



### Members of the Board

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Dr Robert Bailey <i>Deputy Chairperson</i>	Ms Sherri Lucas <i>Legal Representative</i>
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Dr Patrick Shwaluk	
Dr Richard Singer	

### From the Chairperson

Welcome to this edition of the Chiropractors Board of Queensland Newsletter. Registration of chiropractors in Queensland has attained a record high, with 703 registrants being reached in April 2007.

The Board has been busy in the period since the last newsletter with meetings undertaken with the Chiropractors Association of Australia (Queensland) (CAAQ) to improve liaison between the Board and the profession, meetings with Chiropractors Association of Australia (National) and universities in Queensland regarding the development of a chiropractic programme in Queensland, disciplinary proceedings against both registrants and non-registrants, the final round of submissions regarding recency of practice and many other matters, including national registration and monthly Board meetings.

At the meeting held between the Board and the Executive of the CAAQ, it was agreed that the Board would provide a regular article for *Hands-On* magazine as well as hold an annual meeting with CAAQ Executive. Other matters discussed were the Board's *Practice Guidelines*, recency of practice, complaints handling processes, improved exchange of information and an explanation of Board policies.

With the impending implementation of recency of practice, the Board is of the opinion that it is obliged to assist in providing some means for registrants to fulfil their recency of practice requirements. To this end, you will find a survey in this newsletter to gauge topics you would like to see the Board facilitate for your continuing professional development (CPD). The Board is cognisant of the need for CPD to be provided both regionally and cost effectively and will look at facilitating seminar providers to provide CPD on its behalf and/or developing its own CPD processes.

In relation to disciplinary matters, the Board has unsuccessfully attempted to prosecute a person in Queensland for using the restricted title of Chiropractor, which by law is a reserved title only to be utilised by registered Chiropractors under the *Chiropractors Registration Act 2001*. The Board will consider advice on its legal options as it believes that the Magistrate's decision may create a precedent in relation to this matter.

All registered chiropractors in Queensland should be aware of the requirements of the Board's *Practice Guidelines* endorsed in April 2006 and released later that year. Copies have been included in a CD-rom sent out to all registrants.

I hope you find this edition of the Board's newsletter informative and remember that the Board's *Practice Guidelines*, policies and past editions of this newsletter are available on the Board's website.

Dr Mark McEwan  
Chairperson

### Renewal of registration

#### Do you want to continue practising as a chiropractor from 1 July 2007?

Renewal of registration will be conducted during May-June 2007. A renewal notice has been sent to all registrants to the current address on the register which is the same address to which this newsletter was sent. The renewal form will be available on the Board's website: [www.chiroboard.qld.gov.au](http://www.chiroboard.qld.gov.au) at the beginning of May each year.

These forms must be completed and RECEIVED BY THE OFFICE BY 30 JUNE 2007. Failure to renew by 30 June results in:

- a registrant having to apply for restoration to the register;
- restoration to the register incurs an additional fee; and
- the registrant has a "gap" in their registration from 30 June until the date of restoration.

**REMINDER:** Registrants must complete the mandatory disclosure on the renewal of registration form stating whether they suffer from any ongoing medical condition, of which they are aware, or know or ought reasonably to know adversely affects their ability to competently and safely practise the profession. If such a condition is notified to the Board, registration is renewed, but the Board may deal with the matter under Part 7 of the *Health Practitioners (Professional Standards) Act 1999* which relates to the management of impaired registrants.

If you wish to check on your registration status, you can visit the Board's web site ([www.chiroboard.qld.gov.au](http://www.chiroboard.qld.gov.au)). If you are currently registered, your registration dates will appear on the public access register as 1 July 2007 to 30 June 2008. If further information is required, please direct enquiries to [renewals@healthregboards.qld.gov.au](mailto:renewals@healthregboards.qld.gov.au) or telephone (07) 3235 4179.

If you do not renew your registration by 30 June 2007 but do wish to be registered in Queensland, you can apply to restore to the Register up until 30 September 2007. Your registration

date will change to the date from which you restored and a further fee will be required.

## Mandatory disclosure notice - renewal of registration

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The Board must be satisfied that registrants' state of health is such that the registrant is capable of carrying out the duties of a chiropractor without endangering patients.

If such a condition is notified to the Board, registration is renewed, and the Board may deal with the matter under Part 7 of the Health Practitioners (Professional Standards) Act 1999 which provides for the management of such registrants.

*The Health Practitioners (Professional Standards) Act 1999 defines impairment to mean that the registrant has a physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the registrant's physical or mental capacity to perform the registrant's profession and includes substance abuse or dependence.*

Sometimes, the quality of health care may suffer if a chiropractor is unwell. The Board has access to a Health Assessment and Monitoring Program to deal with issues of practitioner health.

With mutual agreement and co-operation, registrants and the Board can work together as partners in rehabilitation. The Board wishes that there be an atmosphere of self declaration by registrants.

Further information can be obtained by contacting the Health Assessment and Monitoring Program on telephone 32340183.

## Recency of practice

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The introduction in April 2008 of recency of practice requirements of Queensland's 38,000 registered health practitioners is on schedule following a second round of consultation on the issue.

The consultation process has been staged deliberately over some years to allow practitioners in the regulated health professions an opportunity to identify and undertake appropriate continuing professional education.

For the same reason, the requirement will not be introduced before next year's annual registration renewal period for general registrants, from 30 April to 30 June 2008. This will provide a further 14 months for practitioners to undertake appropriate education to meet requirements.

The Boards are seeking to introduce a requirement that every practitioner who applies for registration or to renew registration must, at the time of application, be able to show that they have practised their profession - while registered - within the last five years. Practitioners who have graduated within the last 12 months will not need to show recent practice.

Practitioners who cannot meet this requirement will be required to remedy this by undertaking activity such as an examination, a return to practice course, continuing professional development and/or accepting conditions on practice before registration will be granted.

By introducing recency of practice requirements, each Board is acting to fulfill its duty under its respective Registration Act - to ensure safe and competent practice by registrants and to maintain the public's confidence in the profession.

In February 2005, Queensland's 13 health practitioner registration Boards released a discussion paper on the issue of recency of practice for feedback to help develop a draft policy.

Feedback on the discussion paper was collated and distributed, with the draft policy, for consultation from November 2006 to end January 2007.

The Boards are now reviewing information provided by members of the 18 regulated health professions, professional associations and the community. This second round of feedback will inform the final recency of practice policy which will be referred to Queensland Health to develop into a Regulation.

Information on recency of practice can be viewed at individual Board websites by choosing the relevant Board at [www.healthregboards.qld.gov.au](http://www.healthregboards.qld.gov.au).

**\*\*Note:** There are 18 health professions regulated in Queensland by 13 registration Boards. They are chiropractors, dental (comprising dentists, dental auxiliaries and dental specialists), dental technicians, dental prosthetists (regulated by the Dental Technicians and Dental Prosthetists Board), medical, medical radiation technology (comprising medical imaging technology, nuclear medicine technology and radiation therapy), occupational therapists, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists, psychologists and speech pathologists.

## National registration

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On 14 July 2006 the Council of Australian Governments (COAG) agreed that, to facilitate workforce mobility, improve safety and quality and reduce red tape, a single national registration and accreditation scheme for health professionals, beginning with nine professions currently registered in all Australian jurisdictions, would be established by 1 July 2008. The nine professions are: chiropractors, dental care, medicine, nursing, optometry, osteopathy, pharmacy, physiotherapy and psychology. The Board has provided submissions to the COAG Health Working Group and it is anticipated that the final model will be announced within the next few months.

## Council on Chiropractic Education Australasia / Overseas Trained Chiropractors

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The Board is a full member of the Council on Chiropractic Education Australasia, which assesses the competency of chiropractors trained outside Australia and New Zealand.



Practice owners considering employing chiropractors trained outside Australia and New Zealand should be aware that the competency of these chiropractors must be assessed before applying for registration.

Competency assessments, held at Macquarie University, Sydney and the Royal Melbourne Institute of Technology, are scheduled each year in:

- February (Sydney);
- May (Melbourne);
- July (Sydney); and
- November (Melbourne).

To learn more about assessments, visit the Council on Chiropractic Education Australasia's website [www.ccea.com.au](http://www.ccea.com.au).

### Implications of practising without registration

A chiropractor who fails to pay the renewal fee is, in accordance with legislation, "holding out" and/or "claiming" to be a chiropractor and is in breach of the *Chiropractors Registration Act 2001*. The title "chiropractor" is a restricted title under the *Act* and a person must be registered to use the title. The maximum penalty for using a restricted title is 1000 penalty units which is equivalent to \$75,000.00.

The *Act* also provides for persons performing spinal manipulation without registration, stating:

- (1) A person who is not a registrant, medical practitioner, osteopath or physiotherapist must not, in the course of providing a health service, perform spinal manipulation on a person.

Maximum penalty -1000 penalty units (\$75,000.00).

- (2) This section does not prohibit spinal manipulation on a person by a student, under the immediate personal supervision of a registrant, medical practitioner, osteopath or physiotherapist, in the course of the student's training and instruction for a qualification as a chiropractor, medical practitioner, osteopath or physiotherapist.

- (3) In this section -

**osteopath** means a person registered under the *Osteopaths Registration Act 2001*.

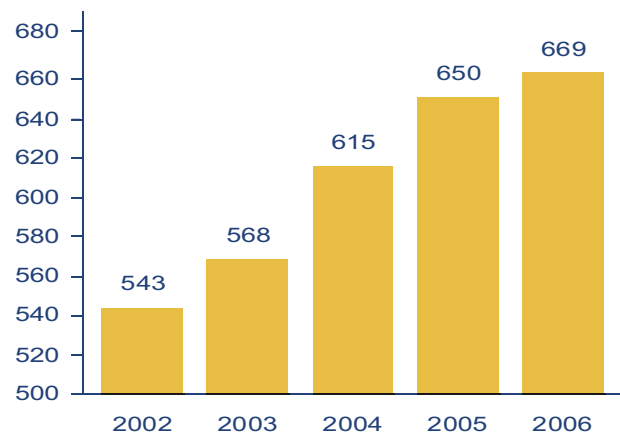
**physiotherapist** means a person registered under the *Physiotherapists Registration Act 2001*.

**spinal manipulation** means the high velocity application of force to a person's body that affects a joint, or group of joints, of the person's spinal column.

### Growth in registrant numbers

As reported in the Board's *2005-2006 Annual Report*, the profession is growing slowly in Queensland. The following bar graph shows the increase in registrant numbers since the Board's inception in April 2002.

As at 30 June 2006, the register contained 669 names, representing a net increase of 19 (approximately 2.9%) over the 30 June 2005 figure. The 669 registrants comprised 665 general registrants and four provisional general registrants.



During the 2005-06 year, 72 new registrations were processed by the Board. These comprised 59 new registrants and 13 former registrants who were restored to the Register.

Of the 59 new registrants, 26 (approximately 44%) were processed under mutual recognition legislation. All 26 mutual recognition registrants lodged registration notices pursuant to the provisions of the *Mutual Recognition (Queensland) Act 1992* on the basis of holding current registration as a chiropractor in another Australian State or Territory. During the reporting year the Board did not receive any notices pursuant to the provisions of the *Trans-Tasman Mutual Recognition (Queensland) Act 2003* on the basis of persons holding current registration as a chiropractor in New Zealand.

An analysis of the registration database as at 30 June 2006 provides the following information.

#### Gender

71% of registrants were male and 29% of registrants were female.

#### Age groupings

Age grouping	% of registrants
Under 25 years	1%
25 - 34 years	32%
35 - 44 years	24%
45 - 54 years	20%
55 years and over	23%
<b>Total</b>	<b>100%</b>

#### Geographical distribution

- 68% of registrants gave their addresses on the register as within south east Queensland (postcodes 4000 to 4399 and 4500 to 4581), comprising 23% within Brisbane and 45% elsewhere in south east Queensland;



- 18% of registrants had Queensland addresses outside south east Queensland; and
- 14% of registrants had addresses outside Queensland.

The geographical statistics are based on an analysis of postcode addresses of the registrants as shown on the register. In some cases the register address differs from the practice address of a registrant. Registrants with addresses outside Queensland have chosen to retain Queensland registration even though, in most cases, they do not practise their profession in Queensland currently.

### Complaints, investigations and disciplinary action

Chiropractors had the highest proportion of complaints to practitioner numbers (22 complaints to 669 registrants) of the 13 registered health professions.

Of a total 583 complaints involving Queensland's 37,912 health practitioners, 22 or almost 4% related to chiropractors.

Nineteen of the 22 complaints were received under the *Health Practitioners (Professional Standards) Act 1999*, of which nine were referred to the Health Quality and Complaints Commission for consideration; four were investigated; two continued to be assessed; and four were dealt with under the *Chiropractors Registration Act 2001*.

Three of the 22 complaints were received under the Registration Act. One matter was heard by the Magistrates Court and the Magistrate dismissed the charges. The Board will consider advice on its legal options.

Of the other two complaints, one was dealt with by correspondence and the other is still under assessment.

Of the four complaints received under the Professional Standards Act and processed under the Registration Act, two were managed with warnings by correspondence, one registrant was issued a 'show cause notice' why he should not be prosecuted for breaching the Act and one was sent for investigation.

Of four investigations conducted under the Professional Standards Act, three were found to provide grounds for disciplinary proceedings. The matters involved incorrect treatment (1), inappropriate professional conduct (1) and a sexual relationship (1).

At the close of the reporting period, two matters were progressing before an independent Professional Conduct Review Panel and one was proceeding before the independent Health Practitioners Tribunal.

### Mandatory notifications to the board

Registrants are required by provisions in the *Chiropractors Registration Act 2001* to notify the Board of the following occurrences:

- change of address (within 21 days);
- change of name (within 21 days);
- withdrawal or cancellation of the qualification relied upon for registration (within 21 days);
- conviction of an indictable offence (within 30 days);
- being a party to proceedings in court claiming damages or compensation for alleged negligence in the practice of the profession and in which either a judgment has been delivered or there has been a settlement of the proceedings or part of the proceedings (within 30 days); and
- if registered under a corresponding law (interstate or overseas) and registration, licence or certification under that law is affected by disciplinary action or is otherwise cancelled, suspended or made subject to a condition or an undertaking (within 30 days).

### Office contacts

Office of Health Practitioner Registration Boards  
Level 19, 'Forestry House'  
160 Mary Street  
BRISBANE QLD 4000.

Executive Officer  
Chiropractors Board of Queensland  
GPO Box 2438  
BRISBANE QLD 4001

Phone : 07 3225 2532  
Fax : 07 3225 2527  
Email : [chiropractic@healthregboards.qld.gov.au](mailto:chiropractic@healthregboards.qld.gov.au)  
Website : [www.chiroboard.qld.gov.au](http://www.chiroboard.qld.gov.au)

**Complaints and investigations:**  
07 3234 0187

**Health assessment and monitoring:**  
07 3234 0183

