

Welcome to the Physiotherapy Board of Australia's March 2013 newsletter.

Continuing professional development

The Physiotherapy Board of Australia requires that all registered physiotherapists (excluding students and those with non-practising registration) undertake 20 hours of continuing professional development (CPD) every year. The requirements are set out in the Board's standards under the *Registrations standards* tab on the website. A guideline under *Codes and guidelines* offers advice on how to meet this requirement.

CPD doesn't have to mean sitting in a lecture! There are many options available, both formal and informal, which meet the criteria for activities that help you maintain your professional competence.

Whatever CPD you choose, the most important thing is to record it and reflect upon it in a log book. The Board's guideline offers a template log book for recording CPD and there are also many commercial options available. You will need to provide this sort of evidence if you are audited by AHPRA for meeting the CPD requirements.

Disclosure of patient information

With thanks to Michael Piu, member of the WA Board of the Physiotherapy Board of Australia

The Western Australian Board of the Physiotherapy Board of Australia recently considered the circumstances under which it is appropriate for practitioners to request, and to release, patients' personal information. For example, what would be the position where a physiotherapist, as expert adviser to an insurance company, seeks access to the records of another physiotherapist's patient in order to advise the insurer about their liability to fund treatment?

The first port of call for any health practitioner is the relevant state or territory legislation governing the collection, disclosure and destruction of health records (where applicable). You should be aware of your obligations under the privacy principles contained in each jurisdiction's governing legislation. You should also consider access rights under the freedom of information legislation in the relevant jurisdiction.

You must also follow the *Code of conduct for registered health practitioners* (the Code) issued by the Physiotherapy

Board of Australia, specifically section 4, 'Working with other practitioners', which requires respectful, clear and timely communications between practitioners involved in the care of a patient. See *Codes and guidelines* on the Board's website.

The federal *Privacy Act 1988* governing the private sector (which is the responsibility of the Privacy Commissioner) is also relevant, and there may be circumstances where releasing information to another practitioner involved in the patient's care would be considered a 'directly related secondary purpose' of collecting the patient's private information, where it would be 'within the patient's reasonable expectations' that it be released. (See *Private Sector Information Sheet 25 – Sharing health information to provide a health service*, Australian Government – Office of the Privacy Commissioner: www.privacy.gov.au/materials/types/infosheets/view/6558.) Seek advice if you are unsure.

However, where you are seeking information not as a treating practitioner but in an external capacity such as a medico-legal expert or advisor, it is not apparent that releasing such information would fall within a directly related secondary purpose and those provisions would not apply. Section 4 of the Code clearly refers to cooperation with other treating practitioners.

Also, the Code at clause 3.2 (c) requires that the physiotherapist '[protect] the privacy and right to confidentiality of patients or clients, unless release of information is required by law or public interest considerations'. This implies an active duty on the part of the physiotherapist to protect the patient's information unless required to release it.

In terms of the circumstances where release of information is permitted or required, again a good point of reference is the federal privacy legislation (see Information Sheet 25 referred to above). This applies to all health service providers in the private sector irrespective of size: see *Privacy in the private health sector (November 2001)*, Australian Government – Office of the Privacy Commissioner: www.privacy.gov.au/materials/types/guidelines/view/6517.

Unless there is specific consent in place, a patient's information should not be released to a third party unless a specific law or legal direction (e.g. court subpoena) requires it, or there is a real and immediate risk to the public (including an individual). See, for example, Part F, *Patient confidentiality and divulging patient information to third parties*, Operational Circular, Department of Health WA: www.health.wa.gov.au/CircularsNew/attachments/234.pdf.

The position on releasing information relating to an insurance claim varies according to the jurisdiction (specific state, territory or federal laws) and the type of claim (for example, where there is a statutory compensation scheme such as Workers' Compensation or motor vehicle accident personal injury there may sometimes be statutory provisions). It is safest and best practice to assume that the specific consent of the patient is required before releasing the information.

Patients should be aware of the considerations around whether or not they give consent, including whether failure to consent will affect their claim. The patient may need to get expert advice in order to make a well-informed decision.

Key points on privacy of patient information:

- If you are a treating practitioner, you have a duty to protect the privacy of your patients' information. When in doubt, seek clear consent and/or get expert advice.
- Breach of your responsibilities may result in disciplinary action by the Physiotherapy Board, and also may constitute a breach of privacy laws.
- If you are providing expert advice or opinions to insurers or other third parties, ensure that you are properly authorised to request any information, and give the treating practitioner sufficient time to verify this and respond to your request. We recommend that all requests are in writing, accompanied, where possible, by evidence of consent or other legal basis for making the request.
- In all cases, respect and courtesy is expected of all physiotherapists, and if you behave inappropriately when making or responding to a request for information you may be disciplined by the Board.

Consultation update

Pending consultations

We are due to release a consultation paper on the following key documents in coming weeks:

- *Code of conduct for registered health practitioners*
- *Guidelines for mandatory notification*
- *Guidelines for the advertising of regulated health services, and*
- *Social media policy.*

These are critical documents that apply to you as a physiotherapist, be you an employee or employer. We encourage you to review the documents when they are published under the *News* tab on the Board's website and provide your feedback. We will notify you when this paper is released.

Other key documents – continuing professional development standard and guideline, recency of practice standard and guideline – are undergoing a three-yearly review and will be published for consultation in May. Again, we will notify you when they are released.

AHPRA consultation on data access and research

AHPRA is seeking feedback on its proposed *National Registration and Accreditation Scheme data access and research policy*. The policy establishes a consistent approach for data access and research requests across AHPRA and the National Boards. This consultation closes on 5 April 2013.

Latest registered workforce snapshot

In January the Board published its fourth data summary profiling Australia's physiotherapy workforce, including a number of statistical breakdowns about registrants. These include state/territory, age and gender by registration type.

The new data show there are 24,304 physiotherapists registered in Australia, 681 of whom are non-practising. This total is an increase of 803 practitioners on the figures released in August 2012.

Physiotherapists: state and territory by registration type

State	General	Limited			Non-practising	Total	% By State
		Postgrad / training or supervised practice	Public Interest	Teaching / research			
ACT	449		2		11	462	1.9%
NSW	6,688	19	12	5	211	6,935	28.53%
NT	151				1	152	0.63%
QLD	4,423	27	3	1	73	4,527	18.63%
SA	1,878	36	8		15	1,937	7.97%
TAS	392	3			6	401	1.65%
VIC	5,722	59	22	4	196	6,003	24.7%
WA	2,897	30	1	1	62	2,991	12.31%
Not Stated	782	5		3	106	896	3.69%
Total	23,382	179	48	14	681	24,304	

Find the Physiotherapy Board of Australia's registration statistics in the [About](#) section of its website.

Accountability and transparency in the National Scheme

Our commitment to transparency and accountability continues, with an expansion of the information published about legal issues and hearing decisions.

AHPRA has now published a list of [panel hearings](#) conducted since July 2010. Summaries have been provided where there is educational and clinical value. These summaries are accessible from hyperlinks within the table. Practitioners' names are not published, consistent with the requirements of the National Law.

Published hearing decisions from adjudication bodies (other than panels) relating to complaints and notifications made about health practitioners or students are available on the [Austlii website](#). Some [summaries of tribunal decisions](#) are also provided, to help share information and guide practitioners.

AHPRA will also publish a series of legal practice notes to support the consistent understanding and application of the National Law by National Boards and AHPRA staff. These will be available on the AHPRA website for their wider value.

National Board and AHPRA website accessibility

From now on, AHPRA will change the way it publishes web documents as part of its commitment to provide websites that are accessible to all users. This is in line with AHPRA's goal to achieve Level A compliance with the [World Wide Web Consortium's \(W3C\) Web Content Accessibility Guidelines \(WCAG\)](#). This change in process is an important step in complying with the [Disability Discrimination Act 1992](#) as well as supporting the goals of two of our [2012-13 Business Plan](#) initiatives.

Wherever possible AHPRA and the National Boards will now publish documents as HTML pages rather than PDFs. Where this is not appropriate we will publish 'original format documents' alongside PDFs. In most cases this will be the Word document, Excel spreadsheet or Powerpoint presentation used to create the PDF.

Online searchable course database – an Australian first

A comprehensive, easily searchable national database of approved programs of study is now accessible through the [AHPRA website](#).

For the first time, potential students, practitioners, the public and education providers can conduct an easy online search to identify approved programs of study. This allows potential students to check courses to ensure that they will lead to registration with one of the National Boards.

Detailed information about individual programs of study, such as course length, approval dates and any conditions, is published in one place. It also means that education providers can check, in real time, any changes or updates to the approved programs of study that they are required to report on for student registration.

This new capability is another tangible example of the benefits of the National Scheme to all Australians.

The online service provides a single point of entry to important information that was previously scattered between states and territories. It is only possible through the National Scheme, because education programs for all professions are accredited nationally and AHPRA is able to gather national data about accredited courses.

Physiotherapy programs among the searchable lists

The searchable database replaces previously published static lists for each profession and makes it easier and quicker to find important information about approved programs of study for the following professions: chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy and podiatry.

Searchable lists for Aboriginal and Torres Strait Islander health practice, Chinese medicine, medical radiation practice, occupational therapy and psychology will be available in the future. The approved and equivalent programs of study for these professions continue to be available on the individual National Board accreditation pages on their websites.

The searchable list includes inactive programs of study. These are typically programs that are no longer approved by a National Board but which still entitle graduates to apply for registration for a period of five years from the date the course was no longer approved.

Access the database at www.ahpra.gov.au/Education/Approved-Programs-of-Study.aspx.

Community Reference Group for the National Scheme

A new, national Community Reference Group is being established by AHPRA and the National Boards.

The Community Reference Group is designed to advise AHPRA and National Boards on ways in which community understanding and involvement in our work can be strengthened. This might include strategies for

promoting greater community response to consultations, ways in which the national registers of practitioners can be more accessible and better understood and strategies to build greater community understanding of how practitioner regulation works.

We will work with the Community Reference Group to agree on a set of priorities. This will build on the community feedback received at the recent community forums held across Australia. The forums were a partnership with the Consumers Health Forum of Australia (CHF). They provided an opportunity for AHPRA and members of national and state boards to meet members of the public to explain how health practitioner regulation works and what it offers the community, and to get feedback on issues of concern. A webinar is planned for 2013 for interested members of the community in rural and remote areas. Further information will be available on [AHPRA](#) and [CHF](#) websites in coming months.

The Community Reference Group will complement the role of community members of the National Boards. The group will consist of members from the community who are not health practitioners or current/past members of a National Board or committee in the National Scheme.

For more information

- Visit www.physiotherapyboard.gov.au for the mandatory registration standards, codes, guidelines and FAQ.
- Lodge an enquiry form via the website by following the [Enquiries](#) link on the bottom of every page.
- For registration enquiries, call 1300 419 495 (from within Australia) or +61 3 8708 9001 (for overseas callers).
- Address mail correspondence to: Mr Paul Shinkfield, Chair, Physiotherapy Board of Australia, GPO Box 9958, Melbourne, VIC 3001.

