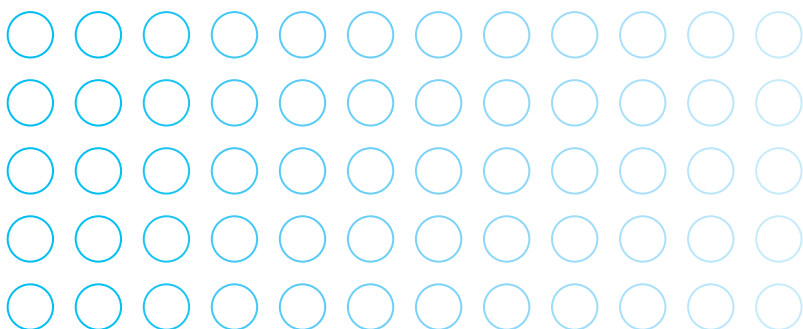


NSW Physiotherapists Registration Board

GETTING TO KNOW THE PHYSIOTHERAPISTS ACT 2001



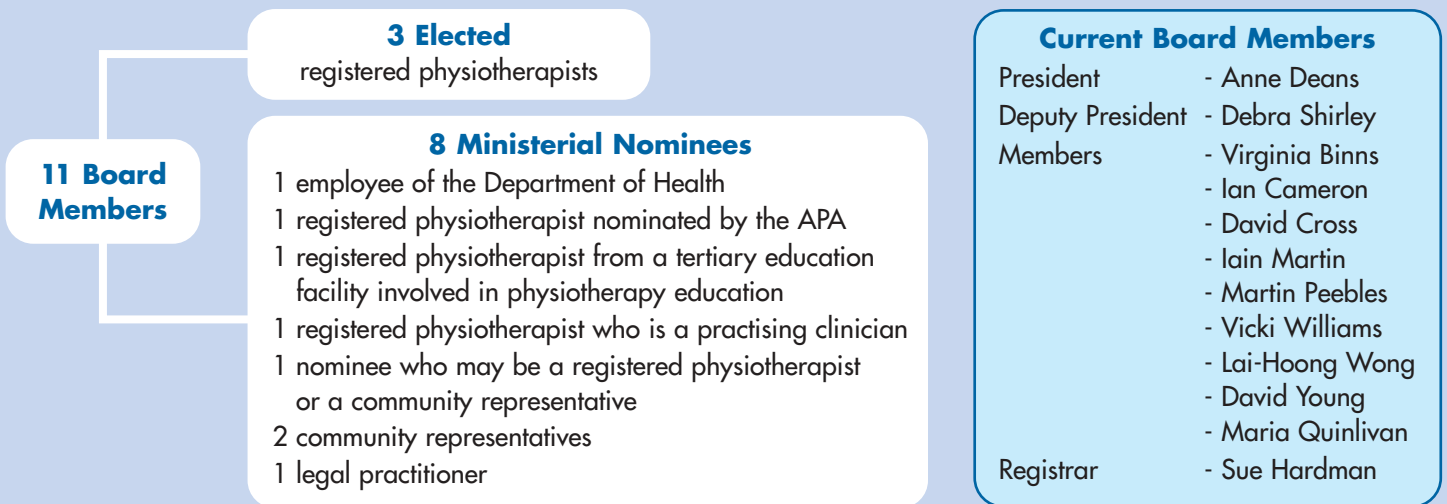
Any legislation registering or regulating health professionals is about protection of the public. This includes the NSW Physiotherapists Act 2001.

- Get to know**
- The Board
 - Registrant Responsibilities
 - The Act

GET TO KNOW THE NSW PHYSIOTHERAPISTS REGISTRATION BOARD

Who is on the Board?

The Act sets out the composition of the Board which is summarised below:



The Board sits within the Health Professional Registration Boards (HPRB) branch of the NSW Department of Health and is supported by staff from this branch, including the Board's Registrar.

What does the Board do?

The Board is responsible for administering the Act which involves:

- * Registering physiotherapists who can demonstrate proper qualification, competence and good character.
- * Regulating the physiotherapy profession in the interest of public safety.
- * Promoting standards of physiotherapy practice, including management and disbursement of funds in the education and research account.
- * Maintaining standards of physiotherapy practice, including the conduct of investigations as required and

implementation of appropriate disciplinary processes.

- * Advising the Minister on the registration of physiotherapists, standards of physiotherapy practice and other matters related to the Act or regulations.
- * Providing relevant information to physiotherapists, consumers and other interested parties.

In fulfilling these functions the Board:

- * Undertakes strategic planning every January and meets monthly throughout the year.
- * Establishes committees or working parties to deal with specific functions or issues in addition to work undertaken by individual Board members between meetings.
- * Regularly relates to other NSW Health Professional Registration Boards, inter-state Physiotherapy Registration Boards and Australian Council of Physiotherapy Regulating Authorities Inc (ACOPRA).

GET TO KNOW YOUR RESPONSIBILITIES AS A NSW REGISTERED PHYSIOTHERAPIST

Current Registration

Physiotherapists practising in New South Wales must maintain current registration.

The Act requires physiotherapists to provide a written return to the Board by the set return date (30 October) each year in a form approved by the Board and to pay an annual registration fee. While the Board routinely mails out forms each year *it is the responsibility of each physiotherapist* to follow up if the forms are not received and to properly complete the forms and submit them with payments to the Board.

Physiotherapists who practise without registration and others holding themselves out to be a physiotherapist are subject to prosecution under the NSW Physiotherapists Act 2001.

Physiotherapists who practise without registration may not be covered by their professional indemnity insurer nor are they eligible to receive payments from third party compensation schemes and health funds.

Registration provides assurance that safeguards are in place to protect the health and safety of the community.

Properly Informing the Board

The Act requires physiotherapists to provide the Board with certain information including:

- * Notice of change of mailing address or other contact details.

- * Notice if a physiotherapist becomes a mentally incapacitated person.
- * Written notification within 7 days of any convictions, criminal findings and charges.
- * Notice of refusal of registration in other jurisdictions.

Sufficient information is required of new applicants to assist the Board in determining that the physiotherapist is properly qualified, competent and of good character.

Professional Conduct

A physiotherapist demonstrating lack of knowledge, judgement, skill or care in the practise of physiotherapy may be considered to be engaging in unsatisfactory professional conduct.

The Act requires action by the Board against a physiotherapist in the event of unsatisfactory or unprofessional conduct. Physiotherapists registered in NSW must observe a code of professional conduct where required by the Board.

Maintaining Standards

Physiotherapists in NSW must maintain standards of practice through regularly updating professional knowledge and skills.

Annual returns for registration in NSW require physiotherapists to include details of any professional education undertaken during the past year.

GET TO KNOW THE NSW PHYSIOTHERAPISTS ACT 2001

The Physiotherapists Act 2001 commenced on 1 December 2002 replacing the 1945 Act and its amendments.

The object of this Act is to protect the health and safety of members of the public by providing mechanisms to ensure that physiotherapists are fit to practise.

Title Restriction

Title restriction in the Act is the first step towards public protection. Only registered physiotherapists can use the titles 'physiotherapist' or 'physical therapist'. Anyone else claiming to be a physiotherapist, billing for physiotherapy services or using any word, symbols or description to imply that a person is a physiotherapist may be prosecuted.

Restricted Health Care Practices

While the Physiotherapists Act 2001 does not define or restrict physiotherapy practice, the *Public Health Act 1991* restricts health care practices that are potentially dangerous including:

Spinal manipulation - restricted to chiropractors, medical practitioners, osteopaths and physiotherapists.

Prescribed electro-physical treatments (ie shortwave and microwave diathermy and interferential treatment) - restricted to chiropractors, medical practitioners, osteopaths, physiotherapists and podiatrists.

Competence

New in this Act is a requirement that only competent people may be registered. Competence is defined as follows:

'... a person is competent to practise physiotherapy only if the person has sufficient physical capacity, mental capacity and skill to practise physiotherapy and has sufficient communication skills for the practise of physiotherapy, including an adequate command of the English language.'

Impairment

Also new in this Act are impaired practitioner provisions which allow the Board to support and manage a practitioner whose practise is compromised by physical or mental illness, including addiction to alcohol or other drugs.

The impairment mechanisms are separate to complaints and disciplinary systems, although impairment may lead to a complaint about a practitioner.

Complaints

Complaints may be made about the services provided by a registered physiotherapist or the professional conduct of a registered physiotherapist. Complaints, the investigative processes and the disciplinary systems are managed co-operatively by the Registration Board and the *Health Care Complaints Commission (HCCC)*. The HCCC operates under the *Health Care Complaints Act 1993*. All complaints lodged either with the Board or HCCC are reviewed by a *Complaints Screening Committee* including three Registration Board members and HCCC representation.

Serious complaints must be investigated by the HCCC and depending on the findings may be prosecuted before the *Physiotherapists Tribunal*. The Tribunal is chaired by a senior legal practitioner and includes three other members - two physiotherapists and one consumer representative.

Disciplinary measures for serious complaints include suspension or cancellation of registration. Given the nature of these sanctions Tribunal inquiries are conducted with a high degree of formality with the physiotherapist and the HCCC both entitled to representation by legal counsel.

Less serious complaints may be considered by the Registration Board. These complaints may also be examined by a *Physiotherapy Standards Advisory Committee (PSAC)* prior to Board consideration of the complaint. PSAC comprises 3 physiotherapists other than Registration Board members and a consumer. PSAC reviews and Board inquiries involve less formality than the inquiry processes for serious complaints and legal representation is generally not allowed.

All the available sanctions are designed to support the Act's primary objective of protection of the public rather than punish physiotherapists. The sanctions are also instructive as to what constitutes appropriate professional conduct by physiotherapists.

Education and Research

The Act provides for an education and research fund available to the Registration Board to facilitate

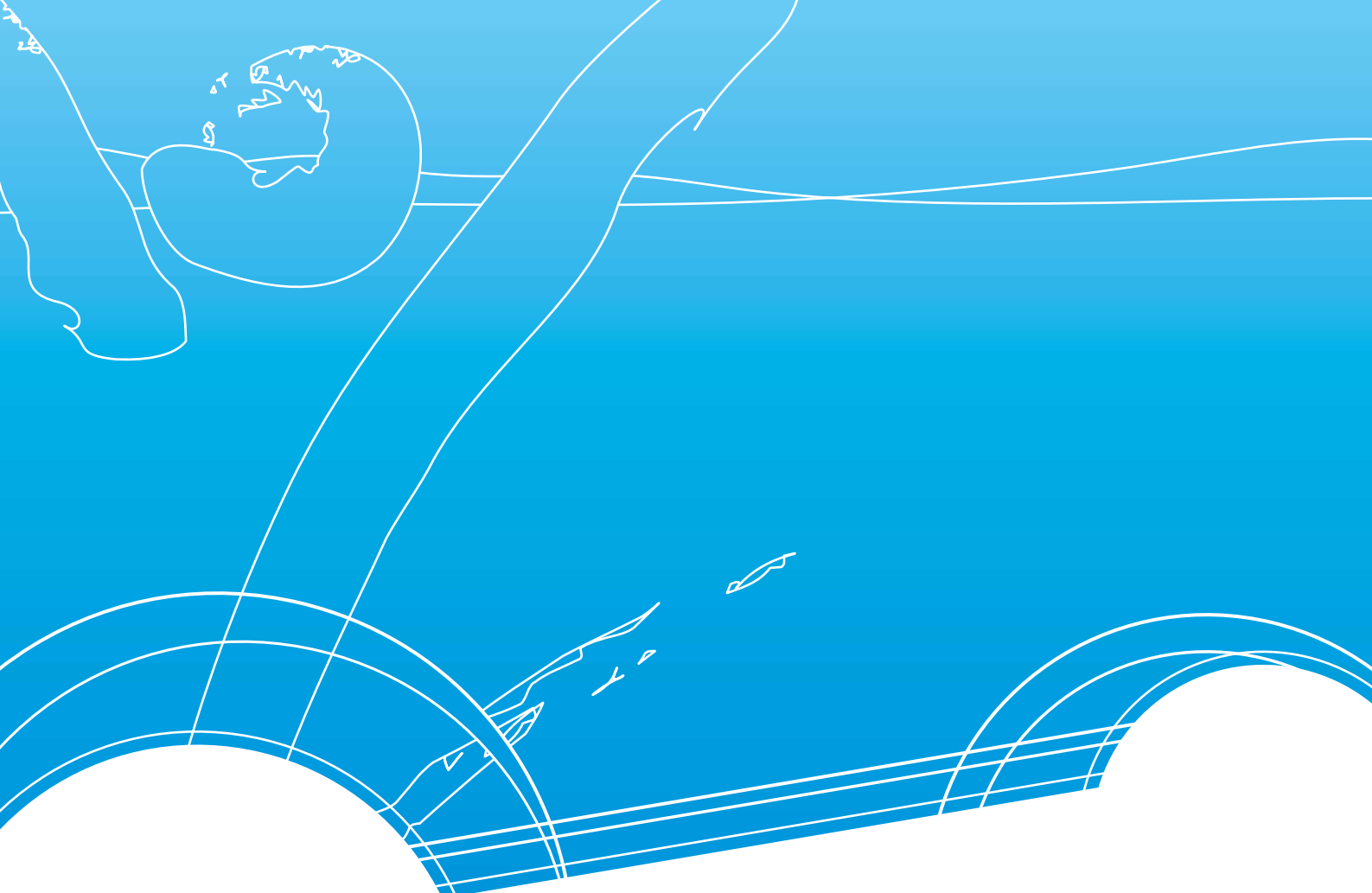
research into safe physiotherapy practice and to initiate educative activities in support of protecting the public.

Copies of the NSW Physiotherapists Act 2001 can be obtained from: Government Information Bookshop
Ground Floor, Goodsell Building
Chifley Square, 8-12 Hunter Street
Sydney NSW 2000
Phone: (02) 9238 0950
Toll Free: 1800 463 955

Other legislation with implications for physiotherapists or referring to the Physiotherapists Act 2001 and regulations include:

- * Public Health Act 1991
- * Public Sector Employment & Management Act 2001
- * Health Administration Act 1982
- * Health Care Complaints Act 1993
- * Interpretation Act 1987
- * Law Enforcement (Powers & Responsibilities) Act 2002
- * Occupational Health & Safety Act 2000
- * Health Records & Information Privacy Act 2002
- * Other Health Profession Registration Acts

The object of this Act is to protect the health and safety of members of the public by providing mechanisms to ensure that physiotherapists are fit to practise.



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