



# Chinese Medicine

Registration Board  
of Victoria

Wednesday, 29 October 2008

Chair, Health Workforce Principal Committee

Megan Cahill

HWPC Secretariat

Level 12/120 Spencer St

MELBOURNE, Vic 3000

**Attention: Practitioner Regulation Subcommittee**

Dear Ms Cahill,

## **PROPOSED REGISTRATION ARRANGEMENTS**

The Chinese Medicine Registration Board (the Board/CMRB) submits as attached its brief comments.

### **Partially Regulated Professions**

As the Committee is concurrently considering the partially regulated professions, and intends to now include podiatry, consideration could be given to the likely requirements for transitional provisions (grandparenting arrangements).

### **Information Required on Initial Application**

In order to assess character, especially when regulating a profession for the first time, it is essential to obtain information about past complaints about the applicants. This should include complaints made to Health Service Commissioners<sup>1</sup> but the CMRB experience demonstrated that it was necessary to broadly define the source of complaints and, for example, include complaints made to professional associations.

Formal police checks are limited in their usefulness and are therefore onerously expensive if made a mandatory requirement for all applicants. Usually only a very small percentage of reports reveal relevant disclosures, and any such information needs to be refreshed at least annually. CMRB has required all applicants to make a self-declaration bound by a statutory declaration and this is repeated annually. Any later discovery of false responses may expose the applicant to allegations of:

- Unprofessional conduct
- Making a false declaration
- Obtaining registration by misrepresentation (potential automatic cancellation)

### **Qualifications for Registration**

The term "approval" of courses is preferred to distinguish it from the accreditation processes conducted within the education sector for a different purpose.

Approved qualification is preferred to approved course of study.

### **Registration Decisions**

The proposed committee arrangements seem overly complex and it is suggested that this could be dealt with via the delegation provisions.

### **Types of Registration**

It would be helpful to clarify what meaning is intended by the term examination preparation training (in context of specific registration).

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<sup>1</sup> The HSC in Victoria has expressed concern about the legality of requesting this information

Non-practising registration is limited in usefulness and requires policy development which may vary from professional to profession to clearly define practice. Areas of concern include treating family and friends and voluntary, advisory positions and administrative positions.

Student registration should be optional.

### **Continuing Competence Requirements**

The CMTB strongly support the power to impose conditions on registration at renewal but this needs to be applicable to matters beyond competency. For example, breaches of professional indemnity insurance requirements<sup>2</sup>, failure to comply with previous agreements in a timely manner.

### **Duration of Registration**

The CMRB strongly opposes the suggestion of staggered, anniversary based renewal of registration. The administrative burden would be untenable.

### **Reinstatement to the Register**

The inability to be reinstated to the register after two years without an approved qualification or passing examinations is unfair and not in the public interest. There are common circumstances likely to lead to this situation, such as family responsibilities, illness and overseas placements.

Preventing or creating barriers to return, would result in:

- Unnecessary expense to practitioners being required to complete approved courses (potentially at undergraduate level)
- Unnecessary expense to practitioners being required to complete registration examinations
- Loss of senior, experienced practitioners from the profession and to Australia

Recency of practice/competence can be effectively dealt with by Boards by placing conditions on registration. The legislation, if desired by the HWPC could prohibit unconditional registration after 2 years lapsed registration.

### **Removal from Register**

The CMRB supports provisions to remove persons from the register in specified circumstances as suggested, including if it is desirable when the practitioner notifies of their intention to cease practice or not renew their registration.

### **Transitional Provisions**

Having been through a similar experience with the introduction of the Health Professions Registration Act 2005 in Victoria, the CMRB advises that there will inevitably be a number of practitioners who are temporarily off the register, for valid reasons on 30 June 2010 who cannot be contacted. Senior, experienced practitioners may then be not eligible for general registration under the new arrangements and may be unable or unwilling to meet new requirements for registration.

Yours sincerely,

  
for  
Vivian Lin  
President

<sup>2</sup> Such as "gaps" in coverage periods