

Welcome to the Podiatry Board of Australia's April 2013 newsletter

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Review of registration standards, codes and guidelines – upcoming consultations

The Board's registration standards, guidelines and codes that have been in place since 1 July 2010 are being reviewed, along with those of other National Boards. We have begun consulting on these documents. The consultations will provide an opportunity for practitioners, the public and other stakeholders to provide feedback on these important documents for the profession and we encourage you and the community to have your say.

The documents will be released for consultation progressively. Consultation on the following codes, guidelines and policies closes on **Thursday 30 May 2013**:

- *Guidelines for advertising*
- *podiatry Code of conduct for registered health practitioners*
- *Mandatory notification guidelines, and*
- *draft Social media policy.*

You can find these under the [Current consultations](#) tab on the AHPRA website.

Other documents, including the Board's *Recency of practice registration standard*, *Continuing professional development registration standard* and guidelines and *Endorsement for scheduled medicines registration standard* and guidelines, will be published for consultation later in the year and you will be notified when they are released.

Endorsement for scheduled medicines

Under the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law), the Board may endorse the registration of a podiatrist or podiatric surgeon as being qualified to administer, obtain, possess, prescribe, sell, supply or use Schedule 2, 3, 4 or 8 medicines for the treatment of podiatric conditions, from the list of scheduled medicines approved by the Board (the **National Podiatry Scheduled Medicines List**).

The National Podiatry Scheduled Medicines List can be found at Appendix B to the Board's *Guidelines for endorsement for scheduled medicines*, under the [Policies, codes and guidelines](#) tab on our website. Having a recognised pathway for endorsement for scheduled medicines has been a great innovation for the podiatry profession, enabled by the National Registration and Accreditation Scheme (the National Scheme).

The endorsement of a practitioner's registration for scheduled medicines indicates the practitioner is **qualified** to use the medicines as specified in the endorsement but **does not authorise** the practitioner to do so. The authorisation is provided by the relevant drugs and poisons legislation in each state or territory, so if you have an endorsement for scheduled medicines you must comply with the legislation relating to scheduled medicines in each jurisdiction in which you practise the profession.

As part of the review of our standards and guidelines we are reviewing the *Endorsement for scheduled medicines registration standard* and guidelines and will be releasing these documents for public consultation later this year.

We have established a Scheduled Medicine Advisory Committee with members from a range of health disciplines to provide expert advice to the Board about scheduled medicines for the podiatry profession. The committee will also participate in our review of the requirements for endorsement for scheduled medicines.

Latest snapshot of registered workforce

In January the Board published its fourth set of data profiling Australia's podiatry workforce, including a number of statistical breakdowns about registrants. These include state/territory, age and gender by registration type.

The new data show there are 3,825 podiatrists registered in Australia, 81 of whom are non-practising. This total is an increase of 117 practitioners on the figures released in October 2012.

Podiatrists: state and territory by registration type

State	General	General and Specialist	Non-practising	Total	% By State
ACT	45		1	46	1.2%
NSW	952	4	9	965	25.23%
NT	14			14	0.37%
QLD	649	1	10	660	17.25%
SA	362	5	8	375	9.8%
TAS	91		1	92	2.41%
VIC	1,192	3	41	1,236	32.31%
WA	390	11	5	406	10.61%
Not Stated	24	1	6	31	0.81%
Total	3,719	25	81	3,825	

Podiatrists: age by registration type

Age Group	General	General and Specialist	Non-practising	Total	% By Age Group
21 - 25	417			417	10.9%
26 - 30	747		19	766	20.03%
31 - 35	576		17	593	15.5%
36 - 40	545	6	6	557	14.56%
41 - 45	473	5	14	492	12.86%
46 - 50	360	4	9	373	9.75%
51 - 55	287	6	6	299	7.82%
56 - 60	162	2	1	165	4.31%
61 - 65	74	1	2	77	2.01%
66 - 70	40		5	45	1.18%
71 - 75	15		1	16	0.42%
76 - 80	5			5	0.13%
81 - 85	8	1		9	0.24%
86 +	3		1	4	0.1%
Not Stated	7			7	0.18%
Total	3,719	25	81	3,825	

Find the Podiatry Board of Australia's registration statistics in the [About](#) section of our website.

Panel hearings

In the last edition of the newsletter we provided information on common notifications (complaints) and the assessment and investigation process.

As outlined, the Board has the power to take a range of actions at any time after receiving a notification, or after an investigation, one of which is to refer the matter to a health or performance and professional standards panel hearing. In this edition we outline the process relating to a performance and professional standards panel hearing. We will look at health panels in the next edition of the newsletter.

Performance and professional standards panel

The Board may establish a performance and professional standards panel if it decides it is necessary or appropriate to do so and believes that because of a notification, or for any other reason, that:

- the way a registered podiatrist or podiatric surgeon practises is, or may be, unsatisfactory, or
- the registered podiatrist or podiatric surgeon's professional conduct is, or may be, unsatisfactory.

Panel members

A performance and professional standards panel consists of at least three members, selected from a list of approved persons. At least half, but no more than two-thirds, of the members of the panel must be registered podiatry practitioners and at least one person must represent the community. A person may not be appointed to a panel if they have been involved in any proceedings relating to the matter that is the subject of the hearing.

Notice of hearing

The practitioner who is the subject of a performance and professional standards panel hearing is given notice of the hearing, which includes details about:

- the time and venue
- who may attend
- the nature of the hearing
- the matters to be considered, and
- the type of decision the panel may make at the end of the hearing.

Procedure of a panel

The National Law states that a panel may decide its own procedures, though it must observe the principles of natural justice.

Before the hearing, the panel is provided with a copy of all relevant information relating to the matter that is the subject of the hearing, including the information supplied by the person who made the notification (the notifier) and the practitioner, as well as other relevant information gathered by the investigator. The podiatry practitioner who is the

subject of the hearing will be given the same material as the panel, and will have the opportunity to read all the material and prepare a response before the hearing.

Panel hearings are informal and inquisitorial. The panel will interview the practitioner and in most cases will also interview the notifier. Practitioners and notifiers are interviewed separately and arrangements are made to prevent them meeting at the hearing.

At the start of the hearing, one of the panel members (usually the Chair) will introduce panel members, state the purpose of the hearing and explain the allegations to be considered. The Chair will also explain the procedures that will apply at the hearing. Before the practitioner is interviewed, the Chair will summarise for the practitioner the information provided by the notifier.

Practitioners are given sufficient opportunity to make submissions, but the panel is not required to give extensive time to arguments that it considers do not have merit or are irrelevant to the decision that the panel needs to make. During the hearing, the panel may decide it requires further information on a specific issue and it may need to adjourn to obtain this.

Referral to a tribunal

The performance and professional standards panel must stop hearing a matter and require the Board to refer the matter to a tribunal if:

- the practitioner who is the subject of the hearing asks the panel for the matter to be referred to the responsible tribunal
- the panel reasonably believes the evidence demonstrates the practitioner may have behaved in a way that constitutes professional misconduct, or
- the panel reasonably believes the evidence demonstrates the practitioner's registration may have been improperly obtained because the practitioner or someone else gave the Board information or a document that was false or misleading in a material way.

Presence of others at the hearing

Panel hearings are not open to the public and there are not usually witnesses at a panel hearing. Panels tend to rely on witness statements.

The National Law allows a practitioner to be accompanied by a legal practitioner or another person. The panel has the discretion to decide whether or not the legal representative or another person speaks for the practitioner at the hearing. The panel is likely to consider factors such as the practitioner's ability to participate in the process, the complexity of the material to be considered, the gravity of the allegations and the nature of the notification.

The practitioner and/or a representative of the practitioner cannot be present when the notifier is interviewed.

Decision of a panel

After hearing a matter about a podiatry practitioner, the performance and professional standards panel may decide that the practitioner has no case to answer and **no further action** is to be taken in relation to the matter. Alternatively, it can decide one or more of the following:

- the practitioner has behaved in a way that constitutes **unsatisfactory professional performance**
- the practitioner has behaved in a way that constitutes **unprofessional conduct**
- the matter must be referred to a responsible **tribunal**, or
- the matter must be referred to **another entity** for investigation or other action.

If the panel decides that a practitioner has behaved in a way that constitutes unsatisfactory professional performance or unprofessional conduct, it may decide to **impose conditions** on the registration of the practitioner, or **caution or reprimand** the practitioner, or both.

Notice about a panel's decision

The performance and professional standards panel must give notice of its decision to the Board as soon as possible after making the decision.

The Board must, within 30 days after the panel makes its decision, give written notice of the decision to both the practitioner who is the subject of the hearing and the notifier. The notice to the practitioner includes:

- the decision made by the panel
- the reasons for the decision
- advice that the practitioner may appeal against the decision
- information about how an application for appeal may be made, and
- the period within which the application must be made.

The Board has just concluded a recruitment campaign seeking experienced podiatrists and community members interested in being included on our list of approved persons for panel appointments.

Accountability and transparency in the National Scheme

Our commitment to transparency and accountability continues, with an expansion of the information published about legal issues and hearing decisions.

AHPRA has now published a list of [panel hearings](#) conducted since July 2010. Summaries have been provided

where there is educational and clinical value. These summaries are accessible from hyperlinks within the table. Practitioners' names are not published, consistent with the requirements of the National Law.

Published hearing decisions from adjudication bodies (other than panels) relating to complaints and notifications made about health practitioners or students are available on the [Austlii website](#). Some [summaries of tribunal decisions](#) are also provided, to help share information and guide practitioners.

AHPRA has published a series of legal practice notes to support the consistent understanding and application of the National Law by National Boards and AHPRA staff. These are available on the AHPRA website.

Searchable course database now online – an Australian first

A comprehensive, easily searchable national database of approved programs of study is now accessible through the [AHPRA website](#).

For the first time, potential students, practitioners, the public and education providers can conduct an easy online search to identify approved programs of study. This allows potential students to check courses to ensure that they will lead to registration with one of the National Boards.

Detailed information about individual programs of study, such as course length, approval dates and any conditions, is published in one place. It also means that education providers can check, in real time, any changes or updates to the approved programs of study that they are required to report on for student registration.

This new capability is another tangible example of the benefits of the National Scheme to all Australians.

The online service provides a single point of entry to important information that was previously scattered between states and territories. It is possible through the National Scheme because education programs for all professions are accredited nationally, allowing AHPRA to gather national data about accredited courses.

Podiatry programs among the searchable lists

The searchable database replaces previously published static lists for each profession and makes it easier and quicker to find important information about approved programs of study for the following professions: chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy and podiatry.

Searchable lists for Aboriginal and Torres Strait Islander health practice, Chinese medicine, medical radiation practice, occupational therapy and psychology will be available in the future. The approved and equivalent

programs of study for these professions continue to be available on the individual National Board accreditation pages on their websites.

Access the database at www.ahpra.gov.au/Education/Approved-Programs-of-Study.aspx.

Community Reference Group for the National Scheme

A new, national Community Reference Group is being established by AHPRA and the National Boards.

The Community Reference Group is designed to advise AHPRA and National Boards on ways in which community understanding and involvement in our work can be strengthened. This might include:

- strategies for promoting greater community response to consultations
- ways in which the national registers of practitioners can be more accessible and better understood, and
- strategies to build greater community understanding of how practitioner regulation works.

We will work with the Community Reference Group to agree on a set of priorities. This will build on the feedback received at the recent community forums held across Australia. The forums were a partnership with the Consumers Health Forum of Australia (CHF). They provided an opportunity for AHPRA and members of national and state boards to meet members of the public to explain how health practitioner regulation works and what it offers the community, and to get feedback on issues of concern. A webinar is planned for 2013 for interested members of the community in rural and remote areas. Further information will be available on [AHPRA](#) and [CHF](#) websites in coming months.

The Community Reference Group will complement the role of community members of the National Boards. The group will consist of members from the community who are not health practitioners or current/past members of a National Board or committee in the National Scheme.

In brief...

Update on accreditation

As you would be aware, the Australian and New Zealand Podiatry Accreditation Council (ANZPAC) is the accreditation authority responsible for accrediting education providers and programs of study for the podiatry profession. Following a recent review, which included broad public consultation, the Board has decided to continue to assign this role to ANZPAC for a period of five years from 1 July 2013.

Under the National Scheme, ANZPAC is also responsible for developing accreditation standards for entry level podiatry programs of study; programs of study relevant to an endorsement for scheduled medicines; and programs of study for the podiatry speciality of podiatric surgery.

National Board and AHPRA website accessibility

From now on, AHPRA will change the way it publishes web documents as part of its commitment to provide websites that are accessible to all users. This is in line with AHPRA's goal to achieve Level A compliance with the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG). This change in process is an important step in complying with the Disability Discrimination Act 1992 as well as supporting the goals of two of our Business Plan 2012/13 initiatives.

Wherever possible AHPRA and the National Boards will now publish documents as HTML pages rather than PDFs. Where this is not appropriate we will publish 'original format documents' alongside PDFs. In most cases this will be the Word document, Excel spreadsheet or Powerpoint presentation used to create the PDF.

Website and email for important information

The best way to stay in touch with news and updates from the Board is to regularly visit our website,

www.podiatryboard.gov.au, and to make sure AHPRA has your up-to-date contact details. Accurate email details are particularly vital to the Board and AHPRA being able to contact you rapidly with important information. Remember to:

- update your contact details with AHPRA if your email address changes when, for example, you move jobs or internet service providers, and
- ensure that the email address you provide will not reject Board correspondence as spam.

Contacting the Board

- The Podiatry Board of Australia and AHPRA can be contacted by telephone on 1300 419 495.
- More information on the Board is available at www.podiatryboard.gov.au and more information on AHPRA is available at www.ahpra.gov.au.
- An online enquiry form is available on both websites under *Contact us*.
- Mail correspondence can be addressed to: Cathy Loughry, Chair, Podiatry Board of Australia, GPO Box 9958, Melbourne VIC 3001.

