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## From the Chair

Welcome to the final newsletter from the Physiotherapy Board of Australia (the Board) for 2017. The Board has been active across many areas this year, including being involved in the development of the National Scheme's<sup>1</sup> Aboriginal and Torres Strait Islander health strategy. This represents a maturing of the National Scheme now that systems are in place and we can concentrate on other important work.

The Board joins 10 other professions in reviewing the *Code of conduct*. This document is designed to provide a framework for ethical and professional behaviour and is the document against which physiotherapists can be held to account if a notification (complaint) is made about them, or through audit. While your employer may have a separate code of conduct, as well as the Australian Physiotherapy Association (APA) code, it is the Board's physiotherapy *Code of conduct* which all physiotherapists are legally obliged to adhere to and significant divergence from it can have implications for registration.

The Board has worked closely with the APA this year, particularly with regard to physiotherapists who wish to treat animals as part of their practice. We have published information on the Board's website to clarify physiotherapists' legal obligations and in particular, to make it clear that the National Law<sup>2</sup> relates to humans and not animals. I urge anyone who is interested in

treating animals to read this information, including the FAQ, to ensure they are aware of their obligations as a registered physiotherapist.

The Board and AHPRA also launched an audit of physiotherapy advertising. Those advertisers who appeared to be in breach of the advertising provisions of the National Law received a letter giving them time to rectify their advertising. Some of the offences included misuse of titles (such as claiming to be a specialist, or specialising in something for which there is no registration category) but happily, there were very few claims of cure or other unfounded statements that are in clear breach of the National Law. A self-assessment tool for advertising will be published in the next couple of months to assist in testing whether your advertising is likely to breach the National Law.

The Board was represented and presented at two international conferences this year: the International Network of Physical Therapy Regulatory Authorities (INPTRA) and the World Confederation of Physical Therapists (WCPT). Both conferences were held in early July in Cape Town, South Africa. It was a wonderfully collegiate and educative time for us. In particular, the Board works with INPTRA to encourage fledgling physiotherapy regulators around the world and offers them our Physiotherapy Practice Threshold Statements (entry level competencies), which are shared with our colleagues in New Zealand.

The Board held the first stakeholder engagement session before its meeting in Darwin in August. When the Board plans its activities for 2018/19, we will consider extending these sessions to update local practitioners on the work of the Board and to clarify its role.

I wish all of you a safe and happy festive season and look forward to another year in 2018.

**Charles Flynn**  
Chair, Physiotherapy Board of Australia

1 The National Registration and Accreditation Scheme.  
2 The Health Practitioner Regulation National Law, as in force in each state and territory.

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## Registration renewal reminder

Physiotherapists who have yet to renew their registration are now in the late renewal period and have until 31 December to apply to renew. Applications received in December will incur a late payment fee in addition to the annual renewal fee. Practitioners who apply after 1 January must lodge a new application for registration.

Anyone who does not apply to renew their registration by 31 December 2017 will have lapsed registration. They will be removed from the national [register of practitioners](#), their registration will lapse and they will not be able to practise in Australia. A 'fast-track' application can be made, but the physiotherapist cannot practise until it is processed and the national register is updated, which can take time.

If you apply to renew during the late renewal period you can still practise even if:

- we are still processing your application to renew, and/or
- the registration expiry date displayed on the register has passed.

## Renewing your registration as a physiotherapist includes an extra step this year

When completing your renewal, you will be asked to check that your qualification(s) are recorded correctly on the online [national register of practitioners](#).

We are including this as part of online renewal to make it easy for you to confirm and update these details if required. You will be helping us to maintain the integrity of the national register, which helps to protect the public.

Useful information is on the [Registration renewal](#) page of the Board's website.

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## Graduate applications are open online

AHPRA is calling for final-year physiotherapy students to apply for registration online.

Students due to complete an [approved program of study](#) at the end of 2017 are invited to apply to [apply online](#) for registration four to six weeks before finishing their course.

Students are encouraged to read the information on AHPRA's website under [Graduate applications](#). Certain applicants will also need to apply for an [international criminal history check](#).

The Board has launched a [short animation](#) for physiotherapy students. The video aims to raise awareness among physiotherapy students and new graduates about the important role registering with the Board plays in providing safe and ethical care to patients.

The animation explains their obligations when becoming registered physiotherapist and sets out what it means to be part of a regulated profession which abides by a *Code of conduct*.

Graduates can start practising as soon as their name is published on the [national register](#).

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## AHPRA's annual report: accreditation the year's main focus for the Board

The [annual report](#) for AHPRA and the 14 National Boards for the year to 30 June 2017 is now available to view online. The data for physiotherapy show that over the past year, there has been considerable growth in the profession. Registration grew by 5.2% to 30,351 registered physiotherapists. This contingent now comprises 4.5% of all health practitioners in the National Scheme. The Board works in partnership with AHPRA to regulate the physiotherapy profession nationally.

In 2016/17, after broad-ranging consultation with its stakeholders, the Board approved the revised [Accreditation standard](#), which measures programs of study for the purposes of registration. The Board also approved three new programs of study, bringing the total number of approved programs for physiotherapists to 40, across 20 education providers.

The Board's focus on accreditation this year extended to embedding the threshold competencies for registration as a physiotherapist in Australia and New Zealand in collaboration with the Physiotherapy Board of New Zealand. These thresholds have also been offered to international physiotherapy bodies for their consideration to promote consistency of entry-level requirements globally.

## A snapshot of the profession in 2016/17

- **Easy to renew:** This year saw the largest online registration renewal rate ever achieved across all 14 registered health professions. Over 98.5% of all registered health practitioners renewed online and on time, with 99.2% of physiotherapists renewing online.
- **Increased registration year on year:** Physiotherapists comprise 4.5% of all health practitioners registered in Australia, and the registrant base continues to grow (up 5.2% from 2015/16 to 30,351 registrants).
- **Students on the register:** As at 30 June 2017, there were 8,357 registered physiotherapy students (down 6.6% from 2015/16).
- **Aboriginal and Torres Strait Islanders on the register:** According to a workforce survey that practitioners can choose to fill out at the time of registration/renewal, 0.5% of physiotherapists are Aboriginal or Torres Strait Islander (157 physiotherapists nationally).
- **Complaints received about physiotherapists:** 80 notifications (complaints or concerns) were lodged with AHPRA about physiotherapists in 2016/17. This equates to 0.4% of the profession.

- Eight mandatory notifications were made about physiotherapists: five were about standards, two about impairment and one was about sexual misconduct.
- **Immediate action was taken once during the year** to suspend or cancel a physiotherapist's registration while a matter was investigated.
- **Of the 83 matters closed about physiotherapists in 2016/17:** 16.9% resulted in the Board accepting an undertaking or conditions being imposed on an physiotherapist's registration; 2.4% resulted in a caution or reprimand; 1.2% resulted in suspension or cancellation of registration, and 78.3% resulted in no further action being taken.
- **Statutory offence complaints:** There were 940 statutory offence complaints made about physiotherapists in 2016/17 (up from 66 in 2015/16). The vast majority (903) were bulk complaints received about alleged advertising breaches, and did not require action.
- **Active monitoring cases as at 30 June 2017:** 35 physiotherapists were monitored during the year for health, performance and/or conduct.

To view the 2016/17 annual report, along with supplementary tables that segment data across categories such as registration, notifications, statutory offences, tribunals and appeals, and monitoring and compliance, see our [Annual Report microsite](#).

In the coming weeks, AHPRA and the National Boards will also publish summaries of our work regulating health practitioners in each of the 14 registered health professions. Jurisdictional reports, which present data on registered health practitioners in each state and territory will also be published .

## Complying with advertising requirements

Many physiotherapists, like members of other professions in the National Scheme, continue to be unsure about their responsibilities when it comes to advertising. It is important for you to understand that non-compliant advertising is an offence under the National Law and that **a breach of advertising provisions under the National Law is a criminal offence.**

This year National Boards and AHPRA launched a new approach to advertising compliance and enforcement. You can find guidance and resources on [AHPRA's website](#), in particular the [tips for health practitioners](#).

The National Law, not the Board, sets the rules about advertising. People with healthcare needs are vulnerable and advertising can more easily influence their decisions. They need to receive relevant information about healthcare that is not misleading and can assist them to make good healthcare decisions. The National Law states that advertising may not:

- be false, misleading or deceptive, or likely to be false misleading or deceptive
- offer a gift, discount or other inducement, unless the terms/conditions of the offer are stated
- use testimonials or purported testimonials
- create an unreasonable expectation of beneficial treatment, or
- directly or indirectly encourage the indiscriminate or unnecessary use of regulated health services.

There are many ways in which advertising can be misleading, including:

- making therapeutic claims that are not supported by acceptable evidence, or
- listing health aspects or associated symptoms of conditions that a physiotherapist can assist with or treat without acceptable evidence that there is a link between the condition and the aspects or associated symptoms the treatment may be able to help.

It is important for you to remember that you are responsible for advertising that is within your control and you must be able to substantiate any claims that you make about benefits to patients with acceptable evidence. The evidence must be of a high level and not refuted by higher level studies and/or systematic reviews.

If you are unsure about your advertising obligations you should refer to the information published by AHPRA and the Board and/or seek advice from your legal advisor.

If you are unsure about whether the claims you are making can be substantiated by acceptable evidence then you should remove them from your advertising. Failure to comply with advertising obligations is a serious issue and can have serious consequences for a physiotherapist's professional standing.

## Code of conduct review

The Board joins 10 other professions in reviewing the *Code of conduct*. This document is designed to provide a framework for ethical and professional behaviour and physiotherapists can be held to account against it if a notification (complaint) is made about them, or through audit.

While your employer may have a separate code of conduct, as well as the Australian Physiotherapy Association (APA) code, it is the Board's physiotherapy *Code of conduct* which all physiotherapists are legally obliged to adhere to and significant divergence from it can have implications for registration.

As a registered health practitioner, it is important that you are familiar with the Code and work within it at all times. We will be consulting with the profession in 2018, and by providing your feedback on the proposed changes you will help ensure it is fit for purpose.



## National Board recognises special day for physios

On World Physical Therapy Day on 8 September the Board commended registered physiotherapists for their important contribution to the health and wellbeing of the Australian community at all stages of their lives.

World Physical Therapy Day is an international day of significance held on 8 September every year. The overarching theme is always 'Movement for Health'. This year, the suggested message was 'Physical activity for life', highlighting the important role that physiotherapists play in healthy ageing.

The day is also an opportunity to share regulatory messages about the profession and highlight its contribution to global health.

'Physiotherapists support patients at all stages of their lives, when they are young and active to when they are aging and require additional support. Their dedication and commitment to helping people get well, and be mobile, independent and fit is truly admirable,' Board Chair Dr Charles Flynn said.

Dr Flynn asked physiotherapists to remember that regulation empowers the public to know what to expect when they receive care from a registered physiotherapist, while supporting them as practitioners to keep them safe.

'Both the Board and registrants make a critical contribution towards the public receiving safe and ethical care that helps keep people healthy, active, mobile and independent – which is what this special day is all about,' Dr Flynn said.

Patients expect that every time they see a physiotherapist their practitioner is adhering to their obligations, that they are suitably qualified and trained and are safe in the knowledge that their practitioner will put their best interests first.

The Board sets the standards that establish the requirements for physiotherapists to be registered to practise competently and safely in Australia.

## National Scheme news

### Legislative changes passed to establish the new National Board for paramedicine

The *Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2017* has been passed by the Queensland Parliament and has received royal assent. This Bill contains amendments to the National Law that will apply in all states and territories except Western Australia (South Australia also needs to make a regulation to give effect to the amendments). The Legislative Assembly of the Parliament of Western Australia has also passed a corresponding amendment Bill (the *Health Practitioner Regulation National*

*Law (WA) Amendment Bill 2017*) which will now be considered by WA's Legislative Council.

The passing of the Bill in Queensland marks a significant day for health practitioner regulation as these are the first legislative amendments to the National Law since the start of the National Registration and Accreditation Scheme (National Scheme) in 2010. These changes have enabled the national regulation of paramedicine to move a step closer with the appointment of the first Paramedicine Board of Australia, which was announced by the Council of Australian Governments (COAG) Health Council at its meeting held on 19 October 2017.

Registration of paramedicine is due to start from late 2018. Paramedics will be able to register with AHPRA and practise anywhere in Australia. The title 'paramedic' will also become a 'protected title' – only people registered with the Board will be able to call themselves a paramedic.

More information, including news about the implementation of the regulation of paramedics and the newly appointed Board members, is available on the Paramedicine Board of Australia's website.

Paramedicine will be the first profession to be regulated under the National Scheme since 2012.

Also, new measures that strengthen public protection will be introduced and there will be formal recognition of nursing and midwifery as two separate professions regulated by the Nursing and Midwifery Board of Australia (NMBA).

To find out what the amendments about paramedicine include read the news item on the AHPRA website.

### Co-Chairs announced to help lead the way for the first ever National Scheme Aboriginal and Torres Strait Islander health strategy

The National Scheme is pleased to announce the appointment of co-Chairs for the Aboriginal and Torres Strait Islander Health Strategy Group.

Associate Professor Gregory Phillips, CEO of ABSTARR Consulting, and Dr Joanna Flynn AM, Chair of the Medical Board of Australia, have been appointed as co-Chairs of the group.

The strategy group has been brought together to develop the National Scheme's first ever Aboriginal and Torres Strait Islander health strategy.

AHPRA, the 14 National Boards responsible for regulating the health professions, accreditation authorities and Aboriginal and Torres Strait Islander health sector leaders and organisations have committed to an Aboriginal and Torres Strait Islander health strategy with this vision: 'Patient safety for Aboriginal and Torres Strait Islander peoples in Australia's health system is the norm, as defined by Aboriginal and Torres Strait Islander peoples.'

Associate Professor Gregory Phillips was nominated by Aboriginal and Torres Strait Islander health sector leaders and organisations to be co-Chair. Gregory Phillips is from the Waanyi and Jaru peoples, and comes from Cloncurry and Mount Isa in North-West Queensland. Dr Joanna Flynn was nominated by leaders of the National Scheme to be co-Chair.

Associate Professor Gregory Phillips and Dr Flynn agree that partnerships are fundamental in this work.

'With more than 700,000 Australians registered by the National Boards and a commitment from Aboriginal and Torres Strait Islander leaders and the National Scheme to work collaboratively there is a unique opportunity for real change to the health outcomes of all Australians,' Associate Professor Phillips said.

'We are grateful for the strong relationships we have with our partners in this work, particularly the expert guidance we have received from Aboriginal and Torres Strait Islander health sector leaders. This work cannot be done with National Boards acting in isolation and I am looking forward to making this new strategy a reality through my role as co-Chair,' Dr Flynn said.

### National Boards approve policy for removing reprimands from the national register

A policy to ensure consistent removal of reprimands from the national register of practitioners has been approved by all National Boards.

Reprimands on a practitioner's registration can be imposed under the National Law by a performance or professional standards panel, professional standards committee (New South Wales), and a relevant tribunal or court.

The policy will ensure that reprimands are removed from the [national register](#) in a consistent and effective way. It also allows for the removal of reprimands imposed under previous legislation to be considered on an individual basis, consistent with removal powers under that legislation.

A reprimand imposed under the National Law will be removed from the national register on the publication end date set by the relevant panel, committee, court or tribunal. Where a panel or tribunal has not set a publication end date, or where the reprimand was imposed under previous legislation, the reprimand will be removed no earlier than five years from the date of initial publication.

This is subject to:

- the practitioner making an application for removal of the reprimand
- no relevant event having occurred in the five-year period of publication of the reprimand, and
- legal advice confirming the power to remove a reprimand imposed under previous legislation.

A relevant event is any health, performance or conduct notification, action taken against the practitioner in relation

to an adverse disclosure on renewal of registration, new information returned on a criminal history check or a confirmed breach of restrictions. It also includes when action has been taken against a practitioner regarding their conduct, health or performance. New notifications, irrespective of whether action was taken, will also be taken into account if an application for removal of a reprimand is received after the five-year period of publication.

The policy took effect on 2 October 2017 and will be reviewed annually. An application form for removal of a reprimand from the national register is published under [Common forms](#) on the AHPRA website.

### Health Council meeting update: progress with National Law amendments

The federal, state and territory health ministers met at the [COAG Health Council](#) on 19 October 2017 when the Council announced the establishment of the inaugural Paramedicine Board of Australia with the first appointments of the Chair, practitioner and community members. The new Board members will work with AHPRA over the next 12 months to transition the paramedicine profession to national registration under the National Scheme.

The most recent meeting of the Council took place in Canberra on 3 November 2017 and the discussion covered possible amendments to the National Law on mandatory reporting. There was considerable progress towards consensus on a national approach to mandatory reporting, and ministers agreed to work towards a national approach.

The Council issues a communiqué from its meeting which can be accessed from its [website](#).

### Update on the Independent Accreditation Systems Review

In October 2016 Australia's health ministers commissioned Professor Michael Woods, former Productivity Commissioner, to carry out the Independent Accreditation Systems Review (the Review). Following public consultations Professor Woods has prepared [draft recommendations](#) for ministers. Many of the reforms in his draft report that would, in their current form, require significant changes to our legislation and how we manage the accreditation of courses leading to registration as well as assessment of internationally qualified practitioners.

In response to the draft recommendations, AHPRA and National Boards have published a joint submission to the Review on the [AHPRA website](#). In summary we propose that a more effective and efficient approach would be to make changes to roles of AHPRA, National Boards and Accreditation Councils, rather than create new regulatory bodies with the likely cost and complexity this could create. We believe that this would deliver the changes required to support the professional health workforce required by Australia.

The joint submission includes additional responses from four participating National Boards - Chiropractic, Medical,

Optometry and Psychology. The Pharmacy Board made a separate [submission](#) and has published this on its [website](#).

AHPRA and National Boards look forward to the Review's final report and health ministers' response in due course. A news item including a high-level summary of key aspects of the joint submission has been published on the [AHPRA website](#).

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## Keep in touch with the Board

Visit the [Board's website](#) for the mandatory registration standards, codes, guidelines and FAQ.

Lodge an [online enquiry form](#).

For registration enquiries, call 1300 419 495 (from within Australia) or +61 3 9275 9009 (for overseas callers).

Address mail correspondence to: Charles Flynn, Chair,  
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