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Message from the Presiding Member

The Occupational Therapy Board of Australia (the Board) recently completed an analysis of [national notifications data for occupational therapists](#) for the period 1 July 2012 to 30 September 2014. The project was designed to better understand some of the reasons people make notifications about occupational therapists; as an indicator of areas of risk, and to identify issues worthy of more analysis, investigation and regulatory intervention.

The Board was pleased that the overall risk for the profession is low in comparison with the combined national data for all National Boards. In this newsletter we will look at some of the areas that lead to notifications about health practitioners across the [National Registration and Accreditation Scheme](#) (the National Scheme).

Future newsletters will include case summaries about issues that have led to notifications being made to help you identify risks in practice and develop strategies to lessen those risks.

The Board has received some queries from occupational therapists about specific aspects of professional responsibility, including responsibilities in regard to advertising. In this newsletter we will clarify some requirements of the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law) and the [Code of conduct](#).

Ms Julie Brayshaw

Occupational Therapist

Presiding Member, Occupational
Therapy Board of Australia



Recency of practice

The Board's [Recency of practice \(RoP\) registration standard](#) requires all registered occupational therapists to maintain their competence to practise. Those who have not practised for a minimum of six months full-time equivalent during the previous five years immediately before the start of the registration period do not meet the standard, and are required to demonstrate their current practice competency in order to maintain or renew their registration as an occupational therapist.

Throughout 2015 the Board held breakfast forums and conducted a number of focus groups with occupational therapists. Feedback from the profession about the RoP registration standard indicated that more flexibility is needed in return-to-work pathways for practitioners who no longer meet the registration standard.

The Board has noted this feedback and has agreed to set up a project to look at alternative pathways for occupational therapists to demonstrate their competence in order to renew their registration.

National registration fee for 2015/16

In September 2015 the Board announced that the [national registration fee for occupational therapists](#) for 2015/16 has been reduced. The Board reduced the registration fee to \$130, which is \$30 less than the previous year. The [fee schedule for occupational therapists](#) has been published on the Board's website.

All occupational therapists are also reminded that your registration is due for renewal by 30 November 2015. The Australian Health Practitioner Regulation Agency (AHPRA) will be sending out reminder emails in the coming weeks. You must meet the Board's registration standards and make a declaration of compliance with the standards on your registration renewal application.

Continuing professional development

The Continuing professional development (CPD) registration standard requires all practising occupational therapists to complete a minimum of 30 hours of CPD per annual registration period. A maximum of 25 hours can be formal learning activities, a maximum of 25 hours can be informal learning activities and a maximum of 10 hours can be engagement with the profession.

It is helpful to start your CPD now to avoid a late rush before you are due to renew your registration at the end of November. Please refer to the registration standards and codes and guidelines on the Board's website for advice about complying with the CPD registration standard.

It is also a good idea to keep the necessary documentation to demonstrate your compliance with the CPD registration standard should you be audited.

Graduate applications now open online

AHPRA is calling for online applications for registration from students who are in their final year of an approved program of study. Students due to complete study at the end of 2015 are urged to apply for registration before finishing their course.

An email reminder to apply early and online will be sent by AHPRA on behalf of the Board to final-year students on the Student Register. Certain professions may require individuals to apply using a paper form.

All applications, online or in hard copy, require students to post supporting documents to AHPRA to complete their application. Certain applicants will need to apply for an international criminal history check before submitting their registration application. Students are encouraged to read the information on AHPRA's website under Graduate applications.

Graduates must meet the Board's registration standards and need to be a registered occupational therapist before they start practising. New graduates are registered and eligible to start work as soon as their name is published on the national register of practitioners.

The use of titles

The National Law protects specific titles, including the title 'occupational therapist'. This means that only practitioners who are registered in a particular profession can use the titles associated with that profession. This is to ensure that only individuals who are suitably trained and qualified can offer the services associated with the title 'occupational therapist'.

All registered occupational therapists can use the title 'occupational therapist' in their advertising. It is also acceptable to list credentials and recognised qualifications in advertising. Under the National Law, there is no specialist registration for occupational therapists, and the title 'specialist' is restricted; it is unlawful for occupational therapists to call themselves specialists or imply that they are specialists. However, an occupational therapist could reasonably say they have an 'interest', 'experience' or 'predominantly practise' in an area of clinical practice.

Acupuncture

Since 1 July 2012 the Chinese Medicine Board of Australia is responsible for registering Chinese medicine practitioners in Australia, including acupuncturists. It is an offence under the National Law for anyone to use the title 'acupuncturist' in Australia unless they are registered with the Chinese Medicine Board of Australia.

The restriction on the use of the title 'acupuncturist' does not mean that occupational therapists who practise acupuncture or dry needling can't continue to use these techniques. However, they may not state that they are performing acupuncture or advertise or hold themselves out to be acupuncturists without first being registered with the Chinese Medicine Board of Australia.

'Holding out' means to present yourself in a way that suggests to others that you are something or someone you are not. Therefore, any person who is not a registered acupuncturist must not use the title acupuncturist, claim to be providing acupuncture or make any claim that may lead a reasonable person to believe that they are a registered acupuncturist.

Professional boundaries

Recently the Board has dealt with notifications about professional boundaries. The Board's Code of conduct provides guidance for practitioners about their professional conduct. Professional boundaries are integral to good practitioner-patient/client relationships.

Good practice includes recognising the potential conflicts, risks and complexities of providing care to those in a close relationship, for example close friends, work colleagues and family members. This can be inappropriate because of the lack of objectivity, possible discontinuity of care and risks to the practitioner and patient/client.

Maintaining professional boundaries means never intentionally or unintentionally using a professional position to establish or pursue an exploitative or inappropriate relationship with anybody under professional care. This includes those close to the patient or client such as their carer, guardian, spouse or the parent of a child patient or client.

The practitioner-patient relationship is inherently unequal. The patient/client is often vulnerable and trusts the occupational therapist to provide them with unbiased information about their health and/or well-being. It is a breach of trust for an occupational therapist to enter into an inappropriate relationship with a patient/client. It is always unethical for an occupational therapist to enter into a sexual relationship with a patient/client.

Mandatory reporting

Occupational therapists, employers and educators are required under the National Law to notify about certain types of 'notifiable conduct'. This includes when a registered practitioner has:

- practiced under the influence of alcohol or drugs,
- engaged in sexual misconduct (e.g. has had sexual activity with a person under the practitioner's care - this includes those close to the patient, such as their carer, guardian, spouse or the parent of a child patient)
- placed the public at a substantial risk of harm due to an impairment, or
- placed the public at risk of harm due to a significant departure from accepted practice standards.

Some exceptions may apply in some jurisdictions, for example, for treating practitioners.

More information about mandatory reporting can be found in the Board's [Guidelines for mandatory notifications](#).

Testimonials and social media

The use of testimonials in advertising is an offence under the National Law and may be prosecuted in Court. Consequently, advertising matters are usually referred to AHPRA's statutory offences unit and are not dealt with by the Board.

Testimonials are not defined in the National Law, so the word has its ordinary meaning of 'a positive statement about a person or thing'. In the context of the National Law, a testimonial includes recommendations or statements about clinical aspects of a regulated health service.

The National Law does not allow the use of testimonials, so it is not acceptable to use testimonials in advertising.

More information about advertising can be found in the Board's [Guidelines for advertising regulated health services](#).

The National Law does not directly regulate social media. However, testimonials used in advertising a regulated health service through social media may contravene the National Law. This includes all forms of advertising including Facebook, websites and print, radio and television advertising.

If you advertise through social media you should carefully review content regularly to make sure that all material complies with your obligations under the National Law. You should not encourage patients to leave testimonials on the website that advertises your regulated health service, and any testimonials that are posted should be removed.

There are many opportunities for consumers or patients to express their views online that are not affected by the National Law restriction on testimonials in advertising. Patients can share views through their personal social media such as Facebook or Twitter, or on information-sharing websites or other online channels that do not involve using testimonials in advertising a regulated health service.

Occupational therapists are not responsible for removing or trying to remove unsolicited testimonials published on a website or on social media they do not control.

More information about using social media can be found in the [Social media policy](#).

Expressions of interest

From time to time vacancies for board, committee and panel positions are advertised on [AHPRA's website](#) and the [Board's website](#).

If you would like to receive notice of vacancies when they are advertised, please email [Statutory Appointments](#) from your preferred email address, advising which professions or roles you are interested in.

National Scheme news

2014/15 National Scheme annual report

AHPRA and the National Boards have released their 2014/15 [annual report](#) on the National Scheme, providing a comprehensive record of the operations of the National Scheme for the 12 months ending 30 June 2015.

The annual report provides a national snapshot of the work and finances of the National Scheme and is tabled in the parliaments of each state and territory and the Commonwealth.

AHPRA and the National Boards will also publish summaries of our work regulating health practitioners in every state and territory, and profession-specific profiles.

For more information, please read the [news item](#) on the AHPRA website.

Criminal history and English language skills registration standards have been revised

The registration standards for criminal history and English language skills have been revised following consultation and have been approved by the Australian Health Workforce Ministerial Council. Both registration standards took effect from 1 July 2015.

Criminal history

The new criminal history registration standard makes minor amendments to the old standard and is expected to have minimal impact on practitioners.

When a practitioner first applies for registration, the National Board requires the applicant to declare their criminal history in all countries, including Australia. All registered health practitioners must inform their National Board in writing within 7 days if they are:

- charged with an offence punishable by 12 months imprisonment or more, or
- convicted or found guilty of an offence, in Australia or another country, punishable by imprisonment.

When practitioners renew their registration they must disclose any changes to their criminal history.

English language skills

The new registration standard for English language skills applies to all applicants for initial registration, regardless of whether they qualified in Australia or overseas.

The new standard introduces additional pathways for applicants to demonstrate evidence of their English language skills.

The new standard was developed after a review of the existing standard, which included a public consultation. All National Boards, except the Aboriginal and Torres Strait Island Health Practice Board of Australia, consulted on and revised their English languages skills standard. The standards are now largely common across professions.

The registration standards are published on the [Board's website](#).

AHPRA joins Facebook

Earlier this year AHPRA joined Facebook as another means by which we can engage with the public and practitioners. We'll be sharing similar content on Facebook that we do on Twitter: news from AHPRA and the National Boards, along with photos from events and forums.

Visit our [Facebook](#) page.

AHPRA welcomes ministers' response to National Scheme review report

The Australian Health Workforce Ministerial Council met on 7 August 2015 at the COAG Health Council meeting to consider the final report of the independent review of the National Scheme.

The purpose of the independent review was to identify what is working well in the National Scheme and the opportunities to improve and strengthen the operation of the scheme to regulate health professions to protect the public.

Ministers expressed strong support for the work of the National Scheme, noted that it was now embedded in the health system and was among the most significant and effective reforms of health profession regulation in Australia and internationally.

More information about the review can be found on the [COAG Health Council](#) website and on [AHPRA's](#) website.

Keep in touch with the Board

- Visit our website for [news about the profession](#) and for [registration standards, codes, guidelines, policies and fact sheets](#).
- Lodge an [online enquiry form](#).
- For registration enquiries call 1300 419 495 (from within Australia).
- Address mail correspondence to: Julie Brayshaw, Presiding Member, Occupational Therapy Board of Australia, GPO Box 9958, Melbourne VIC 3001.