

Australian Capital Territory

Health Professionals (ACT Physiotherapists Board Standards Statements) Approval 2007 (No 1)*

Notifiable instrument NI2007–6

made under the

Health Professionals Regulation 2004, Section 134 (Standard's Statement)

1. Name of instrument

This instrument is the *Health Professionals (ACT Physiotherapists Board Standards Statements) Approval 2007 (No 1)*.

2. Commencement

This instrument commences on the day after notification.

3. Standards Statements

In accordance with Regulation 134 (3) of the *Health Professionals Regulation 2004* the ACT Physiotherapists Board has approved the following Standards Statements.

President
Karen Murphy

21 December 2006

*Name amended under Legislation Act, s 60

ACT PHYSIOTHERAPISTS BOARD

STANDARDS STATEMENTS

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INTRODUCTION

The ACT Physiotherapists Board has developed a number of standards statements to guide practitioners on professional, legal and ethical issues. The Board believes that these standards reflect the high standards of care expected of practitioners in the ACT. The legislation governing practice in the Territory is the *Health Professionals Act 2004*. In the case of any conflict or discrepancy between the standards statements and Act, the Act prevails.

The Board intends to review the standards statements regularly and add new policy statements as they are developed.

Comments about the policies would be welcomed and should be directed to the Board's Executive Officer.

PURPOSE

Standards Statements issued by the ACT Physiotherapists Board are designed to raise awareness of the standard of practice required from a registered physiotherapist to be competent to practise, or to help the practitioner improve his or her suitability to practise.

The information contained in these statements is to be used as a guideline for physiotherapists to follow and reflects the interpretation of the *Health Professionals Act 2004* (the Act) by the Board.

APPLICATION OF STANDARDS

The Board's Standards are applicable to all physiotherapists who practise within the ACT boundaries and must be adhered to by them in the practice of physiotherapy.

CONTRAVENTION OF A PROFESSIONAL STANDARD

Standards issued by the Board state the level of professional performance considered to be acceptable practice in terms of professional competence, ethical behaviour and application of systems, procedures and information. Non-adherence or breach of the Standards may constitute a contravention of a professional standard.

CONFLICT WITH THE ACT

In the case of any conflict or discrepancy between the Standards and the Act, the Act prevails.

STANDARDS STATEMENT 1.1

Standards of Practice and Continuing Professional Development for ACT Allied Health Professionals

The Board endorses the Standards of Practice for Allied Health Professionals ACT Health September 2004 published in May 2005 – Publication No 05/0471 (2000). Physiotherapists are required to comply with the standards of practice included in that publication.

The Board endorses the Continuing Professional Development information for Health Professions Boards published by ACT Health in May 2005 – Publication No 05/0471 (2000).

The Board will accept a program that meets the requirements of a professional association that is relevant to the health professional's practice as meeting the Board's requirements.

Lifelong Learning Component

Given the rapidly changing nature of physiotherapy, it is essential that all registered physiotherapists remain competent to practise. It is difficult for this competence to be maintained unless there is a continued commitment to continuing physiotherapists education, and this commitment should continue throughout their professional life.

STANDARDS STATEMENT 1.2

Competency Standards for Physiotherapists in Australia

The Board endorses the Competency Standards for Physiotherapists in Australia published by the Australian Physiotherapy Council (current edition together with any supplements, addenda or amendments). Physiotherapists are required to comply with the standards of practice included in that publication.

Physiotherapists must be competent to provide the services that they offer. A physiotherapist must not practise in an area in which he or she is not competent to practise unless under the supervision of a physiotherapist who is competent to practise in the area until competency is established.

A physiotherapist must provide evidence that he or she is competent to provide the services that he or she offers when applying for registration or for renewal of registration. A person may declare that he or she is competent if the person has appropriate qualifications, has recency of practice and has complied with the Board's standards statement on continuing professional development.

The Board may require applicants to complete, to the satisfaction of the Board, training courses and/or supervised practice determined by the Board before approving applications for renewal of registration or re-registration.

STANDARDS STATEMENT 1.3

Code of Conduct for Board Members

1. INTRODUCTION

The maintenance of public confidence in the system of professional registration requires members of the Physiotherapists Board to both exhibit and be seen to exhibit, the highest ethical standards in carrying out their duties. This Code provides a framework to support and promote the making of ethical decisions in all areas where the Board has a role or function.

2. ETHICAL OBLIGATIONS

All Board members should perform the duties of their office to the best of their ability to advance and enhance the functions for which the Board is established, pursuant to the *Health Professionals Act 2004* and adhere to the following principles:

- 2.1 **Public Interest:** Board members have an obligation to place the interests of the community ahead of the interests of their profession or nominating organisations.
- 2.2 **Integrity:** Board members have an obligation to act with integrity and impartiality in the best interests of the community as a whole.
- 2.3 **Respect for Persons:** Board members have an obligation to treat members of the public and members of the profession honestly, fairly and with proper regard for their respective rights and entitlements.
- 2.4 **Diligence:** Board members have an obligation to work diligently to achieve a high standard of public administration in relation to the duties and responsibilities of the Board.

3. PROFESSIONAL CONDUCT

- 3.1 **Role of the Board:** The main function of the Board is to protect the safety of the public of the ACT by maintaining the standards of registered physiotherapists. Board members should also have a working knowledge of the *Health Professionals Act 2004* and subordinate legislation.
- 3.2 **Duty to act Fairly and within Power:** Quasi-judicial authorities such as the Physiotherapists Board have a duty to act fairly and properly. This means all actions should be undertaken with regard to the powers granted to the Board and the nature of the problem at hand. Decisions must be made with regard to the relevant legal criteria, *and those alone.*

3.3 Natural Justice: When making decisions which will affect the rights of individuals, the Board should observe the principles of natural justice. These require adequate notice to individuals likely to be affected by any contemplated decisions and providing those individuals with an opportunity to present relevant evidence and arguments and to comment before the Board. Natural justice also requires an absence of bias, partiality or interest on the part of the Board and its committees and the reaching of a decision in good faith after consideration of the evidence and other material in the case.

3.4 Conflicts of Interest: Should a real, perceived or potential conflict of interest arise for a Board member, this conflict must be declared to the Board. The member should offer to refrain from taking part in any decision-making process affected by the conflict of interest. His or her participation in the decision-making process, however, may be at the discretion of the Board.

3.5 Accountability: In the performance of its duties, the Board is accountable to a range of public accountability offices, including:

- the Office of the Ombudsman, in relation to the administration of the Act;
- the Office of the Human Rights Commissioner, in relation to the administration of the Act;
- the Auditor General's Office, in relation to the proper preparation of accounts and expenditure;
- the courts in relation to the exercise of its powers and statutory obligations.

3.6 Financial Accountability: The Board has a duty of care to manage public funds appropriately and in accordance with relevant acts and regulations. The Board is required to provide an annual report to the Minister as soon as possible after 30 June, which is annexed to his/her annual report to the Legislative Assembly. The annual report contains statistics and other details concerning the Board's activities.

3.7 Gifts: Board members must not solicit or accept gifts or benefits where the receipt or expectation of such a gift might in any way tend to influence, or appear to influence, the Member in his/her official capacity.

4. PROTECTION OF PRIVACY, OFFICIAL INFORMATION AND PUBLIC COMMENT

4.1 Confidentiality: Board members are subject to strict confidentiality provisions. Documents and information obtained by Board members in the course of performing their duties are confidential and may not be disclosed to third parties unless:

- the Board has expressly approved the disclosure or release of information;

- there is other lawful direction, such as a subpoena or court order requiring release;
- disclosure is allowed pursuant to the Freedom of Information Act. This Act entitles the public, subject to specified exemptions to protect the proper operation of the Board, to have access to the Board's documents.

4.2 Public Comment: As members of the community, Board members have a right to make public comment and enter into public debate on political and social issues. Board members however, also have a duty to the Board, therefore:

- members should not, in an official capacity, make public comments on Board matters unless authorised by the Board to do so;
- members should not disseminate or present their individual views as the view of the Board;
- members should take steps to ensure that a public comment made in a private capacity does not give rise to a public perception that it is in some way an official comment of the Board.

Where individual Board members are in any doubt as to the propriety of a proposed comment they should consult the Chairperson, and should observe any directions made governing public comment relating to the Physiotherapists Board.

4.3 Use of Official Information: Official information should not be used by Board members to improperly gain any kind of advantage for themselves, or for another person or organisation.

5. CONCLUSION

This Code of Conduct provides a measure against which the behaviour of members of the Board can be assessed to ensure the highest standard of ethical behaviour in the conduct of their activities.

STANDARDS STATEMENT 1.4

Overseas Graduates

The procedure for registration of overseas physiotherapy graduates is divided into two categories:

- (a) Qualifications immediately acceptable to physiotherapy registration boards;
- and
- (b) Qualifications not immediately acceptable to physiotherapy registration boards.

The procedure for eligible overseas qualified physiotherapists to prove their competence in Australia is monitored by the Australian Examining Council of Physiotherapist (AECOP).

On successful completion of screening examination and occupational English test an AECOP interim certificate is obtained until a pass is obtained in a clinical examination.

It is recommended by AECOP that interim certificate holders obtain **conditional** registration to gain **supervised** experience in an Australian hospital before they sit for their clinical examination.

Further information available from the Australian Physiotherapy Council.

Email: Margaret.grant@physiocouncil.com.au
Website: www.physiocouncil.com.au
Phone: (02) 6262 6029
Fax: (02) 6262 5284

STANDARDS STATEMENT 1.5

Needling Practices

Background

The ACT Physiotherapy Registration Board has received a number of inquiries regarding acupuncture and dry needling practices. This position statement is to assist physiotherapists interpret their responsibilities under the new *Health Professionals Act (2004)*. The Board considers acupuncture and dry needling together as Needling Practices. Fine wire EMG techniques are also covered within the scope of this statement.

Under the current *Physiotherapists Act (1977)*, physiotherapists are limited to treatments “to the body”. Skin penetration is not included in this definition. Consequently, treatments involving skin penetration are to be separated from the practice of physiotherapy.

1. Scope of practice

Under the *Health Professionals Act (2004)*, the practice of physiotherapy will not be limited. The ACT Physiotherapy Registration Board will recognise needling practices as being within the scope of physiotherapy practice.

2. Professional Standards

Physiotherapists who wish to use needling techniques as a part of their physiotherapy practice are expected to practise safely, competently and within their area of demonstrated expertise. The ACT Physiotherapists Registration Board will work collaboratively with the Australian Physiotherapy Council towards defining a minimum standard of practice.

Registered physiotherapists are not entitled to use the term ‘acupuncturist’ unless they are qualified as such.

3. Insurance

Under the *Health Professionals Act (2004)*, the Board will require an appropriate level of insurance for registered physiotherapists to specifically cover needling practices. Two companies commonly accessed by physiotherapists for the provision of insurance (Guild and AON) will accept liability for suitably qualified practitioners for these practices. The companies define suitably qualified as practitioners those completing APA-endorsed courses.

4. Infection Control – Premises and Practises

The Board will require all practitioners and premises to meet National Infection Control Guidelines 2004 (available at www.icg.health.gov.au).

All sites of practice must obtain an Infection Control Activity Licence in the ACT.

STANDARDS STATEMENT 1.6

Unprofessional conduct

Physiotherapists registered within the Australian Capital Territory are expected to abide by the ethical principles of the Australian Physiotherapy Association, with emphasis placed on the maintenance of professional conduct by:

1. respecting the rights and dignity of all individuals;
2. not discriminating against any person seeking their professional services;
3. being honest and competent at all times in providing their professional services;
4. recognising the limitations on their professional competence;
5. undertaking only those activities that are within their professional competence;
6. respecting the right to privacy of all those entrusting them with personal information, except where disclosure is mandatory.
7. not communicating any information about a patient to another person and/or recording system not involved in that patient's care, unless the physiotherapist has prior consent of the patient or his/her legal agent.