

Communiqué

August 2017 meeting of the Physiotherapy Board of Australia

The 86th meeting of the Physiotherapy Board of Australia (the Board) was held on 25 August 2017 in the National Australian Health Practitioner Regulation Agency (AHPRA) office in Melbourne.

This communiqué outlines the issues and decisions from this meeting, and other points of interest.

We publish this communiqué on our website and email it to a broad range of stakeholders. Please forward it to your colleagues and employees who may be interested.

Physiotherapists treating animals

As a registered physiotherapist you register with the Physiotherapy Board of Australia (the Board) every year. One of the functions the Board is to foster an innovative and flexible physiotherapy workforce, while maintaining and improving the high standards of practice enjoyed in Australia.

The professional role and services you choose to provide (what we call your scope of practice) is not defined by the Board. It is defined in other ways.

‘Practice’ can be any role, whether paid or not, in which you use your skills and knowledge as a physiotherapist. Practice is not restricted to the provision of direct clinical care. It can include working in a direct non-clinical relationship with patients, working in management, administration, education research, advisory, regulatory or policy development roles, and any other roles that impact on the safe, effective delivery of physiotherapy services to the public.

Rather than defining the types of practice a physiotherapist may carry out, the National Law¹ protects the use of the titles ‘physiotherapist’ or ‘physical therapist’. These titles may only be used by people who are registered with the Board. Only those who continue to meet mandatory requirements, including a prescribed amount of recent practice can maintain their registration.

The National Law aims to protect the health and safety of the Australian public. This does not extend to animals. Practising on animals, using the protected title of ‘physiotherapist’ or ‘physical therapist’ in relation to animal practice, can have serious implications for your registration.

If your practice is 100% animal-based, you cannot maintain general registration because you cannot meet the requirements for recent practice. The recency of practice requirements are 150 hours of practice in the previous registration year, or 450 hours over the previous three years – on humans.

Your options in this situation are to apply for non-practising registration, or surrender your registration.

If you practise on animals, whether as part of the normal course of your practice, on weekends, or without payment, you must:

¹ Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

- Meet your professional obligations as a registered physiotherapist – including Continuing Professional Development (CPD), recent practice (on humans), and adhere to the *Code of conduct*.
- Know and adhere to laws in any state or territory in which you practise that restrict or prohibit the provision of health services to animals. A breach of any law may risk an investigation into your conduct and/or be considered as an issue that goes to your fitness for registration.
- If you use the protected title of either 'physiotherapist' or 'physical therapist' and give the impression that you are an animal physiotherapist, a vet or something other than a human physiotherapist, you may breach the statutory requirements of the National Law.
- The title 'Animal physiotherapist' may lead members of the public to assume that the Board also has jurisdiction over the treatment of animals. That is not the case.
- Make sure that you do not give the impression that you are a registered veterinarian.

Animal owners are not able to notify the Board about issues they may have about the treatment of an animal, as they would if the treatment had been provided to a human.

If you practice on animals, does your professional indemnity insurer know? Are you covered?

It's true that your CPD requirements must relate to your chosen scope of practice and some of your chosen scope of practice may be on animals. However, the National Law, which is the legislation you are registered under, relates to humans only, you must have CPD relating to your practice on humans, not animals, and you must meet the recency of practice requirements mentioned before – 150 hours in the previous registration year or 450 hours in the previous three years.

There are many other state and territory laws, including those relating the provision of services to animals that you must adhere to, as well.

Even if you have formal qualifications relating to the treatment of animals, your obligations as a registered physiotherapist relate to humans, and not animals.

You must declare at each renewal that you have met the Board's registration standards, including:

- Recent practice minimum requirements: 150 hours over the previous registration year, or 450 hours over the previous three years – on humans.
- CPD minimum requirements: 20 hours.

For more information on your obligations and registration requirements go to the Board's website at www.physiotherapyboard.gov.au.

COAG Health Council meeting communiqué: progressing amendments to the National Law

The federal and state and territory health ministers met in Brisbane on 4 August 2017 at the [COAG Health Council](#) to discuss a range of national health issues. The meeting was chaired by the Victorian Minister for Health, the Hon. Jill Hennessy. AHPRA CEO Martin Fletcher attended the Australian Health Workforce Ministerial Council (the Ministerial Council) meeting which brings together all health ministers throughout Australia to provide oversight for the work of the National Scheme. AHPRA and the National Boards provide a regular update to the Ministerial Council on our work.

The meeting included an agreement by health ministers to proceed with amendments to the National Law, to strengthen penalties for offences committed by people who hold themselves out to be a registered health practitioner, including those who use reserved professional titles or carry out restricted practices when not registered. Ministers also agreed to proceed with an amendment to introduce a custodial sentence with a maximum term of up to three years for these offences. These important reforms will be fast tracked to strengthen public protection under the National Law. Preparation will now begin on a draft amendment bill, with a view to being introduced to the Queensland Parliament in 2018.

Ministers also discussed mandatory reporting provisions for treating health practitioners, agreeing that protecting the public from harm is of paramount importance as is supporting practitioners to seek help and

treatment for their health concerns, including for their mental health and wellbeing. It was agreed that the Australian Health Ministers' Advisory Council will recommend a nationally consistent approach to mandatory reporting exemptions for treating practitioners following a consultation process with consumer and practitioner groups. A proposal on mandatory reporting is expected to be considered at the November 2017 meeting of the COAG Health Council.

The Council produces a [communiqué](#) from its meeting which can be accessed on AHPRA's website.

Meeting your legal and professional advertising obligations

Registered physiotherapists who advertise health services need to **check, correct** and **comply** with their professional and legal advertising obligations.

Under the National Law, a regulated health service or a business providing a regulated health service must not advertise in a way that:

- is false, misleading or deceptive
- uses gifts, discounts or inducements without explaining the terms and conditions of the offer
- uses a testimonial or a purported testimonial
- creates an unreasonable expectation of beneficial treatment, and/or
- directly or indirectly encourages the indiscriminate or unnecessary use of regulated health services.

There are also restrictions on advertising in a way that identifies a health practitioner as a specialist when they do not hold registration as a specialist or as an endorsed practitioner in a health profession.

The National Boards and the Australian Health Practitioner Regulation Agency (AHPRA) have published a strategy for the National Scheme aimed at keeping health service consumers safe from misleading advertising.

The [Advertising compliance and enforcement strategy](#) explains how National Boards and AHPRA will manage advertising complaints and compliance, including the regulatory powers available to deal with breaches of the National Law.

The strategy is designed to keep improving how regulated health services are advertised so healthcare consumers can be better informed.

When preparing advertising, registered physiotherapists should always put the consumer first and ensure that their advertising is not [false, misleading or deceptive](#) in any way.

This strategy builds on the previous education and enforcement work from National Boards and AHPRA.

More information is available on the [Advertising resources](#) section of the AHPRA website and more information will be published in coming months.

Further information

The Board publishes a range of information for physiotherapists on its [website](#) and practitioners are encouraged to refer to the site for news and updates on policies and guidelines affecting the physiotherapy profession.

For more information about registration, notifications or other matters relevant to the National Registration and Accreditation Scheme please refer to the information published on www.ahpra.gov.au. Alternatively, contact AHPRA by an [online enquiry form](#) or phone 1300 419 495.

Are your contact details up-to-date?

It is important your contact details are up-to-date to receive renewal reminders from AHPRA and information from the Board. You can check your details via the [Login icon](#) at the top right of the AHPRA website. Email accounts need to be set to receive communications from AHPRA and the Board to avoid misdirection to an account junk box.

Follow AHPRA on social media

Connect with AHPRA on [Facebook](#), [Twitter](#) or [LinkedIn](#) to receive information about important topics for your profession and participate in the discussion.



Further information

We publish a range of information about registration and our expectations of registered physiotherapists on our website at www.physiotherapyboard.gov.au or www.ahpra.gov.au.

For more information or help with questions about your registration, please send a web enquiry form or contact AHPRA on 1300 419 495.

Charles Flynn

Chair

30 August 2017