the Board continued to consolidate our role in protecting the public and carried out regulatory activities in accordance with the Health Practitioner Regulation National Law (the National Law) as in force in each state and territory.

We also continued to contribute to crossprofessional decision-making about issues that are common to registered health professions in the National Scheme.

My sincere thanks go to the Chair of the Registration and Notifications Committee, Fiona McKinnon, as well as the members of that important committee, which considers the individual matters of registrations and notifications on a monthly basis. These activities are time intensive and often complex, requiring careful and consistent consideration at an individual level.

The Board works collaboratively and effectively with AHPRA staff, from the National Executive through to the various registration and notification officers throughout the country.

Auditing of physiotherapists' adherence to the registration standards is now considered 'business as usual' for the Board, and the results of these ongoing audits provide confidence that physiotherapists are aware of, and adhere to, their professional obligations as registered health practitioners.

The Board continues to contribute to early discussions about the possibility of prescribing for those professions in the National Scheme that do not already have prescribing rights. However, the Board acknowledges the complex issues that need to be worked through across all of the professions in order for Ministers to be able to consider approving the National Boards' ability to endorse practitioners for prescribing.

Finally, I would like to thank AHPRA and particularly my fellow Board members for their contributions and continued dedication to the regulation of physiotherapists in Australia.

The Board's Chair and Tasmanian practitioner member, Paul Shinkfield, resigned from his position during the year to take up a role with AHPRA. Paul led the Board very ably for over three years, and his clear thinking and collaborative manner were appreciated by the Board.

Dr Charles Flynn was elected by the Board as Presiding Member in December 2015, after the departure of Chair Mr Paul Shinkfield.



Dr Charles Flynn Presiding Member, Physiotherapy Board of Australia

#### Members of the Board in 2015/16

Dr Charles Flynn (Presiding Member)

Ms Alison Bell

Mr Timothy Benson (until 30 August 2015)

Mrs Janet Blake (from 31 August 2015)

Mr David Cross (from 31 August 2015)

Ms Anne Deans (until 30 August 2015)

Ms Kim Gibson

Mrs Lynette Green

Mrs Kathryn Grudzinskas (until 30 August 2015)

Ms Cherie Hearn (from 31 August 2015)

Mr Peter Kerr AM

Mrs Elizabeth Kosmala OAM

Ms Karen Murphy (until 30 August 2015)

Ms Philippa Tessmann

Ms Elizabeth Trickett (from 31 August 2015)

During 2015/16, the Board was supported by Executive Officer Jill Humphreys.

More information about the work of the Board, including codes, guidelines and information on registration standards, can be found on the Board website at www.physiotherapyboard.gov.au.

# Message from the Agency Management Committee Chair and the AHPRA CEO

Since the National Scheme began six years ago, AHPRA has worked in partnership with the National Boards to ensure that the community has access to a safe and competent health workforce across 14 registered health professions Australia-wide.

We rely on the expertise and insights of the National Boards to make decisions about the 657,621 health practitioners currently registered in Australia in the interests of the Australian public. It's a role that Board members commit to with dedication and passion, and the community can be assured that its safety is always their number-one priority.

As at 30 June 2016, there were 28,855 registered physiotherapists. Overseeing the registration and regulation of the profession is the Physiotherapy Board of Australia (the Board), with valuable input from professional and community groups.

The Board upholds the values of the National Scheme by taking a risk-based approach to regulatory decision-making and policy implementation, with a continued focus on finding ways to improve effectiveness, efficiencies and timeliness.

In 2015/16, the Board worked to ensure physiotherapists continued to understand their regulatory requirements after the publication of revised registration standards. Cross-profession consultation and collaboration has been a key focus for the Board, as has continued communication with the profession and its key stakeholders.

We'd like to thank Board members for their continued commitment to ensuring a competent and flexible health workforce that meets the current and future health needs of the community.

We look forward to continuing to work in partnership with the Board.



Michael Gorton AM
Chair, Agency
Management Committee



Martin Fletcher
Chief Executive Officer,
AHPRA

## Year in review: Physiotherapy Board of Australia

In 2015/16, the Physiotherapy Board of Australia worked with its appointed accreditation authority, the Australian Physiotherapy Council, to embed the physiotherapy practice thresholds, which were developed and launched in 2014/15 in conjunction with co-authors, the Physiotherapy Board of New Zealand.

The Board continued to refine its regulatory approach, working closely with stakeholders to ensure clarity of regulatory requirements, particularly as it rolled out revised registration standards for professional indemnity insurance, continuing professional development and recency of practice.

The Board's focus in 2015/16 was to think scheme-wide, seeking consistency, efficiency and effectiveness in undertaking its regulatory role. It took part in cross-professional work within the National Scheme, such as the review of supervision guidelines. This work is ongoing and a framework is being developed to cover all situations in which supervision is a requirement for registration.

The Board has been involved in early conversations with the profession about non-medical health practitioner prescribing. This is cross-professional work with other relevant National Scheme professions. Whether physiotherapist prescribing becomes a reality will depend on many factors, including the clear and unequivocal safety of the community, and the value proposition to the health system and community as a whole. The conversation is expected to continue for some time.

As part of its statutory role, the Board is currently conducting a scheduled review of its <u>Approved</u> <u>accreditation standard</u>. In regards to improving health outcomes for Indigenous people, the Board will work with the Australian Physiotherapy Council to ensure that the culturally appropriate educational aspects are broadly consulted upon and included before finalising.

## Data snapshot: Regulation at work in 2015/16

## The profession in brief

- Physiotherapy registrants increased by 4.8% year on year, to 28,855 in 2015/16.
- New South Wales (NSW) was the principal place of practice for most of these practitioners (8,408); the Northern Territory (NT) was home to the least (165).
- ➤ The age bracket with the most practitioners was 25-29 (at 6,187 registrants).
- 2,385 practitioners were under 25 years of age; 19 were aged 80 or over.
- ▶ Women comprised 68% of the profession.

#### About our data

Data in this Board summary are drawn from the 2015/16 annual report, published by AHPRA and the National Boards. Data relating to physiotherapists have been extracted from national source data that include all 14 health professions currently regulated under the National Law.

In the following pages you'll find registration data, including registrant numbers by age, gender and principal place of practice, and data about notifications (complaints or concerns) received about physiotherapists in the year to 30 June 2016. Statutory offence data are also included.

For a further breakdown of data from the 2015/16 annual report by AHPRA and the National Boards, including summary reports by state and territory, go to <a href="https://www.ahpra.gov.au/annualreport/2016">www.ahpra.gov.au/annualreport/2016</a>.

#### Notifications data

Notifications are complaints or concerns that are lodged with AHPRA about registered health practitioners or students practising in Australia.

Our data generally excludes complaints handled by co-regulatory jurisdictions, such as in:

- NSW, where complaints about health practitioners with this state as their principal place of practice (PPP) are not managed by the Board and AHPRA, unless the conduct occurred outside NSW. Complaints about health practitioners where the conduct occurred in NSW are handled by the Health Professional Councils Authority (HPCA) and the Health Care Complaints Commission (HCCC), and
- Queensland, where complaints are received and managed by the Office of the Health Ombudsman (OHO) and may be referred to

AHPRA and the relevant National Board. We are not able to report on all complaints about health practitioners in Queensland because we only have access to data relating to matters referred to us by OHO.

Note that some NSW regulatory data published in this report may vary from data published in the HPCA's annual report. This is due to subsequent data review by the HPCA after submission of initial data to AHPRA. For more information about how complaints about health practitioners are managed in NSW, and for data about complaints made in the state, please refer to the HPCA website.

For data relating to complaints in Queensland that have not been referred to AHPRA, please refer to <u>the</u> OHO website.

### Registration of physiotherapists

There were 28,855 physiotherapists registered across Australia as at 30 June 2016. This represents a national increase of 4.8% from the previous year.

Physiotherapists made up 4.4% of all registered health practitioners across the National Scheme. Of the registrant base:

- ▶ 95.9% held general registration to practise physiotherapy, with this cohort of registrants increasing by 4.6% year on year
- ▶ 1.2% held limited registration, which allows internationally qualified physiotherapists to provide physiotherapy services under supervision while undertaking the overseas trained physiotherapist assessment process conducted by the Australian Physiotherapy Council, and
- ▶ 2.9% held non-practising registration and could not practise physiotherapy. This category of registrants increased by 2% from 2014/15.

There were 8,943 registered physiotherapy students at 30 June 2016, a decrease of 1.7% from 2014/15.

The Board received 2,505 new applications for registration, 1.4% fewer than 2014/15. Of these, 83.9% were for general registration and 6.4% were applications to move to the non-practising register.

# See Tables 1-3 for segmentation of registration data about physiotherapists.

As a standard part of the registration process, applicants for initial registration as a health practitioner in Australia must undergo a criminal record check. AHPRA requested 66,698 domestic and international criminal history checks for practitioners across all professions in 2015/16. Of these, 2,702 checks were carried out for practitioners wanting to register as

physiotherapists. The checks resulted in 94 disclosable court outcomes. No conditions or undertakings were imposed on any practitioner's registration as a consequence.

For source data on domestic and international criminal history checks, as well as more registration information across all regulated health professions, please refer to the 2015/16 annual report by AHPRA and the National Boards at <a href="https://www.ahpra.gov.au/">www.ahpra.gov.au/</a> annualreport/2016.

## Regulation of physiotherapists

In 2015/16, there were 102 notifications received nationally about physiotherapists (including HPCA data). This represents an increase of 5.2% from the previous year. AHPRA received and managed 66 matters (excluding HPCA). Notifications about physiotherapists represent 1.1% of all notifications received by AHPRA (excluding HPCA) in 2015/16.

On a national basis, the percentage of registered health practitioners with notifications received during the year was 1.5%. The percentage of all registered physiotherapists with notifications received was 0.4%.

A total of 55 notifications relating to a registered physiotherapist were closed during the year (excluding HPCA). This represents 1.1% of all matters closed across all professions. Of the closed notifications:

- ▶ 18.2% resulted in conditions being imposed or an undertaking accepted by the Board
- ▶ 16.4% resulted in the practitioner receiving a caution or reprimand by the Board
- none resulted in suspension or cancellation of registration, and
- ▶ 65.4% resulted in no further action being taken by the Board (no further action is taken when, based on the available information, the Board determines there is no risk to the public that requires regulatory action).

At the end of the year, there were 49 open notifications about registered physiotherapists (excluding HPCA).

There were 69 active monitoring cases (including HPCA). The majority of these (42 cases) related to suitability/eligibility for registration. For example, they may not have held an approved or equivalent qualification; lacked English-language skills; did not meet requirements for recency of practice; or did not meet registration standards.

Immediate action was taken on matters relating to physiotherapists six times in 2015/16 (compared with four instances in 2014/15). A National Board has the power to take immediate action in relation to a health practitioner's registration at any time,

if it believes this is necessary to protect the public. Immediate action limits a practitioner's registration by suspending or imposing conditions on it, or accepting an undertaking or surrender of the registration from the practitioner or student. This is an interim step that Boards can take while more information is gathered or while other processes are put in place.

To take immediate action, the Board must reasonably believe that:

- because of their conduct, performance or health, the practitioner poses a 'serious risk to persons' and that it is necessary to take immediate action to protect public health or safety, or
- the practitioner's registration was improperly obtained, or
- the practitioner or student's registration was cancelled or suspended in another jurisdiction.

AHPRA received 66 new complaints about possible statutory offences relating to physiotherapy. These complaints constitute 4.9% of all statutory offence matters received in 2015/16. Almost all the new matters related to the use of protected titles or advertising concerns. Forty statutory offence matters were considered and closed in 2015/16.

Statutory offences are breaches of the National Law, committed by registered health practitioners and unregistered individuals. There are a number of offences created under the National Law, including the following:

- unlawful use of a protected title
- performing a restricted act
- holding out (claims by individuals or organisations as to registration), and
- unlawful advertising.

See Tables 4-11 for segmentation of notifications and statutory offence complaints data relating to physiotherapists.

#### Want to know more?

For more data and analysis relating to physiotherapy or any regulated health profession, please refer to the full 2015/16 annual report and supplementary data tables published by AHPRA and the National Boards at <a href="https://www.ahpra.gov.au/annualreport/2016">www.ahpra.gov.au/annualreport/2016</a>.

Segmentation of data by state and territory is also available on the AHPRA website.

For more information on the National Law as it applies to each state and territory, please see <a href="https://www.ahpra.gov.au/About-AHPRA/What-We-Do/Legislation">www.ahpra.gov.au/About-AHPRA/What-We-Do/Legislation</a>.

Table 1: Registrant numbers at 30 June 2016\*

Physiotherapists	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>1</sup>	Total
2015/16	539	8,408	165	5,349	2,289	450	7,060	3,475	1,120	28,855
2014/15	511	7,943	168	5,097	2,234	439	6,744	3,344	1,063	27,543
% change from 2014/15	5.5%	5.9%	-1.8%	4.9%	2.5%	2.5%	4.7%	3.9%	5.4%	4.8%

Notes:

#### Table 2: Registrants by age

Physiotherapists	U-25	25-29	30-34	35–39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80+	Not available	Total
2015/16	2,385	6,187	5,000	3,804	2,939	2,505	2,103	2,017	1,146	510	178	62	19		28,855
2014/15	2,365	5,851	4,676	3,573	2,910	2,375	2,086	1,993	1,008	459	173	53	20	1	27,543

#### Table 3: Registrants by gender

Physiotherapists	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>1</sup>	Total
Total 2015/16	539	8,408	165	5,349	2,289	450	7,060	3,475	1,120	28,855
Female	368	5,684	116	3,580	1,486	326	4,825	2,477	777	19,639
Male	171	2,724	49	1,769	803	124	2,235	998	343	9,216
Total 2014/15	511	7,943	168	5,097	2,234	439	6,744	3,344	1,063	27,543
Female	356	5,417	121	3,463	1,474	318	4,617	2,399	746	18,911
Male	155	2,526	47	1,634	760	121	2,127	945	317	8,632

Note:

#### Table 4: Notifications received by state or territory<sup>1</sup>

Physiotherapists	ACT	NSW <sup>2</sup>	NT	QLD <sup>3</sup>	SA	TAS	VIC	WA	No PPP <sup>4</sup>	Subtotal	HPCA <sup>5</sup>	Total
2015/16 (PPP) <sup>6</sup>	2	1	3	23	5	2	20	10		66	36	102
2014/15 (PPP)	1		3	7	10	1	25	8	2	57	40	97
2014/15 (Responsible Office) <sup>7</sup>	1		4	8	10	1	25	8		57	40	97

Notes:

- 1. Data relating to notifications (complaints or concerns) are based on the state or territory of the practitioner's PPP (principal place of practice).
- 2. Matters managed by AHPRA where the conduct occurred outside NSW.
- $3. \ The \ number \ of \ matters \ referred \ to \ AHPRA \ and \ the \ National \ Board \ by \ the \ Office \ of \ the \ Health \ Ombudsman \ [OHO].$
- 4. No PPP includes practitioners with an overseas address.
- 5. Matters managed by the Health Professional Councils Authority (HPCA) in NSW.
- $6.\ \mbox{For 2015/16},$  notifications are based on the practitioner's PPP.
- 7. Prior to this, notifications were based on the state or territory where the notification was handled (Responsible Office).

#### Table 5: Percentage of registrant base with notifications received, by state or territory

Physiotherapists	ACT	NSW (including HPCA complaints) <sup>1</sup>	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>2</sup>	Total
2015/16 (PPP) <sup>3</sup>	0.4%	0.4%	1.8%	0.4%	0.2%	0.4%	0.3%	0.3%		0.4%
2014/15 (PPP)	0.2%	0.5%	1.8%	0.1%	0.4%	0.2%	0.4%	0.2%	0.2%	0.4%
2014/15 (Responsible Office) <sup>4</sup>	0.2%	0.5%	2.4%	0.2%	0.4%	0.2%	0.4%	0.2%		0.4%

Notes:

- 1. Health Professional Councils Authority.
- 2. No PPP (principal place of practice) includes practitioners with an overseas address.
- 3. For 2015/16, notifications are based on the practitioner's PPP.
- 4. Prior to this, notifications were based on the state or territory where the notification was handled (Responsible Office).

<sup>\*</sup>Blank fields in all tables denote zeros.

<sup>1.</sup> No PPP (principal place of practice) includes practitioners with an overseas address.

<sup>1.</sup> No PPP (principal place of practice) includes practitioners with an overseas address.

Table 6: Immediate action cases by state or territory (excluding HPCA)

Physiotherapists	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP¹	Total 2014/15
Total 2015/16 (PPP) <sup>2</sup>			2				3	1		6
Total 2014/15 (PPP)			1	2	1					4
Total 2014/15 (Responsible Office) <sup>3</sup>			1	2	1					4

#### Notes:

- 1. No PPP (principal place of practice) includes practitioners with an overseas address.
- 2. For 2015/16, notifications are based on the practitioner's PPP.
- 3. Prior to this, notifications were based on the state or territory where the notification was handled (Responsible Office).

#### Table 7: Notifications closed, by state or territory

Physiotherapists	ACT	NSW <sup>1</sup>	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>2</sup>	Subtotal	HPCA <sup>3</sup>	Total
2015/16 (PPP) <sup>4</sup>	1	1	6	15	5	1	21	4	1	55	38	93
2014/15 (PPP)	1	4	7	13	12	2	32	8	4	83	32	115
2014/15 (Responsible Office) <sup>5</sup>	1		9	18	13	2	32	8		83	32	115

#### Notes:

- 1. Matters managed by AHPRA where the conduct occurred outside NSW.
- 2. No PPP (principal place of practice) includes practitioners with an overseas address.
- 3. Matters managed by the Health Professional Councils Authority (HPCA) in NSW.
- 4. For 2015/16, notifications are based on the practitioner's PPP.
- 5. Prior to this, notifications were based on the state or territory where the notification was handled (Responsible Office).

#### Table 8: Notifications closed, by stage at closure (excluding HPCA)1

Stage at closure	Total 2015/16	Total 2014/15
Assessment <sup>2</sup>	31	41
Health or performance assessment <sup>3</sup>	6	5
Investigation	16	30
Panel hearing	1	1
Tribunal hearing	1	6
Total	55	83

#### Notes:

- 1. Excludes matters managed by the Health Professional Councils Authority (HPCA) in NSW.
- 2. Closed after initial assessment of the matter.
- 3. Performance assessments are carried out by a Board-selected assessor whose scope of practice is similar to that of the practitioner being assessed (assessors are not Board members or AHPRA staff).

#### Table 9: Notifications closed, by outcome at closure (excluding HPCA)1

Outcome at closure	Total 2015/16	Total 2014/15
No further action <sup>2</sup>	36	47
Health complaints entity to retain	0	4
Caution	9	15
Accept undertaking	0	5
Impose conditions	10	8
Suspend registration	0	2
Not permitted to reapply for registration for 12 months or more	0	2
Total	55	83

#### Notes:

- $1. \ Excludes \ matters \ managed \ by \ the \ Health \ Professional \ Councils \ Authority \ (HPCA) \ in \ NSW.$
- 2. No further regulatory action is usually taken when, based on available information, the Board determines there is no risk to the public that meets the legal threshold for regulatory action. It may also be because a practitioner has taken steps to voluntarily address issues of concern.

Table 10: Active monitoring cases at 30 June 2016, by stream (including HPCA)1

Physiotherapists	Total 2015/16	Total 2014/15
Conduct	9	11
Health	9	17
Performance	9	9
Prohibited practitioner/student	0	0
Suitability/eligibility <sup>2</sup>	42	45
Total	69	82

#### Notes:

- 1. AHPRA reports by stream, rather than registrants being monitored, because a registrant may have restrictions (conditions or undertakings) in more than one stream. For example, nationally, 4,963 cases monitored by AHPRA relate to 4,861 registrants.
- 2. AHPRA performs monitoring of compliance cases for 'suitability'eligibility' stream matters for NSW registrations.

Table 11: Statutory offence complaints received and closed, by type of offence and jurisdiction<sup>1</sup>

Offence		ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>2</sup>	Total 2015/16	Total 2014/15
Title protections (s.113-120)	Received		6	2	2				3	6	19	12
	Closed		6	4	1	1			1	3	16	19
Practice protections (s.121-123)	Received				1						1	0
	Closed										0	0
Advertising breach (s.133)	Received		4	1	15			1	3	20	44	19
	Closed	1	6		4	2		1	4	6	24	18
Directing or inciting unprofessional conduct/professional misconduct (s.136)	Received										0	0
	Closed										0	0
Other offence	Received				2						2	0
	Closed										0	1
Total 2015/16 (PPP) <sup>3</sup>	Received	0	10	3	20	0	0	1	6	26	66	
	Closed	1	12	4	5	3	0	1	5	9	40	
Total 2014/15 (PPP) <sup>3</sup>	Received	1	5	0	6	3	0	3	1	12		31
	Closed	0	2	0	6	1	0	6	16	7		38

#### Notes

- 1. This table captures offence complaints by principal place of practice (PPP) and includes all offences from sections 113–116 of the National Law, not only offences about advertising, title and practice protection.
- 2. AHPRA also receives offence complaints about unregistered persons where there is no PPP recorded. Only registered practitioners have a designated PPP.
- 3. Based on state and territory of the practitioner's PPP.

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www.physiotherapyboard.gov.au

View the annual report and summaries online: www.ahpra.gov.au/annualreport/2016

## Online enquiry

www.ahpra.gov.au

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