



CHIROPRACTORS AND OSTEOPATHS BOARD OF THE NORTHERN TERRITORY



NEWSLETTER DECEMBER 2008

Board Members

Dr Karen A Dean	Osteopath
Mr Peter Lamb	Osteopath
Dr Adriana Arango	Chiropractor
Dr Jayna Gordon	Chiropractor
Ms Patrica Slocum	Public Member
Ms Andrea Walduck	Public Member

Board Support

Ms Jill Huck	Registrar
Ms Julie Burrows	Registrations Mgr
Ms Colette Pethick	Research & Policy
Ms Sharon Krause	A/Complaints Mgr

MESSAGE FROM THE CHAIR

Welcome to the 2008 Newsletter and on behalf of the Board I send you Christmas cheer and best wishes for the year ahead.

2007 saw the completion of Dr Katie Hallworth's term of appointment to the Board and I express the Board's gratitude for Katie's contribution to the Board and the Council Chiropractic Education Australia even after she had moved to Victoria.

Dr Adriana Arango and Jayna Gordon were both appointed to the Board last year.

Adriana has practised as a chiropractor since 1999 and more than six years of this has been in the Northern Territory. She is the Secretary of the Northern Territory branch of the Chiropractic Association Australia and has a strong interest in ensuring practitioners maintain professional standards.

Jayna has over 14 years experience as a chiropractor in a number of Australian jurisdictions after completing her qualifications at Macquarie University. Jayna is the Northern Territory representative on the Council of Chiropractic Education Australia.

Dr Brigitte Muller's appointment to the Board completed in July this year. Dr Muller, an Osteopath from NSW has ably supported the deliberations of the Board over the past two years. I thank her for her commitment to the Northern Territory and the profession.

I also welcome Mr Peter Lamb as the newest Board member. The Minister for Health appointed Peter to the Board in October this year. Peter is a practising osteopath who resides

in Queensland. Peter graduated in 1983 and has a good understanding of rural and remote practice issues having lived in Townsville since 1986. With so few osteopaths practising in the Northern Territory the ongoing support of colleagues in other jurisdictions is highly valued and commended.

The Board has continued to work towards providing guidance to the chiropractors and osteopaths in the interest of ensuring maintenance of quality health care in the Northern Territory.

I strongly encourage all Chiropractors and Osteopaths to develop an understanding of the *Health Practitioners Act* and familiarise themselves with the Board's policies and guidelines.

I hope this Newsletter provides assistance and guidance in your day-to-day practice as well as an understanding of the current and potential changes in regulation of Chiropractors and Osteopaths in Australia. Please contact the Board if you have items of interest you would like the Board to address in Newsletters.

Once again Seasons Greetings to you all and I know we are anticipating another exciting and challenging year in 2009 as we move closer to national registration and accreditation, which is due to commence in July 2010.

Best Wishes from Dr Karen Dean (Chair)

POLICIES AND GUIDELINES

The following policies / guidelines have been changed or developed in the last year:

- Statement on Sexual Relationships Between Health Practitioners and Their Patients
- Entitlement to Registration Policy
- Identification Validation Requirements
- Spinal Manipulation Policy
- Financial Plans and Care Plans

SCHEDULED BOARD MEETING DATES

Please note that applications for registration and other information that is to be considered at a Board meeting must be received no less than two weeks prior to the scheduled meeting date.

The Board cannot guarantee that documents received after this date will be addressed at the next scheduled meeting. Late documents will be

CHIROPRACTORS AND OSTEOPATHS BOARD OF THE NORTHERN TERRITORY

NEWSLETTER – DECEMBER 2008

assessed for the level of urgency. Should your matter be urgent please contact the Board as soon as possible. Meeting scheduled for 2009:
13 March 26 June 16 October

COAG - NATIONAL REGISTRATION & ACCREDITATION

Progress on the development and approval of the Council of Australian Governments (COAG) National Registration and Accreditation model has rapidly progressed since the November 2007 election. As previously advised the new arrangements will achieve national regulation and accreditation of the following ten professional groups:

Chiropractors; Dental (Dentists, Dental Specialists, Dental Hygienists, Dental Therapists, Prosthetists); Medical Practitioners; Nurses & Midwives; Optometrists; Osteopaths; Pharmacists; Physiotherapists, Podiatrists and Psychologists.

At this point in time it is projected that Occupational Therapists, Aboriginal Health Workers and Radiographers will continue to be regulated under current Northern Territory legislation.

In 2007, the Chairs of the Northern Territory Regulatory Boards forwarded a number of submissions to the COAG Health Working Group and the NT Government. The Australian Council Of Osteopaths Registration Boards and the Australian Council of Chiropractors Registration Boards have forwarded a number of submissions in relation to the various components of the national scheme.

Dr Louise Morauta, formerly of the Commonwealth Department of the Prime Minister and Cabinet in Canberra, was appointed earlier this year to lead the National Registration and Accreditation Implementation Project, to prepare for the scheme to be operational from 1 July 2010.

A range of Consultation Papers along with the various submissions that have been made are available at: www.nhwt.gov.au/natreg.asp

AUSTRALIAN COUNCIL OF OSTEOPATHS REGISTRATION BOARDS (ACORB)

ACORB conducted its annual conference in September this year. The COAG proposed national registration and accreditation and the establishment of the Australian Osteopathic

Council (AOC) were key topic of continued discussion. In the past 18 months ACORB has worked quickly to set up the AOC as the Peak Body with its primary role being:

- Assessment of overseas trained osteopaths qualifications, experience and competence; and
- Nationally standardised assessment and accreditation of osteopathic undergraduate and postgraduate courses.

AUSTRALIAN COUNCIL OF CHIROPRACTIC REGISTRATION BOARDS (ACCRB)



Conducted its annual conference in September this year. Reports from the Council of Chiropractic Education Australian in relation to accreditation of courses and the issue of national registration and accreditation continued were key agenda items of this conference.

MANDATORY REPORTING

The role and scope of child protection activity is primarily prescribed by the principal child protection Acts in each Australian jurisdiction.

The relevant Northern Territory legislation is the: ***Care and Protection of Children Act 2007***

Division 3 General obligations reporting

1 Reporting obligations

- (1) A person is guilty of an offence if the person:
 - (a) believes, on reasonable grounds, that a child:
 - (i) has been or is likely to be a victim of a sexual offence; or
 - (ii) otherwise has suffered or is likely to suffer harm or exploitation; and
 - (b) does not, as soon as possible after forming that belief, report (orally or in writing) to the CEO or a police officer:
 - (i) that belief; and
 - (ii) any knowledge of the person forming the grounds for that belief; and
 - (iii) any factual circumstances on which that knowledge is based.

Maximum penalty: 200 penalty units.

2 Protection of person making report

- (1) A person acting in good faith in making a report under section 1(1) is not civilly or criminally liable, or in breach of any professional code of conduct:
 - (a) for making the report; or
 - (b) for disclosing any information in the report.
- (2) In any proceedings before a court, except with the court's leave:
 - (a) the report or evidence of its contents is not admissible; and

- (b) a person cannot be compelled to give evidence, or to produce a record, about the report or the identity of the maker of the report.
- (3) The leave may be granted only if:
 - (a) the report, evidence or record is of critical importance to the proceedings; and
 - (b) failure to grant the leave would prejudice the proper administration of justice.

Financial Plans – Care Plans

'Financial Plans' (also known by the proprietary name of 'Waiting List Practice or (WLP)) are pre-paid financial arrangements used by chiropractors to offer a discount in fees payable by the patient or to facilitate a bulk payment for services. A 'Financial Plan' is separate to a 'Care Plan' and separate documentation must be maintained for both.

A Care Plan will be required, whenever entering into a pre-paid financial arrangement (Financial Plan). A Financial Plan documents the agreed details of fees, must be in writing and signed by the chiropractor and the patient. Chiropractors using pre-paid financial arrangements shall:

- (a) Provide patients with a written copy of the financial plan, signed by both the patient and the chiropractor and keep a copy of the plan for their own records.
- (b) Provide patients with a separate Care Plan.
- (c) Ensure the patient:
 - I. Has the opportunity to withdraw from care at any time. With a 'cooling off' period of 7 days;
 - II. Receives full refund of payments not used; and
 - III. Receives a full written and verbal explanation of the terms of the financial arrangement.

Refer to the Board's website to access this new policy and guidelines.

Dry Needling

The practice of dry needling by chiropractors has been a topic of interest for a number of Chiropractor Registration Boards nationally. The Chiropractors Registration Board of Victoria have guidelines available on its website:

www.chiroreg.vic.gov.au

The Board draws your attention to the reference in the guidelines to the requirement to be competent to practise in the discipline. The



usual meaning of competence is the ability to perform a task to set standards.

KNOW YOUR ACT

Chiropractors and Osteopaths and 9 other health profession groups are regulated under the *Health Practitioners Act* in the Northern Territory. The purpose of the Act is to ensure public protection.

Professional Indemnity

Pursuant to s22 (1)(e) all chiropractors and osteopaths seeking registration and renewing or restoring registration annually are required to declare that they 'will have adequate professional indemnity arrangements in place when practising in the Northern Territory'.

The Board advises practitioners to seek advice from their indemnifier and or professional association to assist them in identifying what is 'adequate' indemnification for their area and range of professional practices.

Annual Practising Certificates (APC) 40(2)

A practising certificate is evidence that until the due date, or the date determined by the Board (a) the health practitioner is authorised to practice in the Territory. **Most APC expire 30 September each year.**

Always keep your APC in a secure place and check it for the following:

- Date on which your APC expires;
- Accuracy of information on your APC; and
- Conditions (if applicable) listed on the APC.

Please contact the Board immediately if the details on your APC are incorrect.

Those practitioners with conditional registration must ensure they are compliant with the conditions, to do otherwise is a breach of the legislation and may lead to a review of registration pursuant to s30 of the *Health Practitioners Act*.

Practising Unlicensed

This past year has once again seen at least one practitioner practising unlicensed. Practising unlicensed is a breach of Section 101 (1)(b) of the *Health Practitioners Act* and is: a risk to patients and practitioners; may impact on

CHIROPRACTORS AND OSTEOPATHS BOARD OF THE NORTHERN TERRITORY

NEWSLETTER – DECEMBER 2008

entitlement to Medicare rebates; and may alter indemnification arrangements.

Should you find yourself in this situation, it is in the best interest of your patients, yourself and your employer to rectify the situation immediately.

Please note it is the practitioner's responsibility to ensure that they hold current registration the *Health Practitioners Act* does not have the capacity to provide registration retrospectively.

S46 Notice of change of name or address

A health practitioner must, within 30 days of changing his or her name, personal address or business address, give the relevant Board notice in writing of the change and the new name or address, as the case may be.

Failing to update the Board with changes of name / address details means that you will not receive any correspondence from the Board. In effect this means you will miss the opportunity:

- keep up with changes to policy;
- receive newsletters; and
- receive the application to renew your registration.

The Board seeks your assistance in ensuring that the name and contact details maintained on the database are current.

S111 Unconscionable conduct

A person must not, either directly or indirectly, attempt to influence, coerce or otherwise cause a health practitioner to conduct or provide a health service that does not comply with the standards contained in the code applying to the Profession.

S117 Employer Notice of Misconduct or Incompetence

If a person who employs a health practitioner terminates or suspends the practitioner's employment because of alleged or actual misconduct or incompetence to practise, the person must provide a written report of the circumstances of the termination or suspension to the Board and to the practitioner.

S118 Protection from Liability

This section applies to a person who; makes a complaint; provides the Board with information; assists the Board with a preliminary investigation (including an assessment report or opinion); assists or provides information under Part 6; or assists or provides information to the Tribunal.

This person is not civilly or criminally liable for an act done by the person in good faith in taking an action referred to above.

CONDUCT

Performance or Competence Assessment

There were no investigations of possible unsatisfactory professional performance and no assessments of competence conducted in this period.

Conduct Statistics

1 October 2007 to 30 September 2008

Total conduct matters considered or otherwise dealt with by the Board	02
New matters notified in this period	01
Part 4 Investigations	01

Registration Statistics

As at **30 September 2008** there was a total of 25 Chiropractors and 8 Osteopaths registered to practise in the Northern Territory.

Compared with

As at **30 September 2007** there was a total of 29 Chiropractors and 7 Osteopaths registered to practise in the Northern Territory.

Annual Renewal of Registration

Renewal of Registration forms are posted to registrants in August annually, forms will also be available from this office or the Board's website. Please note non-receipt of a renewal notice is not an acceptable reason for practising unlicensed. It is important to note that non-receipt of a renewal notice is most often linked to the registrant's failure to notify the Board of a change of address.

Employers are reminded to ensure they have sound processes in place to ensure all chiropractors and osteopaths and other regulated health profession employees hold current registration, at the time of commencing employment and by the renewal date each year.

Contact Details

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