



Review of the regulation of podiatric surgeons

Terms of reference

September 2023

Background

The Podiatry Board of Australia (Board) has been working in partnership with Ahpra to regulate the podiatry profession in Australia since 1 July 2010. The respective functions of the Board and Ahpra are set out in the National Law.

Since 1 July 2010, specialist registration for the podiatry specialty of podiatric surgery has operated nationally, with the specialist title of 'podiatric surgeon'. 18 podiatric surgeons transitioned under the National Law to the National Registration and Accreditation Scheme (national scheme) with specialist registration or were granted specialist registration in the first year of the scheme.

Currently there are 41 podiatric surgeons with specialist registration, which represents 0.7% of the podiatry profession. Podiatric surgeons primarily work in private practice, and in private hospitals and day procedure centres.

Regulatory framework

The regulatory framework for podiatric surgeons aims to protect the public by ensuring that only practitioners who are suitably trained and qualified to practice podiatric surgery in a competent and ethical manner are registered.

The Board's *Professional capabilities for podiatric surgeons*, which have been in effect since 1 January 2022, identify the knowledge, skills and professional attributes needed to safely and competently practise as a podiatric surgeon in Australia. They describe the threshold or minimum level of professional capability required for registration as a podiatric surgeon. Podiatric surgeons are expected to maintain at least the threshold level of professional capability in all areas relevant to their practice of podiatric surgery.

The accreditation standards for podiatric surgery programs which have been in effect since 1 January 2022, require education providers to demonstrate that the learning outcomes and assessment tasks of their podiatric surgery course map to the professional capabilities for podiatric surgeons. This provides assurance to the Board that graduates of an accredited program have the knowledge, skills and professional attributes needed to safely and competently practise as a podiatric surgeon in Australia.

Once registered, podiatric surgeons are expected to meet their ethical responsibilities and professional obligations set out in the Board's *Code of conduct* and the Board's standards for registration, including maintaining and updating their knowledge and skills through continuing professional development; recognise and work within the limits of their competence and scope of practice; and practise in accordance with the current and accepted evidence base of the profession, including clinical outcomes.

Notifications about podiatric surgeons

Where a podiatric surgeon's professional conduct, performance or health raises concerns for public safety, regulatory action is available under the National Law to manage any risk to public.

The Board manages notifications about the conduct or performance of registered podiatric surgeons in all states and territories apart from NSW and Queensland. In NSW, these matters are managed by the Podiatry Council of NSW supported by the NSW Health Professions Councils Authority (HPCA) and the Health Care Complaints Commission (HCCC), and in Queensland they are managed by the Office of the Health Ombudsman (OHO) who refers some matters to the Board and Ahpra to manage.

Although podiatric surgeons represent only a small percent of the podiatry profession, they are associated with a much higher rate of notifications than podiatrists. Most of the notifications received by the Board relate to a small number of individual podiatric surgeons, and some have raised serious concerns about patient safety.

The review

While the Board has taken the necessary regulatory action with regard to notifications it has received about podiatric surgeons, an independent review may identify opportunities for any improvements or changes to the Board and Ahpra's regulatory framework that will better protect the public.

The review of the existing regulatory framework for podiatric surgeons will help ensure that the Board and Ahpra meet their statutory objective to provide for the protection of the public by ensuring that only practitioners who are suitably trained and qualified to practice podiatric surgery in a competent and ethical manner are registered.

Purpose

To review the existing regulation and regulatory practices in use by the Podiatry Board of Australia and Ahpra to ensure the appropriate standards, guidance and processes are in place to support safe podiatric surgery practice by podiatric surgeons in Australia and to make recommendations for any required changes.

This will be undertaken with reference to the:

- National Registration and Accreditation Scheme's statutory objective to provide for the protection of the public, and
- responsibilities of the Podiatry Board of Australia and Ahpra under the National Law.

Scope

The review will inquire and report on:

1. The regulation of podiatric surgeons by the Podiatry Board of Australia and Ahpra focussing on:
 - a. updates to standards, supporting guidance and professional capabilities which aim to ensure that podiatric surgeons practise podiatric surgery safely within the scope of their qualifications, training and experience
 - b. the risk assessment of notifications about podiatric surgeons
 - c. the Ahpra investigation protocol with regard to podiatric surgeons
 - d. the management of advertising offences, and
 - e. opportunities for changes, clarifications or further actions in relation to the current regulatory approach to podiatric surgeons.
2. Provide a contemporary view of current risks to patient safety in podiatric surgery and how they should inform the work of the Podiatry Board of Australia and Ahpra.

For the purpose of making its recommendations, the review is requested to consider approaches adopted by professional regulators in other countries.

Reviewer

Professor Ron Paterson

Key definitions

Ahpra means the Australian Health Practitioner Regulation Agency

National Law means the Health Practitioner Regulation National Law, as in force in each state and territory.