

Statement

27 April 2012

When is it necessary to be registered as an occupational therapist?

Purpose

This statement provides advice to help individuals decide whether or not they should be registered.

Why National Boards are publishing this information

The National Boards have defined “practice” in a number of their registration standards as:

Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.

The definition was intended to be broad and inclusive. It allows individuals with qualifications as a health practitioner to be registered if they are using their skills and knowledge as a health practitioner, regardless of whether or not they are treating persons¹. Registered health practitioners can use the protected title related to their profession and must comply with their National Board’s approved registration standards.

Many qualified health practitioners who use their skills and knowledge in a range of activities outside direct patient care may not need to be registered. This statement clarifies the circumstances in which the Occupational Therapy Board of Australia (the Board) expects occupational therapists to be registered and details circumstances in which registration may not be required. This advice is based on the *Health Practitioner Regulation National Law Act* (National Law) as in force in each state and territory, and the level of risk to the public that the “practice” poses.

¹ In this document “the person” has been used to describe a person receiving clinical services. It includes patients, clients and consumers

The National Law

Occupational therapists are registered under the National Law. The National Law limits the use of certain titles. The protected title for Occupational Therapy is occupational therapist (see s.113 of the National Law). Other than restricted dental acts, prescription of optical appliances and manipulation of the cervical spine,² as defined in the National Law, the National Law does not specify the activities that require registration as an occupational therapist. That is, it is not a breach of the National Law for an occupational therapist to use their knowledge and skills relating to the occupational therapy profession without being registered if the individual does not breach the sections of the National Law related to the protection of title or to the specific practice protections.

Under the National Law, a person must be a registered health practitioner if they:

1. use the title “registered health practitioner” with or without any other words (s. 116(a))
2. take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate, that the person is a health practitioner or is authorised or qualified to practise in a health profession (s. 116(b))
3. claim to be registered under the National Law or hold themselves out as being registered under the National Law (s. 116(c))
4. claim to be qualified to practise as a health practitioner (s. 116(d))
5. undertake a restricted act (which are specific dental acts, prescription of optical appliances and manipulation of the cervical spine)³.

The online national Register of Practitioners allows the public to identify who is a registered health practitioner. Practitioners who are registered must meet the registration standards set by the relevant National Board. The public can therefore be confident that a registered practitioner meets the relevant requirements for professional indemnity insurance, continuing professional development and recency of practice.

The Board’s advice on who should be registered

Any practitioner who is qualified and meets the applicable registration standards of the Board may apply for registration.

² Part 7, Division 10, Sub-division 2

³ where the registered health practitioner is undertaking practice other than occupational therapy

It is up to each individual to decide whether or not they need to be registered. Under the National Law this is not a decision the Board can make in the absence of an application for registration. However, occupational therapists who are registered, become subject to the jurisdiction of the Board.

The Board provides the following advice, based on the objectives of the National Law to help practitioners decide whether or not they should be registered

As the primary purpose of registration is to protect the public, the Board considers that practitioners should be registered if they are providing treatment or an opinion about the physical or mental health of a person, including prescribing or formally referring to other registered health practitioners, or when a person may reasonably believe that the practitioner is registered.

Practitioners should take the following factors into consideration when deciding whether they need to be registered.

General examples of when the Board considers that practitioners should be registered include:

1. they have direct clinical contact and/or
2. their work impacts on safe, effective delivery of health services to individuals and/or
3. they are directing or supervising or advising other health practitioners about the health care of an individual(s) and/or
4. their employer and their employer's professional indemnity insurer requires a person in that role to be registered and/or
5. the practitioner's professional peers and the community would expect a person in that role to comply with the relevant Board's registration standards for professional indemnity insurance (PII), continuing professional development (CPD) and recency of practice and/or
6. the person is required to be registered under a law to undertake a specific activity
7. the person wishes to use a protected title which is reserved for registered health practitioners
8. they wish to be eligible for certain Medicare and/or Pharmaceutical Benefit payments.

These general examples set out above list a number of factors for each practitioner to consider when deciding whether to register. To further assist, the Board has specific guidance about a number of situations particularly relevant to occupational therapists.

Additional examples of roles in which occupational therapists should be registered

If a job requires a person to have occupational therapy qualifications, although the job title may not be "occupational therapist", but the work involves a course of assessment or treatment as an occupational therapist, then that person may need to be registered. Such services may involve assessment or treatment for pervasive development disorders, for disability services or for psychological therapy and focused psychological strategies. For example, a role on a mental health team may have the generic title "mental health xx" and require qualifications as an occupational therapist or a mental health nurse to provide a focused psychological strategy health service.

Therefore, if an occupational therapist working in the role is expected to practise occupational therapy involving direct clinical contact via a course of assessment or treatment, then despite the generic title the Board considers they should be registered.

In addition, where a GP management plan and/or team care arrangements or a multidisciplinary care plan has been issued and where after the service, the eligible occupational therapist gives a written report then the Board considers that the person should be registered as this involves the provision of clinical care.

The case for registration in these examples would be even stronger if the practitioner is regularly described verbally to patients or colleagues as an occupational therapist.

Roles in which individuals may not have to be registered

In contrast, a practitioner may not need to be registered if they are:

- in a role with a generic title such as a Policy Officer;
- involved in generic non-clinical tasks that could be undertaken by someone who is not an occupational therapist;
- not held out to clients or colleagues as an occupational therapist.

If the role has the above characteristics, then the practitioner may not need to be registered.

In addition, the following examples are provided to further assist individuals decide whether or not they ought to be registered. The examples are not exhaustive. They have been selected based on common queries raised with all National Boards.

Each individual practitioner will need to decide whether or not they should be registered on the basis of their own circumstances and using the criteria listed above.

Practitioners engaging in the following activities may not require registration:

- An examiner or assessor for an accreditation council, when the council does not believe that registration is necessary for the scope of activity undertaken and provided the examiner/assessor is not supervising or assessing candidates who are treating persons as part of the assessment
- A tutor or teacher working in:
 - settings which involve persons to demonstrate examination or consulting technique but not the actual delivery of care
 - settings which involve simulated persons
 - settings in which there are no persons
- A researcher whose work does not include any human subjects and whose research facility does not require them to be registered

- A practitioner who has been invited to talk publicly about a health or medically-related topic and who will not be giving any specific advice
- A practitioner discussing the health of another person in a social setting but not providing specific advice or opinion
- A practitioner serving on a Board, committee or accreditation body, when their appointment is not dependent on their status as a “registered practitioner”
- A person providing first aid in an emergency
- A person who may be using skills and knowledge gained from an approved qualification but is not using a protected title, or claiming or holding themselves out to be registered, such as a person in an advisory or policy role
- A practitioner who is registered overseas and is visiting for any role not involved in providing treatment or opinion about the physical or mental health of any individuals, for example a course presenter from overseas who uses a protected title with words explaining their registration status in Australia eg dentist (registered in the United Kingdom, or not registered in Australia)

If you do not require registration, but wish to continue using a protected title, you may wish to consider non-practising registration.

Further advice

If you require further assistance to help you decide whether or not you need to be registered, consult your employer, professional indemnity insurer or other legal adviser or AHPRA phone enquiries 1300 419 495 or via the web enquiry form www.ahpra.gov.au.