

7th October 2011

Australian Health Practitioner Regulation Agency
Occupational Therapy Board of Australia
otboardconsultation@ahpra.gov.au

Dear Sir/Madam

RE: Submission regarding proposed mandatory registration standards

On behalf of Occupational Therapy Australia, I welcome the consultation on the proposed mandatory registration standards for occupational therapists.

Occupational Therapy Australia is highly supportive of the work of the AHPRA Occupational Therapy Board of Australia and appreciates the opportunity to comment on the draft standards that will govern the profession.

The National Registration Standards document provides a sound foundation for National Registration. Occupational Therapy Australia is supportive of the breadth and scope of the draft document. Comments and points for further clarification are included in this submission below.

Please find enclosed the submission based on member feedback.

Do not hesitate to contact me if you require any further information.

Yours Sincerely,
Occupational Therapy Australia

A handwritten signature in black ink, appearing to read "Ronald J. Hunt", with a stylized flourish at the end.

Ron Hunt
Chief Executive Officer

AUSTRALIAN HEALTH PRACTITIONER REGULATION AGENCY

**A SUBMISSION PREPARED FOR THE CONSULTATION ON
PROPOSED MANDATORY REGISTRATION STANDARDS**

BY

OCCUPATIONAL THERAPY AUSTRALIA

The Peak Body Representing Occupational Therapists

7th October 2011

This submission was prepared on behalf of Occupational Therapy Australia by

Joy Pennock

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with special thanks to the all the occupational therapists who provided input

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1.0 INTRODUCTION

Occupational Therapy Australia is pleased to provide this submission to Australian Health Professions Regulation Agency and the Occupational Therapy Board of Australia on the Proposed Mandatory Registration Standards.

Occupational Therapy Australia is highly supportive of the work of the AHPRA Occupational Therapy Board of Australia and appreciates the opportunity to comment on the draft standards that will govern the profession.

The National Registration Standards document provides a sound foundation for National Registration. Occupational Therapy Australia is supportive of the breadth and scope of the draft document. Comments and points for further clarification are included in this submission below.

2.0 DEFINITIONS OF PRACTICE FOR THE PURPOSES OF REGISTRATION

Occupational Therapy Australia supports the “practice” paragraph under definitions on page seven. The definition includes a good scope of clinical and non clinical as well as both remunerated and non remunerated roles.

The skills of occupational therapists are sought after within health and related industries in a wide range of positions. Increasingly occupational therapists perform roles which have titles other than “occupational therapist” and many have secured positions which have been open to a range of professional groups. It is important that all occupational therapists, regardless of their work title, remain competent and safe in their practice, and are therefore, registered.

3.0 DRAFT MANDATORY REGISTRATION STANDARDS

3.1 Continuing Professional Development (CPD)

The CPD requirements outlined are clear and provide a good scope of relevant activities. The requirement for portfolio management is also clear.

Occupational Therapy Australia welcomes the proposal for the recording of professional development activities through the professional body (Occupational Therapy Australia) as noted on page 12 under the heading “Participating in a CPD program”.

This is consistent with our aim to support members in meeting their CPD needs and advancing the profession by encouraging lifelong learning and a commitment to linking contemporary evidence with practice.

3.1.1 Mix of CPD Activities

Occupational Therapy Australia supports the mix of formal and informal activities alongside engagement with the profession which provides a simple yet clear structure and encompasses a broad range of CPD activities.

We welcome the inclusion of recognition for engagement with the activities of the profession and allowing up to 20 hours of private study in meeting the CPD requirement.

Occupational Therapy Australia recommends the following:

1. **“Receiving supervision or mentoring” be included explicitly as a CPD activity.**
2. **The requirements allow for variations where occupational therapists desire to develop skills across a wide range of practice areas and not simply “in their practice area”. This breadth is particularly important for early career occupational therapists, generalists or others wishing to broaden their practice area(s) or learn from other areas of practice.**
3. **There is more flexibility in the proposed mix of CPD activities for for part-time workers, new registrants or those transitioning to meet these standards. The proposed mix of CPD**

categories seems reasonable and attainable for full-time workers, however this is only a percentage of the workforce.

4. **Formal learning activities (assessed/tertiary courses/competency-based workshops) be encouraged and weighted more heavily than informal learning activities (eg in-service education programs).**

3.1.2 Transition Requirements

The transition for most occupational therapists to demonstrate CPD requirements should be manageable in the proposed timeframe of 17 months. However, this may not be the case for occupational therapists who are not working at the commencement of national registration.

After that transition period passes, it might be difficult for some occupational therapists to comply with this standard at the time of registration. For example, occupational therapists who wish to return to work after an extended period out of the workforce, or who come from overseas, or who live in very remote locations.

Occupational Therapy Australia recommends that special provisions or allowances be available for persons who miss the initial transition period extension.

3.1.3 CPD Hours

Occupational Therapy Australia supports the 30 hour CPD minimum as appropriate and achievable given the scope of possible activities. The Association's CPD Programme currently requires members to complete 30 hours of CPD in all states except South Australia, where they are required to comply with their registration board standard of 20 hours.

It is a requirement of membership of Occupational Therapy Australia that all members undertake 30 hours of CPD per year. This universal CPD requirement has been introduced and will be complete in all jurisdictions by 1 January 2012. We support the 30 hours as the CPD standard and have already been encouraging members to meet this requirement within our own CPD Programme.

However, as other registered states and territories formerly had no stipulated CPD requirement or had a lower number of hours specified, further consideration and justification of CPD hour requirements is requested.

Member feedback has raised the following issues:

- It is assumed part time workers are required to achieve the same number of hours as full time workers who may have more access to leave, study support etc. It is recognised the focus for registration is on safety and competency to practice and this is the same regardless of hours worked. This is critical and supported by Occupational Therapy Australia. However, are there additional options available for part time workers, those returning from maternity leave or extenuating circumstance to ensure the requirements are both achievable and practical for these professionals?
- Occupational Therapists in South Australia are concerned that new the draft CPD standard mandates an increase in their current CPD requirement for registration.
- Members noted that 30 hours is less than some health professions and more than others, and that there is little consensus regarding the number of hours required internationally and within professions.
- There have been criticisms of an hours based system (as opposed to an outcome based system), therefore the reasoning behind the proposed system is requested.

Occupational Therapy Australia recommends that additional options or flexibility for part time workers, those returning from maternity leave or those experiencing extenuating circumstances be explored and considered.

It is recommended that AHPRA outline the rationale supporting the proposed CPD requirement of 30 hours.

3.1.4 Definitions

Occupational Therapy Australia requests clarification as to whether CPD is only considered CPD if it is “extra or additional” and for a clear definition of “accredited courses”.

Please confirm that a component of CPD can include activities which occur in day to day work for example planning and developing new services, researching the evidence, attending meetings relevant to professional development, where these activities have a “clear focus on developing and extending competence in the area of practice”.

3.1.5 Auditing and Record Keeping

Occupational Therapy Australia seeks clarification about whether occupational therapists would be audited based on their immediate previous year’s CPD activities, or whether they could be audited for the entire five year period.

3.2 Criminal History

Under South Australian registration standards, students are currently required to be registered and undertake criminal tests. They seem to be excluded from criminal history in the Draft National Registration Standards.

Occupational Therapy Australia recommends clarifying whether Australian entry level students will need to undertake criminal record checks in order to be registered.

3.3 English Language Skills

Occupational Therapy Australia supports the proposed English language skills standard.

3.4 Professional Indemnity Insurance

The proposed professional indemnity insurance standard (minimum \$5 million cover, run-off, retroactive) is considered reasonable and appropriate to the occupational therapy profession.

As the definition of occupational therapy practice includes occupational therapy work which is not remunerated, advice and education of occupational therapists about requirements for professional indemnity insurance may be beneficial as part of the roll out of National registration.

3.5 Recency of Practice

Occupational Therapy Australia believes that the proposed standard is, in the main, consistent with current expectations. Re-entry options need to offer flexibility to accommodate the individual needs of applicants. There are however, several issues which require clarification:

- Point two on page 34 requires clarification. It would be helpful for occupational therapists to know the basis upon which this discretion might be exercised. Confirmation about whether the issues outlined in point four form the basis of how this discretion is applied would assist in understanding how decisions are made.
- The issue of requesting occupational therapists to undertake examinations is complex. Further information is required about who would undertake this function and the process involved.
- Occupational Therapy Australia agrees that following a five year absence from occupational therapy practice some renewal of knowledge and skills is required. The requirement for the registration applicant to complete 30 hrs of CPD in the year prior to re-entering the workforce may not necessarily be adequate in determining an applicant’s competence to practice.
- The proposed standard does not clearly define recency of practice and does not include a minimum hour requirement for maintaining recency. Therefore, an occupational therapist who has spent half an hour with a client once every five years could be defined as “practicing” when this may not necessarily be sufficient in maintaining competence for the purposes of protecting the public.

- There is an error in point two on page 34 which states, “after an absence of five or more years,” which is in conflict with the five years stated previously. We believe it should say “an absence of more than 5 years.” This is repeated again in point three.

Occupational Therapy Australia recommends that:

- 1. The Board give consideration to how an assessment be made of the applicant’s competency to practice and whether an appropriate outcomes-based re-entry program be devised or approved.**
- 2. The basis for assessment be against the Australian Minimum Competency Standards for New Graduate Occupational Therapists.**
- 3. Review recency of practice requirements to have a minimum number of hours within the last five years. Lack of hour prescription may create a loophole of maintaining registration through practicing for minimal time periods during the five years.**
- 4. A process of provisional registration with supervision, or a mandatory supervision requirement for a period of time, upon returning to work be considered.**
- 5. AHPRA advise how the occupational therapy requirements compare to other registered professional groups.**

3.6 Draft Grandparenting Registration Standard

In the main, Occupational Therapy Australia supports the need for a grandparenting standard in the transition to National Registration. We agree that occupational therapists who are overseas trained must satisfactorily complete the assessment requirements as specified by the Occupational Therapy Council regardless of the length of time they have worked in Australia.

Occupational Therapy Australia strongly endorses the wider definition for the scope of occupational therapy practice that includes all occupational therapists regardless of the title or location of their positions. This position is based on a firm belief that occupational therapy-qualified persons are expected to uphold the values and skills of the profession wherever they work, and that the community would share this general expectation.

However, there is a possibility that there might be unqualified individuals seeking access to the profession through this clause.

Issues of entrustment come to the fore when there is a dependence on the authenticity of documents provided by applicants – as outlined in the draft document. We strongly support a rigorous process be used for the assessment of occupational therapy competencies.

The Grandparenting standards allow for people who have legitimately been practicing for five of the 10 years prior to 2012 to attain registration. Significant issues arise in the proposed standard that:

- require references about the applicant “attesting to their practice as a clinical occupational therapist” despite the fact that the definition of “practice” elsewhere includes non-clinical practice
- require references from two employers or supervisors (where perhaps the person was continuously employed and supervised by one person for the last 10 years). This unfairly disadvantages non-clinical occupational therapists in other states and unfairly disadvantages occupational therapists with continuous employment and supervision by a sole person.

Occupational Therapy Australia recommends the following:

- 1. Replace “attesting to their practice as a clinical occupational therapist” with “attesting to their practice as an occupational therapist”. Recommend to replace “two from either employers or supervisors” with “one from either employers or supervisors”.**
- 2. That the Board consider that any other applicants who are seeking registration through the grandfathering clause must have their competencies assessed against the Australian Minimum Competency Standards for New Graduate Occupational Therapists.**

4.0 ADDITIONAL COMMENTS AND ISSUES

4.1 Registration of Overseas Qualified Occupational Therapists

Occupational Therapy Australia will request that AHPRA clarify the registration process for overseas trained occupational therapists who are required to undertake the Occupational Therapy Council assessment and supervision process as these audits take significant time periods. Specifically, Occupational Therapy Australia would like further information about how and when these occupational therapists can register to practice.

Occupational Therapy Australia recommends that overseas qualified occupational therapists be granted temporary/partial/limited registration while they undertake a practice audit. In WA, this process works satisfactorily and strengthens the importance of registration in the occupational therapy community.

4.2 Visiting Presenters/Lecturers

In one registered State there has been a requirement that international speakers conducting professional development courses in Australia (not tertiary courses) require “special registration”.

This has been onerous and prohibitive in terms of bringing international experts to Australia. Occupational Therapy Australia does not support this approach and requests clarification on this matter and the definition of an “accredited/formal course.”

Occupational Therapy Australia supports in principle that there should be no requirement to register for short-term visiting academics and suggests that the definition of “short-term” needs to be defined as six weeks, for example. Alternatively, they could be granted partial registration for a time-limited period.

Where the visiting occupational therapists incorporate client involvement and demonstration into their teaching, then client safety may need to be considered.

4.3 Students

The expectations of students with regards to registration are unclear. Students are currently registered in some states and territories of Australia. For example students are required to be registered in South Australia currently and criminal record checks are undertaken. Students seem to be exempted from the criminal history section of the Draft National Registration Standards.

Occupational Therapy Australia recommends that the registration requirements for students in relation to undertaking criminal history checks be further clarified.

4.4 Impact of National Registration on Specific Areas of Practice

Current Registration Acts in some States are prescriptive with regards to some specific modalities leading to variations across Australia. There is a concern that National registration does not limit an occupational therapist’s ability to undertake specific procedures such as electric and thermal modalities and dry needling for example. It is the understanding of Occupational Therapy Australia that the Registration Act will not be prescriptive with regards to specific modalities and procedures.

Occupational Therapy Australia recommends that AHPRA clarify and consult regarding the impact of National registration on specific areas of practice should a prescriptive approach be taken.

5.0 CONCLUSION

Occupational Therapy Australia applauds the proposed mandatory registration standards and their acknowledgement of the diversity within the occupational therapy profession.

We commend the principles underpinning the standards and look forward to receiving the further clarification and detail requested in the recommendations made above.