

## Response template for the public consultation on the proposed change to the protected title for the podiatry speciality of podiatric surgery

September 2024

This response template is the preferred way to submit your feedback to the public consultation on the Podiatry Board of Australia's proposed change to the protected title for the podiatry specialty of podiatric surgery.

Please provide any feedback in this document, including your responses to the questions in the text boxes on the following pages. The boxes will expand to accommodate your response. You do not need to respond to a question if you have no comment.

### Making a submission

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**Consultation closes on 8 November 2024.**

### Publication of submissions

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|  |
|--|
| <b>Initial questions</b>   |
| <i>To help us better understand your situation and the context of your feedback please provide us with some details about you. These details will not be published in any summary of the collated feedback from this consultation.</i>   |
| <b>Question A</b>  |
| Are you completing this submission on behalf of an organisation or as an individual?   |
| <b>Your answer:</b><br><input type="checkbox"/> Organisation<br>Name of organisation: <a href="#">Click or tap here to enter text.</a><br>Contact email: <a href="#">Click or tap here to enter text.</a><br><input checked="" type="checkbox"/> Myself<br>Name: Tomas Robinson<br>Contact email: <span style="background-color: black; color: black;">[REDACTED]</span> |
| <b>Question B</b>  |
| If you are completing this submission as an individual, are you:   |
| X A registered health practitioner?  |
| Profession: Podiatrist   |
| <input type="checkbox"/> A member of the public?   |
| <input type="checkbox"/> Other: <a href="#">Click or tap here to enter text.</a>   |
| <b>Question C</b>  |
| Would you like your submission to be published?  |
| X Yes, publish my submission <b>with</b> my name/organisation name   |
| <input type="checkbox"/> Yes, publish my submission <b>without</b> my name/ organisation name  |
| <input type="checkbox"/> No – <b>do not</b> publish my submission  |

## Your responses to the consultation questions

### 1. Do you agree with the proposal to change the protected title for the podiatry specialty of podiatric surgery to 'surgical podiatrist' to make it clear that the practitioner is a specialist podiatrist who performs surgery? Why or why not?

Consumers become concerned about whether a Podiatric Surgeon (PS) is not a Medical Doctor (MD) only when their experience is unsatisfactory. The consumer's dissatisfaction then drives them to find reasons for why they had a dissatisfactory experience i.e. discovering that PSs are not MDs. The consumer's dissatisfaction however is never actually due to the confusion around the title of the professional they see, it is of course due to their experience with the professional and their outcomes.

Consumers have far more interactions (including negative interactions) with Orthopaedic Surgeons (OSs) but regardless of how dissatisfied the consumer is with their experience and outcomes with an OS, they would never blame that experience on the title of that OS.

Changing the title of PSs will not change the experience and outcomes of the clients that visit them, instead it will denigrate the skill and passion of PSs which have far more experience and insight into foot & ankle function, anatomy and surgery than any OS. The only thing an OS can do in comparison is prescribe more pharmaceuticals.

Also, Podiatric Surgery as a profession and Podiatric Surgeon as a title has been long respected in countries like the United Kingdom, United States, Canada, Spain etc. why is Australia different?

### 2. Do you have an alternative suggestion for the protected title? If yes, how would your suggested title achieve the same result as 'surgical podiatrist' in providing greater clarity to consumers?

No.

### 3. What are the potential impacts for consumers of the proposed change in title?

Podiatry is already a little-known profession to consumers, Podiatric Surgery even more so. By changing titles you may diminish what little notoriety Podiatric Surgery has and by thereby deprive consumers of the most specialised and competent foot & ankle surgeons there are.

### 4. What are the potential impacts, including potential costs, for podiatric surgeons of the proposed change in title?

Following from the above statement, if the title is changed and if Podiatric Surgery loses notoriety among consumers then that must lead to a decrease in revenue for all PSs, this may result in many of the best and most practiced foot & ankle surgeons ceasing their professional work.

**5. Are there any unintended consequences the Board might not have considered in relation to the proposed change of title?**

An unintended consequence of the Board choosing to entertain claims that the title 'Podiatric Surgeon' is the cause of consumer dissatisfaction means that the Board may also entertain claims that PSSs, no matter their title, are not MDs and therefore should not be allowed to perform surgery in any capacity. The Australian Orthopaedic Association (AOA) has spent considerable resources trying to publicise consumer dissatisfaction from Podiatric Surgery with the agenda of completely discrediting the profession. Podiatric Surgery is in direct competition with Orthopaedic Surgery for foot & ankle surgery among consumers. The goal of the AOA is to eliminate a profession that expertly serves so many consumers, many of whom are already dissatisfied with Orthopaedic Surgery. Title change is the first step along the way to the annihilation of Podiatric Surgeons as invaluable health professionals in our community.

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#### Question A

Are you completing this submission on behalf of an organisation or as an individual?

#### Your answer:

☐ Organisation

Name of organisation: [Click or tap here to enter text.](#)

Contact email: [Click or tap here to enter text.](#)

☒ Myself

Name: Jarryd Rogers

Contact email: [REDACTED]

#### Question B

If you are completing this submission as an individual, are you:

☒ A registered health practitioner?

Profession: Podiatrist

☐ A member of the public?

☐ Other: [Click or tap here to enter text.](#)

#### Question C

Would you like your submission to be published?

☒ Yes, publish my submission **with** my name/organisation name

☐ Yes, publish my submission **without** my name/ organisation name

☐ No – **do not** publish my submission

## Your responses to the consultation questions

|   |
|---|
| <b>1. Do you agree with the proposal to change the protected title for the podiatry specialty of podiatric surgery to 'surgical podiatrist' to make it clear that the practitioner is a specialist podiatrist who performs surgery? Why or why not?</b> |
| No I do not agree with the changes I believe we need to protect the integrity of our profession and acknowledge the study and dedication that the podiatry surgeons have made to their study.   |
| <b>2. Do you have an alternative suggestion for the protected title? If yes, how would your suggested title achieve the same result as 'surgical podiatrist' in providing greater clarity to consumers?</b>   |
| no  |
| <b>3. What are the potential impacts for consumers of the proposed change in title?</b>   |
| We want to continue to have clarity is scope of practice that we do and to keeping the podiatric surgery title will make it easier for the public to have confidence in what we do.   |
| <b>4. What are the potential impacts, including potential costs, for podiatric surgeons of the proposed change in title?</b>  |
| Potential to create a mistrust within the community<br>Possible changes in perception of cost and services  |
| <b>5. Are there any unintended consequences the Board might not have considered in relation to the proposed change of title?</b>  |
| no  |

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#### Your answer:

☐ Organisation

Name of organisation: [Click or tap here to enter text.](#)

Contact email: [Click or tap here to enter text.](#)

☒ Myself

Name: Mary Romanos

Contact [REDACTED]

#### Question B

If you are completing this submission as an individual, are you:

☒ A registered health practitioner?

Profession: Podiatrist

☐ A member of the public?

☐ Other: [Click or tap here to enter text.](#)

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## Your responses to the consultation questions

### 1. Do you agree with the proposal to change the protected title for the podiatry specialty of podiatric surgery to 'surgical podiatrist' to make it clear that the practitioner is a specialist podiatrist who performs surgery? Why or why not?

No, I do not agree with the proposal to change the protected title for the podiatry specialty of podiatric surgery to "surgical podiatrist." This change could create confusion among the public and diminish the established recognition of podiatric surgeons as specialists within their field. Maintaining clarity in professional titles is essential to uphold the integrity of our profession and ensure that patients receive the accurate information they need about their healthcare providers. Adopting this new title may be viewed as a backward step in our professional development.

### 2. Do you have an alternative suggestion for the protected title? If yes, how would your suggested title achieve the same result as 'surgical podiatrist' in providing greater clarity to consumers?

No, as the current title is the most appropriate.

### 3. What are the potential impacts for consumers of the proposed change in title?

**Confusion:** Consumers may not clearly understand the qualifications and expertise associated with the new title, leading to uncertainty about the practitioner's capabilities.

**Trust:** Established titles like "podiatric surgeon" carry specific credentials and training. A change might undermine consumer confidence in the qualifications of practitioners.

**Access to Care:** If the new title is perceived as less authoritative, it might deter patients from seeking necessary surgical care, impacting their overall health outcomes.

### 4. What are the potential impacts, including potential costs, for podiatric surgeons of the proposed change in title?

**Professional Identity and Recognition:** The shift might dilute the recognition and prestige associated with the title of "podiatric surgeon," potentially affecting referrals and patient trust.

**Market Competition:** The change could affect how podiatric surgeons compete in the healthcare market, especially if consumers misinterpret the new title, potentially impacting patient volume and as a result increase further pressure on the healthcare system.

### 5. Are there any unintended consequences the Board might not have considered in relation to the proposed change of title?

Mentioned in the above responses of questions 3 and 4.

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Are you completing this submission on behalf of an organisation or as an individual?

#### Your answer:

☐ Organisation

Name of organisation: Australasian College of Podiatric Surgeons

Contact email:

☒ Myself

Name: Angelo Salerno

Contact email: [REDACTED]

#### Question B

If you are completing this submission as an individual, are you:

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Profession: Podiatrist

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No, we do not agree with the change.

We should be continuing to align with our peers internationally, where in the UK, the Health Professions Council (HPC) clearly acknowledged that the terms 'consultant podiatric surgeon' and 'podiatric surgeon' are used within the National Health Service over the last 24 years, and that podiatric surgeons are employed in that capacity, and currently use the title. The USA have also been using the term Podiatric Surgeon for decades.

It seems like the recommendation around the title change has not considered other, less drastic and staged steps before reaching the conclusion that the title needs to be changed.

In many medical fields, specialisation allows practitioners to focus on particular areas of surgery, to develop deep expertise and proficiency in specific procedures. For instance, orthopaedic surgeons, cardiovascular surgeons, and neurosurgeons all undergo specialised training tailored to their particular surgical domains. Similarly, other surgical professionals, such as podiatric surgeons or dental surgeons, receive focused training that equips them to perform surgeries within their specialised fields. There's no evidence to suggest that title change will make us any safer.

Podiatric Surgeons have official degrees and Qualifications that explicitly state they are trained in Podiatric Surgery – Does a title change mean we will no longer be able to display our qualifications?

Menz's argument presented in his paper titled "Foot" and "surgeon": a tale of two definitions (2010), where he critiques the concept of 'surgical podiatrist' as flawed in differentiation from 'podiatric surgeon'. He continues to explain in a logical manner the adjective 'surgical' can be defined as 'relating to or used in surgery', which infers that the podiatrist is performing surgery, and the noun for someone who performs surgery is, of course, 'surgeon'.

The term 'podiatric surgeon' is an accurate and internationally-recognised description of the significant work that specialist podiatrists undertake. Hence, 'podiatric surgeon' is suitable given the straightforward linguistic notion that a surgeon is an individual who performs surgery.

The alternative term, 'surgical podiatrist,' is also linguistically valid, yet it is not consistent with other similar terminologies. For instance, we refer to dental surgeons, not surgical dentists. Additionally, this term is not commonly used by the professional bodies or the training institutions that represent these practitioners, and hence, it does not effectively fulfill its descriptive function.

**2. Do you have an alternative suggestion for the protected title? If yes, how would your suggested title achieve the same result as 'surgical podiatrist' in providing greater clarity to consumers?**

Yes, we do have an alternative.

I believe that less directive means have been overlooked and the decision to restrict the use of the title 'podiatric surgeon' has been recommended without considering other less directive means to address consumer confusion.

Adding a descriptor such as *specialist podiatrist* after Podiatric Surgeon, as part of an overall patient education campaign is expected to provide the clarity for consumers of healthcare in understanding who it is they are seeing, without down playing the importance of the true role of podiatric surgeons.

Measures to provide transparency and clarity to consumers of healthcare include ensuring that podiatric surgeons provide full disclosure to patients as part of the pre consultation and consenting processes. This disclosure is to include information brochures provided by podiatric surgeons. Additional discussions during the consultation, ensuring that patients are well-informed and confident in their choices moving forward.

The issues raised around the title 'podiatric surgeon' do not relate to the standard of care provided by the podiatric surgeon. Rather, they relate to clarity and transparency for the consumer about the type of practitioner they are seeing, and the type of training the practitioner has completed. This is important information to allow a consumer to make an informed decision about who will provide their care..

It was highlighted in Professor Paterson's review: "Restriction on the use of the title 'surgeon' was considered extensively during the consultations undertaken in 2021, 2022 and 2023 on the Surgeons Bill. Although 'podiatric surgeon' was out of scope, the appropriateness of this protected title was raised by several stakeholders in submissions to Queensland Parliament's Health and Environment Committee. Health ministers gave extensive consideration to this issue but were not persuaded of the need to restrict the use of the title 'surgeon', noting that 'oral surgeon' and 'podiatric surgeon' are specialist titles recognised in the National Law for suitably qualified dentists and podiatrists"

**3. What are the potential impacts for consumers of the proposed change in title?**

I am concerned that any change in title that falls short of 'Podiatric Surgeon' would undermine the seriousness of our work, posing more significant risks to patient safety than any error in confusion of title. Reducing the title could lead patients to underestimate the complexity and seriousness of the surgeries performed, potentially resulting in them not taking the necessary post operative or follow-up care seriously.

If the title change is perceived as a downgrade by consumers, it could erode public confidence in the profession, impacting patient willingness to seek care.

If the new title leads to misunderstandings, it could inadvertently limit patient access to care, as some may seek out traditional "surgeons" instead.

Consumers may encounter further confusion if other non-medical practitioners, such as Dental and Oral Surgeons, are allowed to continue using the title 'surgeon' while other suitably qualified practitioners are not.

#### **4. What are the potential impacts, including potential costs, for podiatric surgeons of the proposed change in title?**

##### **1. Rebranding Costs**

- **Marketing Materials:** Updating websites, business cards, brochures, referral pads and signage to reflect the new title can incur significant costs.
- **Public Education:** Developing campaigns to inform patients and the public about the new title may require funding and considerable time for outreach efforts.

##### **2. Administrative Expenses**

- **Legal Fees:** If the title change requires legal adjustments or new registrations, there could be costs associated with consulting legal experts.
- **Regulatory Compliance:** Updating documentation with regulatory bodies may incur administrative costs.

##### **3. Impact on Patient Trust and Retention**

- **Patient Confusion:** Changes in title might confuse existing and potential patients, leading to a decline in patient retention and new patient acquisition.
- **Marketing Impact:** Reduced trust could necessitate additional marketing efforts to reassure patients about the quality of care.

##### **4. Insurance and Reimbursement Issues**

- **Claims Processing:** Adjustments in title could complicate claims with insurers, leading to delays and potential loss of revenue during the transition period.
- **Negotiation with Insurers:** Podiatric surgeons may need to renegotiate contracts with insurers, which could lead to reduced reimbursements or increased administrative burden.

##### **5. Training and Education Costs**

- **Curriculum Changes:** If the title change necessitates updates in educational programs, there could be costs associated with curriculum redesign and implementation.

- Continued Education: Practitioners may need additional training to align with the new title's implications, incurring further costs.

#### 6. Professional Identity and Morale

- Impact on Workforce: Changes in professional identity could affect job satisfaction and morale among practitioners, potentially leading to higher turnover rates.
- Professional Relationships: Adjustments in how podiatric surgeons are perceived by other healthcare professionals could strain interdisciplinary collaboration.

#### 7. Legal and Liability Considerations

- Liability Issues: A change in title might raise questions about the scope of practice, leading to potential liability concerns or increased malpractice insurance costs.

#### 8. Operational Adjustments

- Staff Training: Staff may need training to understand and communicate the changes effectively to patients, leading to additional costs.

#### 9. Time and Resource Allocation

- Management Resources: Significant time and effort may be required to implement the changes, diverting focus from patient care and practice growth.

#### 10. Registrar retention and recruitment

- Current and potential podiatric surgical trainees may lose interest in continuing or entering the profession on account of the lack of professional recognition (in the form of title attainment) following completion. This would have a devastating impact upon the profession and is counter to Professor Paterson's assertion that the profession should be positioned to flourish, not flounder.

### **5. Are there any unintended consequences the Board might not have considered in relation to the proposed change of title?**

Changing the title will lead to further decreased competitiveness within healthcare settings, and provide an unfair competitive advantage and monopolistic market conditions for orthopaedic surgeons. This is despite the review finding that no changes in podiatric surgeons' scope of practice are necessary and the work that we undertake is largely the same.

As a consequence of this there will be unfair competitive advantage, and a Podiatric Surgeon's income may be significantly impacted.

Changing title also unfairly results in collective punishment when, as identified by Professor Paterson, the majority were not responsible for the higher notifications as highlighted by the direct quotes below.



*“Concerningly, 66% of the notifications received about podiatric surgeons over that period relate to nine podiatric surgeons who were each the subject of three or more notifications”*

*“I am satisfied that a significant proportion of notifications about podiatric surgeons were prompted by orthopaedic surgeons who reviewed the patient following podiatric surgery”*

Importantly, it should also be stressed that the review found that one of the key elements of the title surgeon revolves around “social prestige”, which carries with it ‘symbolic capital’ and gives privilege to one group, which in turn will have an anti-competitive effect. Indeed, this is further re-enforced by Professor Paterson’s following assertion:

*“Any notification, especially about the standard of clinical care, needs to be assessed carefully by a regulator. However, it is a notable feature of the notifications about podiatric surgeons that many come from or have been triggered by another group of health practitioners – orthopaedic surgeons – who perform similar work and are competitors. The hostility and professional rivalry between podiatric surgeons and orthopaedic surgeons is longstanding and well documented”.*

There is no published evidence to suggest that title change will make Podiatric Surgeons any safer than they already are. This may result in legal action from one or many Podiatric Surgeons particularly given the recommendation by the PBA was on the back of a few focus groups. Relying solely on focus groups to make recommendations can be problematic because the insights gathered are often based on small, non-representative samples and may reflect subjective opinions rather than broad, evidence-based trends. Focus groups are also susceptible to groupthink, where participants may conform to dominant views, leading to skewed results.

Given that Podiatric Surgeons have been using the title ‘Podiatric Surgeon’ for many decades that took effect 1 July 2010 (14 years of which were after approval by the Health Minister in 2010), patients and stakeholders alike may not understand the new title (or even be led into think it is an entirely new profession), leading to misunderstandings about the qualifications and expertise of practitioners.

The other titles suggested by orthopaedic surgeons such as ‘podiatric technician’ & ‘podiatry proceduralist’ are clearly designed to be derogatory and are rather obviously unlikely to lessen public confusion. Once again Professor Paterson does make it clear that there is a ‘*need for proportionality in the regulatory responses*’ in light of ‘*outright hostility from orthopaedic surgeons*’.

If the title change is perceived as a downgrade, it could erode public confidence in the profession, impacting patient willingness to seek care.

Changes in titles may complicate insurance premiums, claims and reimbursements, as insurers may not recognise or understand the new designation and/or be unwilling to insure ‘surgical podiatrists’. This, again, may result in a significant financial burden on individuals within the profession.

Practitioners may feel that their professional identity is diminished, which could significantly affect morale and job satisfaction.

The change could impact how podiatric surgeons are viewed by other medical professionals, potentially leading to friction or confusion in collaborative care settings.

The change could raise questions about the scope of practice and liability and have a direct impact on indemnity insurance premiums and claims.

The change may affect educational programs and training pathways, requiring adjustments in curricula and certification processes.

Restricting the title from one non-medically qualified group of health professions and allowing others, such as Dental and Oral Surgeon, to continue using it represents a gross injustice and promotes inequality within the healthcare system.

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##### Your answer:

☐ Organisation

Name of organisation: [Click or tap here to enter text.](#)

Contact email: [Click or tap here to enter text.](#)

☒ Myself

Name: Dean Samaras

Contact email: [REDACTED]

#### Question B

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Profession: Podiatric Surgeon

☐ A member of the public?

☐ Other: [Click or tap here to enter text.](#)

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| <b>1. Do you agree with the proposal to change the protected title for the podiatry specialty of podiatric surgery to 'surgical podiatrist' to make it clear that the practitioner is a specialist podiatrist who performs surgery? Why or why not?</b>   |
| <p>I do not agree with the proposal to change the protected title for the specialty of podiatric surgery. The current protected title 'podiatric surgeon' is the most appropriate and accurate title to reflect the specialty of podiatric surgery.</p> <p>There is no evidence that the proposed title "surgical podiatrist" would be any clearer to consumers that the practitioner is a specialist podiatrist. The use of a descriptor such as 'specialist podiatrist' following the title 'podiatric surgeon' would be the clearest way of identifying the practitioner as a specialist podiatrist.</p> <p>Podiatric surgeons are registered specialists of the podiatry profession. The proposed new title has a strong potential to dilute the distinction of specialist training between podiatric surgeons and podiatrists with general registration who also perform some surgery. Diluting/downgrading the title could reduce consumer confidence and the professional standing of podiatric surgeons.</p> <p>Many orthopaedic surgeons and their professional association(s) lobby against podiatric surgeons in Australia with a strong agenda to discredit the profession. The independent review exposed instances where outright hostility and medical dominance had been used by orthopaedic surgeons to diminish the training and qualifications of podiatric surgeons. This lobbying also acts to block advancement of podiatric surgery in terms of equitable access to care and integration into public health services. AHPRA/Podiatry Board of Australia should not overlook the negative incentives behind these acts of medical dominance.</p> <p>A title change is likely to have anti-competitive effects and result in reduced access to specialist foot and ankle surgical services by podiatric surgeons. This is not appropriate in an environment where increased access to healthcare and workforce substitution is becoming a priority.</p> <p>The fundamental risks of surgery remain the same regardless of the provider in any given field of surgery. Changing the title to surgical podiatrist risks minimising the seriousness of the type of surgery being performed by podiatric surgeons. This could result in harm due to reduced consumer perception of risk.</p> <p>The authors of the independent review stated that "the rationale for restricting the use of the term should be to reduce consumer confusion and potential harm, on the basis that this cannot be achieved by less directive means."</p> <p>There are less directive means available to reduce any consumer confusion. Improved clarity relating to podiatric surgery and the title podiatric surgeon can be achieved through strategic and long term consumer education.</p> |
| <b>2. Do you have an alternative suggestion for the protected title? If yes, how would your suggested title achieve the same result as 'surgical podiatrist' in providing greater clarity to consumers?</b>   |
| <p>I support retention of the title podiatric surgeon</p> <p>The board could consider adding the descriptor 'specialist podiatrist'. This could provide more clarity to consumers that the practitioner is indeed a specialist podiatrist in the field of podiatric surgery. The title 'surgical podiatrist' does not make it any clearer to consumers that the practitioner is a specialist in the field.</p> <p>Combining the current title, specialist podiatrist descriptor and a long term consumer education campaign would provide the most clarity to consumers.</p>  |

### **3. What are the potential impacts for consumers of the proposed change in title?**

- The title 'surgical podiatrist' does not make it clearer that the practitioner is a specialist in the field.
- There is a risk of further consumer confusion as the proposed new title is not clearer and deviates from typical nomenclature.
- Without the term surgeon in the title consumers may perceive 'surgical podiatry' as somehow less risky or not as serious as other types of surgery.
- Consumer doubt and reduced confidence could affect continuity of care or return for future care. This could occur even if the consumer has previously been satisfied with the level of care and outcome.
- Consumers may become disgruntled or experience regret if there is a title change despite having achieved a positive outcome.
- Anti-competitive effects leading to reduced consumer access to specialist foot and ankle surgical services
- Private health insurance companies may take the opportunity to restrict rebates for podiatric surgery contributing to increased costs to consumers and reduced access to care.

### **4. What are the potential impacts, including potential costs, for podiatric surgeons of the proposed change in title?**

- Potential loss of trust and confidence by consumers and referrers would have a significant financial impact due to reduced workflow and referrals.
- Reduced workflow may lead to reduced profitability for hospitals resulting in loss of hospital privileges
- Reduced status after dedicating many years to achieve the qualification of podiatric surgeon
- Significant mental health impact due to loss of identity and subsequent impact on family life, relationships, motivation, morale. Possible significant out of pocket cost of healthcare to manage practitioner's own mental health impacts.
- Practice expenses relating to rebranding, administration training, operational expenses
- Liability concerns – possible increased malpractice claims if consumer confidence is lost
- Segregation of podiatric surgeons within the healthcare system instead of integration.
- Possible negative impact on interdisciplinary relations

### **5. Are there any unintended consequences the Board might not have considered in relation to the proposed change of title?**

Workforce implications – Registrars may terminate their training and pursue other career opportunities. Future trainees may be deterred from entering the program. Current practitioners may leave the profession due to loss of financial viability and or personal reasons such as mental health impacts.

There may be broader implications in relation to barriers to healthcare reform and workforce substitution if another example of medical dominance prevails.