

Consultation Document:

29 August 2012

Public consultation paper - Proposed options in relation to acupuncture for the podiatry profession

Important information:

The Podiatry Board of Australia (Board) is inviting submissions regarding the following proposed options in relation to acupuncture for the podiatry profession.

- **Option 1:** Develop podiatry specific Accreditation Standards and Registration Standard for endorsement for acupuncture
- **Option 2:** Not develop podiatry specific Accreditation Standards and Registration Standard for endorsement for acupuncture and offer an alternative process:
 - a. should a podiatrist or podiatric surgeon want to use the title 'acupuncturist' or claim to be a registered acupuncturist, then application for registration with the Chinese Medicine Board of Australia is recommended; and
 - b. review the decision in 3 years to assess the interest by podiatrists requesting the endorsement for acupuncture.

If you wish to provide comments on the options proposed in this paper in relation to acupuncture for the podiatry profession please provide written comments in electronic form to podiatryconsultation@ahpra.gov.au by close of business on 24 October 2012.

Background

The National Law

Under section 97 of the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law) a National Board may endorse the registration of a suitably qualified practitioner as being qualified to practise as an acupuncturist.

Section 97 of the National Law states:

- (1) A National Board may endorse the registration of a registered health practitioner registered by the Board as being qualified to practise as an acupuncturist if the practitioner:
 - (a) holds either of the following qualifications relevant to the endorsement:
 - (i) an approved qualification;
 - (ii) another qualification that, in the Board's opinion, is substantially equivalent to, or based on similar competencies to, an approved qualification; and
 - (b) complies with an approved registration standard relevant to the endorsement.
- (2) An endorsement under subsection (1) must state:
 - (a) that the registered health practitioner is entitled to use the title "acupuncturist"; and
 - (b) any conditions applicable to the practice of acupuncture by the registered health practitioner.

Offences in relation to the use of the title 'acupuncturist'

On 1 July 2012, Chinese medicine practitioners became part of the National Registration and Accreditation Scheme (the National Scheme). From 1 July 2012, the title 'acupuncturist' is restricted nationally to persons registered with the Chinese Medicine Board of Australia (CMBA) or to persons whose registration is endorsed by a National Board as being qualified to practise as an acupuncturist (section 113 of The National Law).

All podiatrists who wish to use the title 'acupuncturist' or claim to be registered acupuncturist or could reasonably be understood to induce a belief that they are an 'acupuncturist' will be required to be endorsed for acupuncture by the Podiatry Board of Australia or be registered with the Chinese Medicine Board of Australia (CMBA).

Who needs to be endorsed for acupuncture?

The practice of acupuncture is not in itself a protected practice and unless a practitioner wishes to use the title 'acupuncturist' or claim to be a registered acupuncturist or could reasonably be understood to induce a belief that they are an 'acupuncturist', it is not necessary to be endorsed for acupuncture or registered as an acupuncturist.

Under the National Law a podiatrist or podiatric surgeon who seeks to use the title 'acupuncturist' or claim to be a registered acupuncturist must have their registration endorsed for acupuncture (where a pathway exists) or be registered by the CMBA, even if the current education, training and experience of a practitioner means that s/he is competent to perform acupuncture.

Consultation with the profession

On behalf of six participating National Boards (Physiotherapy, Podiatry, Dental, Chiropractic, Osteopathy and Medicine), the Australian Physiotherapy Council (APC) was contracted by AHPRA to develop an accreditation standard that could be used to assess programs of study relevant to acupuncture. The APC undertook a broad public consultation on the proposed acupuncture accreditation standard.

In late 2011 the APC provided the participating National Boards with a Final Project Report, which was considered by the Board, together with the proposed accreditation standard.

The Board considered the general need and demand for podiatrists and podiatric surgeons to be endorsed for acupuncture and what would be involved for the Board to establish an endorsement for acupuncture for podiatry practitioners under the National Law.

The Board noted that:

- Podiatrists are currently trained and qualified to use needling techniques associated with musculoskeletal treatments in the management of podiatric conditions
- Unless a practitioner wishes to use the title 'acupuncturist' or claim to be a registered acupuncturist, it is not necessary to be endorsed for acupuncture or registered as an acupuncturist even if they perform acupuncture
- No podiatrists or podiatric surgeons transitioned from Victoria (which was the only jurisdiction to have a requirement for endorsement for acupuncture prior to 1 July 2010) into the endorsement for acupuncture under the National Law
- No programs of study transitioned as approved programs of study for the purpose of endorsement for acupuncture
- There has been little demand from the profession for endorsement for acupuncture by podiatrists or podiatric surgeons since the commencement of the national registration and accreditation scheme on 1 July 2010
- Under the National Law any health practitioner can apply to the CMBA to be registered as an acupuncturist if they have an approved qualification or they meet the CMBA's grandparenting requirements. The CMBA currently has a published list of courses required for registration as an acupuncturist. <http://www.chinesemedicineboard.gov.au/Accreditation.aspx>
- The standard of courses approved by the CMBA are at the same level as other previous (non-medical) Victorian health practitioner boards recognised for endorsement in that State (for example

the RMIT University, Division of Chinese Medicine Master of Applied Science (Acupuncture) by coursework - 3 years part-time). A podiatrist or podiatric surgeon seeking to be registered with the CMBA would need to pay an application fee; a registration fee; pay a renewal fee annually; and meet any requirements to maintain registration as an acupuncturist as set by the CMBA.

- Establishing a process for the Board to endorse suitably qualified podiatrists or podiatric surgeons for acupuncture would involve:
 - a) Australian and New Zealand Podiatry Accreditation Council (ANZPAC) reviewing the proposed accreditation standard developed by the APC; undertaking further consultation on the content of an accreditation standard that could be used to assess programs of study relevant to acupuncture for podiatrists; and submitting the accreditation standard for acupuncture to the Board for approval
 - b) The Board considering the accreditation standard for acupuncture and deciding whether or not to approve the standard
 - c) ANZPAC independently accrediting the courses for acupuncture against the approved accreditation standard and recommending them to the Board for consideration and approval;
 - d) The Board developing a Registration Standard for acupuncture endorsement.
 - e) The Board reviewing its Continuing Professional Development (CPD) registration standard to include additional CPD requirements for practitioners whose registration is endorsed for acupuncture.

The Board formed the view that on balance, having considered the above factors; the low demand for podiatrists seeking to use the title 'acupuncturist'; and the time-consuming and costly requirements for both ANZPAC and the Board to establish a separate process for acupuncture endorsement, that it would not establish an acupuncture endorsement pathway for the podiatry profession under the National Law.

The Board formed the view that from 1 July 2012 podiatrists and podiatric surgeons who wish to use the title 'acupuncturist' or claim to be a registered acupuncturist' should apply for registration with the Chinese Medicine Board of Australia as an acupuncturist.

However, before making a final decision the Board decided that it would consult with the profession on the following two options:

- **Option 1:** Develop podiatry specific Accreditation Standards and Registration Standard for endorsement for acupuncture
- **Option 2:** Not develop podiatry specific Accreditation Standards and Registration Standard for endorsement for acupuncture and offer an alternative process:
 - c. should a podiatrist or podiatric surgeon want to use the title 'acupuncturist' or claim to be a registered acupuncturist, then application for registration with the Chinese Medicine Board of Australia is recommended; and
 - d. review the decision in 3 years to assess the interest by podiatrists requesting the endorsement for acupuncture.

For the reasons outlined above, the Board's preferred option is Option 2.

Submissions

The Board is seeking feedback in relation to the options proposed in relation to acupuncture for the podiatry profession.

Submissions will be accepted up until close of business on **24 October 2012**. If you wish to provide comments on the proposed options, 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.