

## Guidelines on recency of practice

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### Introduction

These guidelines have been developed by the Physiotherapy Board of Australia under s. 39 of the Health Practitioner Regulation National Law<sup>1</sup> (the National Law). Under s. 41 of the National Law, guidelines are admissible in proceedings under the National Law as evidence of what constitutes professional conduct or practice for physiotherapy.

These guidelines address the issue of recency of practice.

### Who needs to use these guidelines?

These guidelines apply to all physiotherapists registered in the categories of general, specialist, provisional and limited registration.

### Summary of guidelines

These guidelines supplement the recency of practice requirements set out in the Board's recency of practice registration Standard. They explain the importance of physiotherapists maintaining recency of practice and how a physiotherapist may return to practice after an absence.

### Background

Patients or clients have the right to expect that physiotherapists will provide services in a competent and contemporary manner that meets best practice standards. The National Law requires all physiotherapists to maintain competence. Recency of practice is considered to contribute to the competence of the physiotherapist to practise in his or her chosen field of work within their profession. This means that a physiotherapist who does not engage in practice would not be required to demonstrate recency of practice unless he or she intends to return to practice. It also means that a physiotherapist who engages in a particular type of practice would not be required to demonstrate recency of practice in areas outside his or her chosen scope of practice unless he or she intends practising in these areas.

Competence to practise is the standard for safe and effective practice defined by the *Australian Standards for Physiotherapy 2006* issued by the Australian Physiotherapy Council.

The National Law requires the Board to develop a registration Standard for recency of practice. The requirements determined by the Board have been detailed in the Standard as follows:

#### Requirements

1. If an applicant's qualifications were obtained more than five years before the day the application for registration is made, the applicant is required to provide documented evidence that they have practised physiotherapy within the five years before the day the application is made.
2. Upon renewal of registration, all registrants must confirm that they have practised physiotherapy within the five years before the first day of the renewal period.
3. The Board will accept as evidence at renewal a declaration by an individual that they have practised physiotherapy.
4. If an applicant has not practised for more than five years, they will be required to demonstrate competence to practise and registration will be at the Board's discretion.

## 1. Board monitoring of recency of practice

If a physiotherapist is registering to practise in Australia for the first time, or registration to practise has lapsed, he or she will be required to:

- Provide documented evidence that he or she has practised physiotherapy within the five years before the date of the application.

Every year when you renew your registration, you will be required to make a declaration about your practice within the last five years.

The Board may decide to audit an individual physiotherapist or a sample of registered practitioners for compliance with the Board's Recency of Practice Registration Standard and these Guidelines.

## 2. Declarations of not practising within the five years

If a physiotherapist has not practised within the five years prior to renewal, they will be required to demonstrate competence to practise and registration will be at the Board's discretion. The Board will notify the physiotherapist in writing of its decision. If a physiotherapist does not intend to practise, he or she may apply for nonpractising registration.

<sup>1</sup> the National Law is contained in the schedule to the *Health Practitioner Regulation National Law Act 2009*.

### 3. Practice

The practice of physiotherapy is not confined to clinical practice, and includes 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 these guidelines, practice is not restricted to the provision of direct clinical care. It also includes working in a direct nonclinical 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.

### 4. Return to practice

If a physiotherapist intends to return to practice, the Board will need to be assured of his or her competency to practise physiotherapy.

The Board will request information from the physiotherapist regarding the nature, extent and period of previous practice and the length of time since he or she last practised. Information demonstrating professional development activities during the period of absence from practice that may have assisted in maintaining competency should be included in the submission. A curriculum vitae and a continuing professional development portfolio are examples of evidence you should provide. The Board will also ask for information regarding the nature of intended practice. A statement from a prospective employer may be useful supporting evidence.

Each application for return to practice will be considered individually by the Board which has the power to grant full registration, refuse registration or impose conditions on registration. The Board will exercise discretion on a case by case basis when deciding on conditions such as supervised practice, re-education, limited scope of practice and the duration of such conditions.

The Board will give written notice of its decisions regarding renewal of registration and will allow 30 days for a written response to be provided.

### 5. Frequently asked questions

**Do I have to have worked in Australia in the last 5 years?**

No. Physiotherapy performed in any country is sufficient to maintain recency of practice. However you must have practised physiotherapy (see section 3 of this document); Maintaining registration in another jurisdiction is not sufficient to meet the Recency of Practice Standard.

**Will I be automatically excluded if I have not practised in the last five years?**

No, the Board will take into consideration every individual circumstance. The five year timeframe is to be used by the Board as an identifier of potential issues.

### Definitions

**Competence to practise** is the standard for safe and effective practice defined by the Australian Standards for Physiotherapy (Australian Physiotherapy Council 2006).

### References

Physiotherapy Board of Australia *Registration Standard for Recency of Practice*.

#### Bibliography

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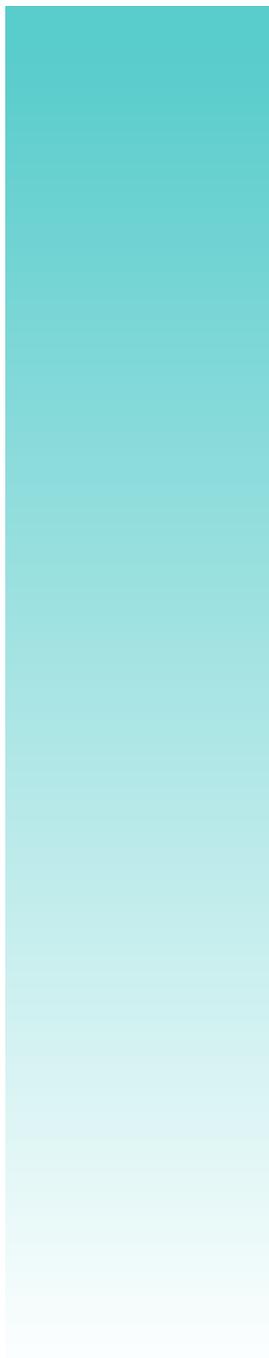
### Attachment

The relevant sections of the National Law are at Attachment A.

Date of issue: 1 July 2010

Date of review: This guideline will be reviewed within 3 years of issue.

Last reviewed:



### Attachment A

## Extract of relevant provisions from the *Health Practitioners Regulation National Law Act 2009*

### Division 3 Registration standards and codes and guidelines

#### 39 Codes and guidelines

A National Board may develop and approve codes and guidelines—

- (a) to provide guidance to the health practitioners it registers; and
- (b) about other matters relevant to the exercise of its functions.

**Example.** A National Board may develop guidelines about the advertising of regulated health services by health practitioners registered by the Board or other persons for the purposes of section 133.

#### 40 Consultation about registration standards, codes and guidelines

- (1) If a National Board develops a registration standard or a code or guideline, it must ensure there is wide-ranging consultation about its content.
- (2) A contravention of subsection (1) does not invalidate a registration standard, code or guideline.
- (3) The following must be published on a National Board's website—
  - (a) a registration standard developed by the Board and approved by the Ministerial Council;
  - (b) a code or guideline approved by the National Board.
- (4) An approved registration standard or a code or guideline takes effect—
  - (a) on the day it is published on the National Board's website; or
  - (b) if a later day is stated in the registration standard, code or guideline, on that day.

#### 41 Use of registration standards, codes or guidelines in disciplinary proceedings

An approved registration standard for a health profession, or a code or guideline approved by a National Board, is

admissible in proceedings under this Law or a law of a co-regulatory jurisdiction against a health practitioner registered by the Board as evidence of what constitutes appropriate professional conduct or practice for the health profession.