

Submission by the Health Practitioner Registration Boards¹

on the Further Proposed Arrangements for Specialists Within the National Registration and Accreditation Scheme for the Health Professions

Introduction

This submission is made on behalf of all twelve health practitioner registration Boards. In general, the proposals with regard to specialist endorsement as detailed in the further consultation paper are acceptable to the Boards given they are merely clarifying in nature.

There are, however, a number of matters concerning the proposed registration arrangements which the Boards raise for further consideration as follows.

Registration of Specialists (Including Area of Need Specialists)

Registration Arrangements Consultation Paper – proposal 7.1 – amend – see Appendix 1 to this Paper.

Limited registration: *It is proposed that the legislation provide powers for a board to grant limited registration to a person who holds relevant qualifications in the regulated health profession but those qualifications are not approved by the responsible board for general registration purposes. The legislation would empower boards to grant limited registration, subject to a condition or conditions (for example, time limits, limits on geographic location of practice, employment position or supervision arrangements, limits on scope of practice). The legislation would provide for heads of power to grant limited registration as set out below:*

- **Specialist practice** – *a grant of registration to enable the person to practise independently in a specialty, if the responsible board is satisfied that the person has approved specialist qualifications and training in an approved specialty.*
- **Post-graduate training** – *a grant of registration on a temporary basis to enable the person to undertake a period of postgraduate training or practice approved by the responsible board, or in order to prepare to sit a board approved assessment or examination.*
- **Area of need** – *a grant of registration to enable the person to work in a designated area of unmet need, if the responsible board is satisfied that the person has suitable qualifications and experience to practise in the regulated health profession in that area of need.*
- **Teaching or research** – *a grant of registration to enable the person to fill a teaching or research position related to the regulated health profession, if the responsible board is satisfied the person has the qualifications necessary.*
- **Public interest** – *a grant of registration to enable the person to practise for a limited period or with a limited scope of practice if the responsible board is satisfied that it is in the public interest for a person to practise with those qualifications and training.*

It is proposed that 'area of need' registration be available as a type of registration that may be granted by any of the registration boards. However, it is intended that the legislation make provision for the responsible Minister in each participating jurisdiction to have the power to 'designate' a particular

¹ Chiropractors Board of Queensland, Dental Board of Queensland, Dental Technicians and Dental Prosthetists Board of Queensland, Medical Radiation Technologists Board of Queensland, Occupational Therapists Board of Queensland, Optometrists Board of Queensland, Osteopaths Board of Queensland, Pharmacists Board of Queensland, Physiotherapists Board of Queensland, Podiatrists Board of Queensland, Psychologists Board of Queensland, and Speech Pathologists Board of Queensland.

geographic area as an 'area of need' with respect to the services of a particular regulated profession. The legislation should provide that a grant of this type of registration carry a condition that the registrant work in only the identified employment position in the designated area of need.

ADD:

'It is proposed that boards must consider applications for registration from practitioners seeking to work in an area of need identified by a State or Territory government, where the applicant is not eligible for registration in any other category of registration. This provision will apply to all regulated professions. It is further proposed that boards may develop professional standards in respect of the registration requirements to apply to area of need registration to support a nationally consistent approach.'

Submission of the Boards

The Boards endorse the schema of registration categories as detailed in the Appendix subject to consideration of a number of issues, being: (a) the intent with regard to appeal rights for registrants subject to conditions; (b) the definition for 'area of need'; (c) the intent with regard to area of need deemed specialists; (d) the ability for a registrant to undertake clinical practice when registered for teaching or research purposes; and (e) registration category of last resort.

Appeal Rights

In their submission in response to the Proposed Registration Arrangements the Boards requested that consideration be given to differentiating between 'standard conditions' for the relevant specific category of registration and conditions imposed by a national board to ensure safe and competent practice. In this context it was submitted that 'standard conditions' would be neither appealable nor subject to the notification requirement detailed in proposal 6.5.1 of that consultation paper.

While the Boards note the proposal that national boards *may develop professional standards in respect of the registration requirements to apply to area of need registration* it remains unclear whether such requirements in the form of conditions will be appealable. For example, an area of need registrant who has not completed an objective assessment process enabling general registration would appear to be able to challenge any conditions imposed through registration requirements/ conditions. Such conditions could include time restrictions, supervision requirements, scope of practice restrictions, etc.

This would appear to be inconsistent with the public protection responsibilities of the national boards because supervision and scope of practice restrictions would generally be expected in this category of registration. The Boards submit that in developing the professional standards in respect of registration requirements to apply to area of need all national boards be empowered to propose standard non-appealable conditions for approval by the Ministerial Council.

Area of Need Definition

The reference to area of need in the further consultation paper would appear to limit the definition to one of a geographic nature. Defining area of need only by lack of practitioners in a geographic area may limit the flexibility of this category of limited registration. Current

Queensland legislation for medical practice regulation enables the Minister to declare that *an area of need decision may relate to a medical service provided by a stated class of medical practitioners practising in Queensland or a part of Queensland.*

The Boards submit that in defining area of need, this issue should be addressed in Bill B.

Area of Need Deemed Specialists

The Boards note that under the current legislative scheme in Queensland provision is made for deemed specialist registration in an area of need. In the absence of a category of this nature, it is likely that internationally trained specialists filling senior positions will either hold themselves out or be held out as specialists. This would be confusing to the public, health professional colleagues and the employer.

It is submitted that this matter should be addressed if it is the intention to continue to utilise internationally trained specialists in areas of unmet need. While it could be argued that such individuals could be appropriately placed in the post graduate training category, this does not address the holding out issue, which has in the past created great consternation and confusion within public health services in Queensland.

In the absence of such a category in the national legislation, transition of current area of need deemed specialist registrants may be problematic. Provision for such a category of registrant in any case allows for flexibility in dealing with evolving workforce needs.

Clinical Practice for those Registered for Teaching or Research

In response to the consultation paper on proposed registration arrangements, the Boards submitted that this category of registration should enable clinical practice to be undertaken consistent with the teaching or research position held. The Boards note that this matter does not appear to be addressed as yet and rely on their previous submission in this regard.

Registration Category of Last Resort

The Boards note it is proposed that practitioners seeking to work in area of need may only be registered in that category if they are not eligible for registration in any other category. With the exception of the public interest category, the proposed definitions for the limited registration categories will be of assistance in making this determination.

The public interest definition is currently too broad and it is more likely than not that those who are currently eligible for, and registered in, the area of need category will in the future be registered in the public interest category. As such, it is submitted that this category could become the dominant limited registration type and decisions as to eligibility between boards are likely to inconsistent.

It is the submission of the Boards that these problems would be addressed by enabling the national boards to develop professional standards about the registration requirements which would apply to the public interest category.