



Statement

20 March 2012

When it is necessary to be registered as a physiotherapist?

Purpose

This statement provides advice to help practitioners decide whether or not they should be registered.

Why the Physiotherapy Board of Australia is publishing this information

The Physiotherapy Board of Australia has defined “practice” in a number of their registration standards as:

Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession and/or use their professional skills.

The definition was intended to be broad and inclusive. It allows individuals with qualifications as a health practitioner to be registered if they are using their skills and knowledge as a health practitioner, regardless of whether or not they are treating persons¹. Registered health practitioners can use the protected title related to their profession and must comply with their National Board’s approved registration standards.

Many qualified health practitioners who use their skills and knowledge in a range of activities outside direct patient care may not need to be registered. This statement clarifies the circumstances in which the Physiotherapy Board of Australia expects practitioners to be registered and details circumstances in which registration may not be required. This advice is based on the *Health Practitioner Regulation National Law Act* (National Law) as in force in each state and territory, and the level of risk to the public that the “practice” poses.

¹ In this document “the person” has been used to describe a person receiving clinical services. It includes patients, clients and consumers

The National Law

Physiotherapists are registered under the National Law. The National Law limits the use of certain titles. The protected titles for physiotherapy are *physiotherapist* and *physical therapist* (see s.113 of the National Law). Other than restricted dental acts, prescription of optical appliances and manipulation of the cervical spine,² as defined in the National Law, the National Law does not specify the activities that require registration as a physiotherapist. That is, it is not a breach of the National Law for a practitioner to use their knowledge and skills relating to physiotherapy without being registered if the individual does not breach the sections of the National Law related to the protection of title or to the specific practice protections.

Under the National Law, a person must be a registered health practitioner if they:

1. use the title “registered health practitioner” with or without any other words (s. 116(a))
2. take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate, that the person is a health practitioner (includes osteopaths) or is authorised or qualified to practise in a health profession (s. 116(b))
3. claim to be registered under the National Law or hold themselves out registered under the National Law (s. 116(c))
4. claim to be qualified to practise as a health practitioner (s. 116(d))
5. undertake a restricted act (which are specific dental acts, prescription of optical appliances and manipulation of the cervical spine).

The online national Register of Practitioners allows the public to identify who is a registered health practitioner. Physiotherapists who are registered must meet the registration standards set by the Physiotherapy Board of Australia. The public can therefore be confident that a registered physiotherapist meets the requirements for professional indemnity insurance, continuing professional development and recency of practice.

The Physiotherapy Board’s advice on who should be registered

Any practitioner who is qualified and meets the applicable registration standards of the Physiotherapy Board of Australia may apply for registration.

It is up to each individual to decide whether or not they need to be registered. Under the National Law this is not a decision the Physiotherapy Board of Australia can make in the absence of an application for registration. However, physiotherapists who are registered, become subject to the jurisdiction of the Physiotherapy Board of Australia.

² Part 7, Division 10, Sub-division 2

The Physiotherapy Board provides the following advice, based on the objectives of the National Law to help practitioners decide whether or not they should be registered

As the primary purpose of registration is to protect the public, the Physiotherapy Board of Australia considers that practitioners should be registered if they are providing treatment or opinion about the physical or mental health of a person, including prescribing or formally referring to other registered health practitioners, or when a person may reasonably believe that the practitioner is registered.

Physiotherapists should take the following factors into consideration when deciding whether they need to be registered.

Examples of when the Physiotherapy Board of Australia considers that practitioners should be registered include:

1. they have direct clinical contact and/or
2. their work impacts on safe, effective delivery of health services to individuals and/or
3. they are directing or supervising or advising other health practitioners about the health care of an individual(s) and/or
4. their employer and their employer's professional indemnity insurer requires a person in that role to be registered and/or
5. the physiotherapist's professional peers and the community would expect a person in that role to comply with the Physiotherapy Board of Australia's registration standards for professional indemnity insurance (PII), continuing professional development (CPD) and recency of practice and/or
6. the person is required to be registered under a law to undertake a specific activity
7. the person wishes to use a protected title which is reserved for physiotherapists
8. they wish to be eligible for certain Medicare and/or Pharmaceutical Benefit payments.
9. they are from overseas and are **presenting or attending a course** and wish to use the title *physiotherapist* or *physical therapist*; for example, advertising themselves as a physiotherapist or physical therapist.

Roles in which individuals may not have to be registered

The following examples are provided to assist individuals decide whether or not they ought to be registered. The examples are not exhaustive. They have been selected based on common queries raised with the Physiotherapy Board of Australia.

Each individual practitioner will need to decide whether or not they should be registered on the basis of their own circumstances and using the criteria listed above.

Practitioners engaging in the following activities may not require registration:

- An examiner or assessor for the accreditation council, when the council does not believe that registration is necessary for the scope of activity undertaken and provided the examiner/assessor is not supervising or assessing candidates who are treating persons as part of the assessment

- A tutor or teacher working in:
 - settings which involve persons to demonstrate examination or consulting technique but not the actual delivery of care
 - settings which involve simulated persons
 - settings in which there are no persons
- A researcher whose work does not include any human subjects and whose research facility does not require them to be registered
- A physiotherapist who has been invited to talk publicly about a health or medically-related topic and who will not be giving any specific advice or offering any services to the general public
- A physiotherapist discussing the health of another person in a social setting but not providing specific advice or opinion
- A physiotherapist serving on a Board, committee or accreditation body, when their appointment is not dependent on their status as a “registered practitioner”
- A person providing first aid in an emergency
- A person who may be using skills and knowledge gained from an approved qualification but is not using a protected title, or claiming or holding themselves out to be registered, such as a person in an advisory or policy role
- A physiotherapist who is registered overseas and is visiting for any role not involved in providing treatment or opinion about the physical or mental health of any individuals, for example **a course presenter or attendee** from overseas who uses a protected title with words explaining their registration status in Australia e.g. physiotherapist (‘registered in the United Kingdom’, or ‘not registered in Australia’, or ‘qualified in Canada – not registered in Australia’)

If you do not require registration, but wish to continue using a protected title, you may wish to consider non-practising registration.

Further advice

Do course presenters from overseas need to be registered?

No, if:

- They only use the title *physiotherapist* with words explaining their status in Australia; for example, physiotherapist (registered in the United Kingdom), physiotherapist (qualified in Canada – not registered in Australia) or
- They do not hold themselves out as a physiotherapist registered in Australia or
- They do not undertake manipulation of the cervical spine.

Yes, if they are:

- Using the title *physiotherapist*; for example, advertising themselves as a physiotherapist or
- Holding themselves out as a registered physiotherapist in Australia; for example, by offering any services to the general public or
- Undertaking manipulation of the cervical spine.

Do course attendees from overseas need to be registered?

No, if:

- They only use the title *physiotherapist* with words explaining their status in Australia; for example, physiotherapist (registered in the United Kingdom(=), physiotherapist (qualified in Canada – not registered in Australia) or
- They do not hold themselves out as a registered physiotherapist; for example, they do not offer any services to the general public or
- They do not undertake manipulation of the cervical spine.

Yes, if they are:

- Using the title *physiotherapist*; for example, advertising themselves as a physiotherapist or
- Holding themselves out as a registered physiotherapist in Australia; for example, by offering any services to the general public or
- Undertaking manipulation of the cervical spine.

If you require further assistance to help you decide whether or not you need to be registered, consult your employer, professional indemnity insurer or other legal adviser.