



Consultation document

9 February 2012

Registration standard for specialist registration

Summary

This consultation paper seeks feedback on a proposed specialist registration standard for the podiatry specialty of podiatric surgery.

The proposed registration standard sets out the requirements that apply to an applicant for specialist registration as a podiatric surgeon. Following public consultation, the Board will finalise the specialist registration standard, taking into account the consultation comments, and submit the final standard to the Australian Health Workforce Ministerial Council (the Ministerial Council) for approval.

If you wish to provide comments on this draft registration standard, please provide written comments in electronic form, at podiatryconsultation@ahpra.gov.au by close of business on 5 April 2012

Background

The Podiatry Board of Australia (Board) has approval from the Australian Health Workforce Ministerial Council (Ministerial Council) for specialist registration for the podiatry specialty of podiatric surgery.

From 1 July 2010, the Board has been responsible for the registration and regulation of podiatrists and podiatric surgeons under the *Health Practitioner Regulation National Law Act* (the National Law), as in force in each state and territory.

Registration standards

Section 38 of the National Law empowers the Board to develop and recommend to the Ministerial Council registration standards about issues relevant to the eligibility of individuals for registration in the profession or the suitability of individuals to competently and safely practise the profession.

The Board has developed and consulted on a range of registration standards previously that have now been approved by the Ministerial Council. The approved standards can be accessed at www.podiatryboard.gov.au.

The Board has developed a registration standard for specialist registration to set out the requirements for specialist registration as a podiatric surgeon.

The National Law requires the Board to undertake wide-ranging consultation on proposed registration standards.

A link to the National Law is available at www.ahpra.gov.au under *Legislation and Publications*.

Relevant sections of the National Law are at Attachment A to this consultation document.

Submissions

Interested parties are invited to make written submissions on this draft registration standard for consideration before the Board submits the proposal to the Ministerial Council.

Submissions on the content of this consultation paper will be accepted up until close of business on **5 April 2012**. If you wish to provide comments on this proposal, please provide written comments in electronic form, at podiatryconsultation@ahpra.gov.au by close of business on this date.

Your submission will be published on the Board's website unless you request otherwise. The Board will not place on its website, or make available to the public, submissions that contain offensive or defamatory comments or those which are outside the scope of the reference. Before publication, the Board will remove personally-identifying information from submissions such as addresses and telephone numbers.

The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Board.

The Board also accepts submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the *Freedom of Information Act 1982* (Cth), which has provisions designed to protect personal information and information given in confidence.

Please advise if you do not want the publication of all or part of your submission. In the absence of such a request, submissions will be published on the Board's website.

Consultation document

The Board's statement of assessment against AHPRA's procedures for development of registration standards

The Australian Health Practitioner Regulation Agency (AHPRA) has developed *Procedures for the Development of Registration Standards* (the AHPRA procedures) which are published at www.ahpra.gov.au

The Podiatry Board of Australia has assessed its proposed specialist registration standard against the three elements outlined in the AHPRA procedures as follows:

1. The proposed registration standards take into account the objectives and guiding principles of the National Law (section 3).

Board assessment

The Board considers that its proposed registration standard for specialist registration as a podiatric surgeon meets the objectives and guiding principles of the National Law.

The proposed registration standard strikes an appropriate balance between protecting the public by ensuring that only practitioners who are suitably trained and qualified to practise the podiatry specialty of podiatric surgery in a competent and ethical manner are granted specialist registration; and the other objectives and guiding principles of the National Law including providing access to services and the continuous development of a flexible, responsive, and sustainable Australian health workforce.

2. The proposed registration standards meet the consultation requirements of the National Law.

Board assessment

The National Law requires wide-ranging consultation on proposed registration standards.

The Board is ensuring that there is public exposure of its proposal and the opportunity for public comment by undertaking an eight week public consultation process. This process includes the publication of the consultation paper and draft registration standard on the website. The Board will draw this paper to the attention of the 13 other National Boards, AHPRA, governments and the accreditation body for the podiatry profession and now submits it to the profession and the broader public for review and comment.

The Board will take into account the comments it receives when finalising its draft standards for submission to the Ministerial Council for approval.

3. The proposed registration standards take into account the COAG principles for best practice regulation

Board assessment

In developing the proposed registration standard on specialist registration for consultation, the Board has taken into account the Council of Australian Governments (COAG) Principles for Best Practice Regulation.

As an overall statement, the Board has taken care not to propose unnecessary regulatory burdens that would create unjustified costs for the profession or the community. The Board believes the proposed registration standard imposes a regulatory burden commensurate with the risks associated with the practice of podiatric surgery and that the approach is in the public interest.

The Board specifically addresses the four COAG principles as follows:

- a. The Board considered whether the proposed registration standard would result in unnecessary restriction of competition among health practitioners and decided that it did not. The registration standard sets appropriate and reasonable requirements for specialist registration as a podiatric surgeon to ensure that only practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered in the podiatry specialty of podiatric surgery.
- b. The Board considered whether the proposed registration standard could result in an unnecessary restriction of consumer choice and decided that rather than restricting consumer choice, the proposed standard will enable suitably qualified and trained podiatric surgeons to be granted specialist registration.
- c. The Board considered that the overall costs of the proposed registration standard to members of the public and/or registrants and/or governments are reasonable in relation to the benefits to be achieved. The requirements under the proposed registration standard for specialist registration as a podiatric surgeon are consistent with the objectives and guiding principles of the national registration and accreditation scheme and are appropriate to ensure that podiatric surgeons have the necessary qualities, knowledge and skill to practise the podiatry specialty of podiatric surgery. The proposed registration standard does not impose an additional cost burden.
- d. The Board has procedures in place to ensure that the registration standard remains relevant and effective over time. The standard will be reviewed within three years of its commencement.

Registration standard for specialist registration for the podiatry specialty of podiatric surgery

Authority

This registration standard (standard) has been developed by the Podiatry Board of Australia (the Board) under section 38 of the *Health Practitioner Regulation National Law Act* (National Law) as in force in each state and territory.

It will be recommended to the Australian Health Workforce Ministerial Council (the Ministerial Council) for approval at the completion of a wide-ranging consultation about its content. This section will then refer to the approval date, if granted, by the Ministerial Council.

Summary

The Board has approval from the Australian Health Workforce Ministerial Council (Ministerial Council) for specialist registration for the podiatry specialty of podiatric surgery.

The Board has developed this standard for specialist registration under Part 7, Division 2 of the National Law.

This standard sets out the requirements that a podiatrist must meet to be granted specialist registration to practise as a podiatric surgeon in Australia and the ongoing requirements to maintain specialist registration.

An applicant for specialist registration must be eligible for specialist registration; and have completed a minimum of two years full time (or equivalent) general podiatry practice in a clinical setting. An applicant must also meet the requirements for general registration as a podiatrist in Australia and any additional requirements for podiatric surgeons as specified in the Board's registration standards.

Practitioners may hold both general registration as a podiatrist and specialist registration as a podiatric surgeon. These practitioners will be listed on both the general and specialist register of the Podiatry Board of Australia and published on the National Register.

Practitioners may hold specialist registration as a podiatric surgeon without also holding general registration as a podiatrist. These practitioners will be listed on the specialist register of the Podiatry Board of Australia and will have a restricted scope of practice, limiting the practitioner to practice that is relevant to the scope of practice of podiatric surgery.

Scope of application

This standard applies to all applicants for specialist registration as a podiatric surgeon under Part 7, Division 2 of the National Law and to all applicants for renewal of specialist registration under Part 7, Division 9 of the National Law.

Requirements for initial registration

All applicants for specialist registration as a podiatric surgeon are required to:

1. Meet the eligibility requirements for specialist registration as defined in section 57 of the National Law.

2. Provide evidence of having completed a minimum of two years full time (or equivalent) general podiatry practice in a clinical setting. This general practice requirement may be achieved by experience outside Australia, subject to assessment and approval by the Board.
4. Meet the requirements for general registration as a podiatrist in Australia and any additional requirements for podiatric surgeons as specified in the Board's registration standards.
5. Submit the relevant application form for specialist registration with the required documentation as set out in the application form.
6. Provide any other information the Board may require under section 80 of the National Law to determine whether the applicant is a suitable person to hold specialist registration.

Period of registration

The Board will initially grant specialist registration for the period until the following 30 November. Thereafter, specialist registration may be renewed for a period of 12 months, with an expiry date of 30 November of each year.

Restricted scope of practice

A podiatric surgeon who holds specialist registration but does not hold general registration as a podiatrist will have a restricted scope of practice, limiting the practitioner to practise that is relevant to the scope of practice of podiatric surgery. This will be recorded on the National Register as a notation.

Requirements for renewal of specialist registration

Renewal of specialist registration will be subject to the practitioner meeting the following requirements:

1. Completion of an annual renewal form including a statement as required by section 109 of the National Law.
2. Demonstrated compliance with any conditions on registration.
3. Any additional investigation, information, examination or assessment required by the Board in accordance with section 80 of the National Law.

This standard will commence on [date]. The Board will review this standard at least every three (3) years.



Attachment A: Extracts from the *Health Practitioners Regulation National Law Act* (as in force in each state and territory)

57 Eligibility for specialist registration

- (1) An individual is eligible for specialist registration in a recognised specialty in a health profession if:
 - (a) the individual is qualified for registration in the specialty; and
 - (b) the individual has successfully completed—
 - (i) any period of supervised practice in the specialty required by an approved registration standard for the health profession; or
 - (ii) any examination or assessment required by an approved registration standard for the health profession to assess the individual's ability to competently and safely practise the specialty; and
 - (c) the individual is a suitable person to hold registration in the health profession; and
 - (d) the individual is not disqualified under this Law or a law of a co-regulatory jurisdiction from applying for registration, or being registered, in the specialty; and
 - (e) the individual meets any other requirements for registration stated in an approved registration standard for the specialty.
- (2) Without limiting subsection (1), the National Board may decide the individual is eligible for registration in the recognised specialty by imposing conditions on the registration under section 83.

58 Qualifications for specialist registration

An individual is qualified for specialist registration in a recognised specialty in a health profession if the individual:

- (a) holds an approved qualification for the specialty; or
- (b) holds another qualification the National Board established for the health profession considers to be substantially equivalent, or based on similar competencies, to an approved qualification for the specialty; or
- (c) holds a qualification, not referred to in paragraph (a) or (b), relevant to the specialty and has successfully completed an examination or other assessment required by the National Board for the purpose of registration in the specialty; or
- (d) the individual:
 - (i) holds a qualification, not referred to in paragraph (a) or (b), that under this Law or a corresponding prior Act qualified the individual for specialist registration (however described) in the specialty; and
 - (ii) was previously registered under this Law or the corresponding prior Act on the basis of holding that qualification for the specialty.

...

80 Boards' other powers before deciding application for registration

- (1) Before deciding an application for registration, a National Board may:
 - (a) investigate the applicant, including, for example, by asking an entity:
 - (i) to give the Board information about the applicant; or
 - (ii) to verify information or a document that relates to the applicant;Examples.
If the applicant is or has been registered by another registration authority, the National Board may ask the registration authority for information about the applicant's registration status.

The National Board may ask an entity that issued qualifications that the applicant believes qualifies the applicant for registration for confirmation that the qualification was issued to the applicant.

- (b) by written notice given to the applicant, require the applicant to give the Board, within a reasonable time stated in the notice, further information or a document the Board reasonably requires to decide the application; and
 - (c) by written notice given to the applicant, require the applicant to attend before the Board, within a reasonable time stated in the notice and at a reasonable place, to answer any questions of the Board relating to the application; and
 - (d) by written notice given to the applicant, require the applicant to undergo an examination or assessment, within a reasonable time stated in the notice and at a reasonable place, to assess the applicant's ability to practise the health profession in which registration is sought; and
 - (e) by written notice given to the applicant, require the applicant to undergo a health assessment, within a reasonable time stated in the notice and at a reasonable place.
- (2) The National Board may require the information or document referred to in subsection (1)(b) to be verified by a statutory declaration.
- (3) If the National Board requires an applicant to undertake an examination or assessment under subsection (1)(d) to assess the applicant's ability to practise the health profession:
- (a) the examination or assessment must be conducted by an accreditation authority for the health profession, unless the Board decides otherwise; and
 - (b) the National Agency may require the applicant to pay the relevant fee.
- (4) A notice under subsection (1)(d) or (e) must state:
- (a) the reason for the examination or assessment; and
 - (b) the name and qualifications of the person appointed by the National Board to conduct the examination or assessment; and
 - (c) the place where, and the day and time at which, the examination or assessment is to be conducted.
- (5) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with a requirement under subsection (1).

109 Annual statement

- (1) An application for renewal of registration must include or be accompanied by a statement that includes the following:
- (a) a declaration by the applicant that:
 - (i) the applicant does not have an impairment; and
 - (ii) the applicant has met any recency of practice requirements stated in an approved registration standard for the health profession; and
 - (iii) the applicant has completed the continuing professional development the applicant was required by an approved registration standard to undertake during the applicant's preceding period of registration; and
 - (iv) the applicant has not practised the health profession during the preceding period of registration without appropriate professional indemnity insurance arrangements being in place in relation to the applicant; and
 - (v) if the applicant's registration is renewed the applicant will not practise the health profession unless appropriate professional indemnity insurance arrangements are in place in relation to the applicant;

(b) details of any change in the applicant's criminal history that occurred during the applicant's preceding period of registration;

Note.

See the definition of criminal history which applies to offences in participating jurisdictions and elsewhere, including outside Australia.

(c) if the applicant's right to practise at a hospital or another facility at which health services are provided was withdrawn or restricted during the applicant's preceding period of registration because of the applicant's conduct, professional performance or health, details of the withdrawal or restriction of the right to practise;

(d) if the applicant's billing privileges were withdrawn or restricted under the *Medicare Australia Act 1973* of the Commonwealth during the applicant's preceding period of registration because of the applicant's conduct, professional performance or health, details of the withdrawal or restriction of the privileges;

(e) details of any complaint made about the applicant to a registration authority or another entity having functions relating to professional services provided by health practitioners or the regulation of health practitioners;

(f) any other information required by an approved registration standard.

(2) Subsection (1)(a)(ii), (iii) and (iv), (c) and (d) does not apply to an applicant who is applying for the renewal of non-practising registration.