

## Temporary Registration

**THERE ARE SOME PHYSIOTHERAPISTS AND EMPLOYERS WHO APPEAR TO BE UNDER THE IMPRESSION THAT TEMPORARY REGISTRATION IS A CATEGORY THAT CAN BE GRANTED PRIOR TO THE RECEIPT OF FULL REGISTRATION. THIS IS NOT THE CASE.**

Temporary registration is available only to either visiting students undertaking postgraduate study at either Auckland University of Technology or the University of Otago or visiting presenters running short-term physiotherapy courses.

Applicants must be temporary visitors to New Zealand. Permanent Residents are not eligible. Temporary Registration, if granted, is restricted to a specified activity, e.g. a course, a specified place, e.g. AUT and a specified duration, normally 12 months or less.

### **WHAT THE PHYSIOTHERAPY ACT 1949 SAYS:**

**18b (Temporary Registration)** – Subject to Section 11 (*Good character and conduct provision*) but not withstanding any other provision of the Act, if the Board is satisfied that any person –

- (a) Is or will be **temporarily** visiting New Zealand and proposes to practise physiotherapy at any **institution or place** in New Zealand; and
- (b) Has sufficient knowledge and experience for the efficient practise of physiotherapy in that institution or place subject to such restrictions (if any) as the Board may specify.

The Board may issue a certificate of temporary registration entitling him to practice as a physiotherapist in that institution or place subject to such restrictions (if any) and for such period as may be specified in the certificate.

## The Board is not the Society

**THE SECRETARIAT REGULARLY RECEIVES CORRESPONDENCE FROM REGISTERED PHYSIOTHERAPISTS WHO CONFUSE THE BOARD WITH THE SOCIETY.**

This is particularly noticeable at the present time of year when the Secretariat is very busy receiving payments and issuing APCs for the coming year.

The two are quite separate and have markedly differing functions. The Board's first responsibility is protection of the public of New Zealand.

Obtaining registration is a legal responsibility for anyone wishing to call themselves a physiotherapist, as is holding an Annual Practising Certificate.

PHYSIOTHERAPY BOARD OF NEW ZEALAND	NZ SOCIETY OF PHYSIOTHERAPISTS (NZSP)
<b>How it started</b>	
Established by Act of Parliament – the Physiotherapy Act 1949	Established by physiotherapists as a professional association
<b>Who sets the “rules”?</b>	
Roles and responsibilities defined by the Physiotherapy Act 1949	Activities and rules determined by the membership
<b>Who it affects</b>	
Registers physiotherapists	Admits physiotherapists as members
<b>Compulsory or voluntary?</b>	
Registration is compulsory	Membership is voluntary
<b>Core functions</b>	
Registers and disciplines physiotherapists and determines competency levels for registration	Provides a range of membership services, e.g. conference, insurances, a range of publications, representation to policy makers etc.
<b>Who appoints the office holders</b>	
Board members are appointed by the Minister of Health and therefore accountable to him/her	Executive members are elected and are accountable to the membership largely through the AGM
<b>Who it serves</b>	
The Board is a statutory body and exists to protect the public by ensuring that physiotherapists, through registration, are safe and competent to practise	The society exists to provide a professional focus for members through activities and communications, to promote high standards of practice and to provide service to members.

## Registration Appeal

In October 2001, the Board defended its decision to decline an application for registration, on the grounds that the overseas-trained applicant had not met all the Board's competency requirements, that her training did not equate to the standard required and her experience was in too narrow a range. A Board of Appeal comprising a district court judge and two physiotherapy assessors, one nominated by each party, upheld the Board's decision.

# Legal Requirements of Registered Physiotherapists

## ALL REGISTERED PHYSIOTHERAPISTS MUST:

### Notify the Board of any change of address

It is important that the Board has correct postal details. This information is another legal requirement and therefore a professional responsibility on your part (see 15.(1)).

If the Board cannot contact a registered physiotherapist, his/her name may be removed from the register as per Section 16 of the Physiotherapy Act 1949. Each year physiotherapists **are** removed from the register. Please remember the onus is on the registered physiotherapist to comply with statutory requirements. Ignorance is rarely regarded as much of an excuse in a court of law.

So, please send a signed note (letter or fax) of your change of address. Email notifications of changes are **not** accepted for reasons of security.

### WHAT THE PHYSIOTHERAPY ACT 1949 SAYS:

#### 15. REGISTERED PHYSIOTHERAPISTS TO NOTIFY CHANGE OF ADDRESS –

- (1) Every physiotherapist who at any time changes his address as appearing on the register shall, within 3 months thereafter, send to the registrar a notice of his new address.

### Change of Name

If you change your name through marriage or deed poll you must notify the Board so that the name by which you wish to be known can be entered in the register.

The purpose of registration is to assure the public that a physiotherapist is safe and competent to practise and a function of the Board is to maintain a register that enables the public to check whether someone calling themselves a physiotherapist is registered or not. That obviously cannot happen if a physiotherapist practices their calling under a name that differs from that currently on the register.

### WHAT THE PHYSIOTHERAPY ACT 1949 SAYS:

#### 18. CORRECTION OF REGISTER –

- (2) Where it appears to the registrar that the name of any person is incorrectly stated in the register, the registrar may, on application in that behalf and on payment by the applicant of such fee as may be prescribed, correct the register accordingly.

### Employers of physiotherapists

Should check to ensure that their physiotherapist employees all hold current APCs.

You should sight the new employee's APC before allowing them to practise. Do not take their word for it. A phone call to the Board can confirm whether a particular individual is registered and holds an APC. It is an offence for a company to employ a physiotherapist or anyone doing the work of a physiotherapist, who does not possess a current APC.

## Disciplinary Levy

**RECENTLY, APC HOLDERS WERE INVOICED FOR \$200.00 FOR THEIR ANNUAL PRACTISING CERTIFICATE FOR THE COMING YEAR (1 APRIL 2002 TO 31 MARCH 2003).**

This included a \$25.00 disciplinary levy.

The levy is "for the purpose of funding the costs arising out of –

- a) Inquiries or investigations into allegations or complaints against physiotherapists; and
- b) Proceedings concerning discipline under this Act." (*Physiotherapy Amendment Act 1999*).

As noted in previous newsletters and the Annual Reports, the Board is handling an increased disciplinary workload which shows no sign of abating and, for which, funding is required. It is convenient to apply this levy at the time of Annual Practising Certificate renewal and an administrative saving (which helps keep the APC fee down). However, the Board may by notice in the *Gazette*, impose a disciplinary levy at any time.

## CONTACTING THE PHYSIOTHERAPY BOARD

REGISTRAR: DR WILLIAM WHITTAKER  
DEPUTY REGISTRAR: JAN RICHMOND  
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## Health Practitioners Competence Assurance Bill

**THIS WILL SIGNIFICANTLY AFFECT ALL PHYSIOTHERAPISTS.**

The Health Practitioners' Competence Assurance Bill (HPCA) provides a framework for the regulation of health practitioners in order to protect the public where there is a risk of harm from the practice of the profession. It includes mechanisms to assure the public that a health practitioner who is registered under the Bill is competent to practice.

The Government intends to introduce the Bill in April with the intention of passing it before the election this year. All eleven existing regulatory statutes in respect of health practitioners, e.g. Medical Practitioners Act 1995 and Physiotherapy Act 1949 will be repealed and replaced with the HPCA Act which the government believes will:

- ▶ Provide a uniform approach to all occupations with changes applying automatically to all professions
- ▶ Be flexible enough to meet changing skill sets, roles, diagnostic regimes and treatment
- ▶ Be transparent so that it can easily be seen which occupations are regulated and how
- ▶ Provide a process for new professions to be regulated under the Act by Order-in-Council

- ▶ Provide consistent, coordinated, fair and transparent processes for handling complaints against health practitioners
- ▶ Provide a safe regulatory environment for the distribution of medicines.

As the title suggests the emphasis will be on ensuring that practitioners maintain currency of knowledge and practise through competency assurance.

A registering authority will be appointed by the Minister of Health for each of the professions regulated under the HPCA.

### Registering authorities will

- ▶ Determine scopes of practice for each health practitioner
- ▶ Establish systems to ensure no-one practises outside his/her scope of practise
- ▶ Determine the classes of practitioner who may perform specified restricted activities of an invasive nature.

The fines for breaches of the above will be up to \$10,000.

CONTINUED OVER

### THE PHYSIOTHERAPY BOARD OF NEW ZEALAND



THE PHYSIOTHERAPY BOARD OF NEW ZEALAND WAS CONSTITUTED BY THE PHYSIOTHERAPY ACT 1949. THE BOARD'S PRIMARY FUNCTION IS TO PROTECT THE PUBLIC BY REGISTERING PHYSIOTHERAPISTS WHO ARE SAFE TO PRACTISE IN NEW ZEALAND AND WHERE NECESSARY BY DISCIPLINING REGISTERED PHYSIOTHERAPISTS.

(L to R) Margot Skinner, Neil Beney (*Deputy Chair*), Cathy Holland, Erwin Drok, Frances Wilson (*Chair*), Graeme Hall, Barbara Mawson. Not shown – Janis (Wiki) Walker who resigned in November 2001.



The Physiotherapy  
Board of New Zealand

The legislation will feature the following:

### Registration

Authorities will prescribe qualifications, may recognize qualifications and institutions and determine fitness for registration. Persons seeking registration must specify their Scopes of Practice. Authorities will receive applications for registration.

Prior to granting full registration the authority may require the applicant to work under supervision for an approved Scope of Practice. Authorities may change Scopes of Practice. The Act will enable general and specialist registration and, it is believed, enable the public to clearly identify the areas in which a practitioner is safe to practise.

### Practising Certificates

Practitioners must apply for APCs and authorities may include restrictions or decline to issue APCs. The issue of APCs will change from the current system of payment on invoice and the subsequent issue of an APC to an assurance to the public that a health practitioner is competent to practice. Under the new system, a practitioner's Scope(s) of Practice will be endorsed on his/her APC. To ensure that this is meaningfully fulfilled the authority will be expected to have an ongoing means to assure the competence of its practitioners. Practically this is likely to include a mix of individual practitioner statements of competency, specification of ongoing professional development achievements and an annual audit of a proportion of practitioners within the field. There will therefore be a heavier onus on the applicant to demonstrate competence and on the authority to assure the public of practitioner competence.

### Mandatory Reporting

If a health practitioner has reason to believe that another health practitioner fails to meet the professional standards reasonably to be expected of them or is operating outside his/her scope of practise, the registering authority must be promptly notified. It will be compulsory for practitioners within the same profession to comply with this. ACC may also notify the authority of competence concerns. Furthermore, there will be compulsory notification of the authority by

an employer if an employee resigns or is dismissed for reasons of incompetence. The authority will then be required to notify the following of a practitioner who, it has reason to believe poses a risk of harm:

- ▶ ACC
- ▶ Director-General of Health
- ▶ Health and Disability Commissioner
- ▶ Employer of practitioner.

There will be no liability for the notifying practitioner when it is done in good faith.

### Competence Review

An authority may review a practitioner's competence if it has concerns sufficient to believe that public safety may be at risk. The form of the review will be at the authority's discretion. If the authority

**THERE WILL THEREFORE BE A HEAVIER ONUS ON THE APPLICANT TO DEMONSTRATE COMPETENCE AND ON THE AUTHORITY TO ASSURE THE PUBLIC OF PRACTITIONER COMPETENCE.**

determines that remedial action is required the practitioner may be subject to interim suspension pending the completion of a competence programme, which may take the form of:

- ▶ A formal examination
- ▶ Practical training
- ▶ A period of supervised practical experience
- ▶ A course of on-site instruction
- ▶ Examination of clinical records by another health practitioner
- ▶ Anything else the authority may deem suitable.

The unsatisfactory completion of a competence programme may result in

- ▶ Restriction of a practitioner's scope of practice
- ▶ Suspended registration.

### Fitness to Practise

Upon notification authorities will have the power to seek medical advice and order a medical or other examination, eg, psychiatric

report, of a practitioner it has reason to believe may not be fit to practise. It may order interim suspension (20 days) and may impose restrictions on practice.

### Disciplinary Procedures

Resolving consumer concerns or complaints will change too. All complaints received by an authority must first be referred to the Health and Disability Commissioner (as is currently the case). Consumers may also go directly to the Commissioner's office. Matters relating to systemic failure, sexual impropriety and gross misconduct will be investigated by the Commissioner. Others, particularly those concerning professional or technical competency will be referred on to the authority. Complaints Investigation Committees (CICs) will be established to investigate complaints, settle complaints by conciliation or lay charges with the separate and independent Health Practitioners' Disciplinary Tribunal. This will organise and conduct hearings. A member of the judiciary will most likely chair this. Hearing panels will comprise a judge, selected health practitioners from the respondent's profession, plus lay representation. If found guilty the penalties may include:

- ▶ Cancellation of registration
- ▶ Suspension of registration for up to 3 years
- ▶ Conditions on practise
- ▶ A letter of censure
- ▶ A fine of up to \$30,000
- ▶ An order that the practitioner pay a proportion of the costs of any or all of the following:
  - the investigation by the Health and Disability Commissioner (H&DC)
  - the investigation by the CIC
  - the prosecution of the charge by H&DC or the CIC as the case may be
  - the hearing by the tribunal.

Decisions and other matters may be appealed in the District Court.

Information on the Bill will appear on the Ministry of Health website [www.moh.govt.nz](http://www.moh.govt.nz)

**You are strongly advised to read the Bill. You as an individual or your employer or your professional association may make a submission to the Select Committee.**

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# Who needs an APC?

## YOU MUST HAVE ONE IF YOU ARE PRACTISING OR INTEND TO PRACTISE

Many physiotherapists are not clear about when they need an Annual Practising Certificate (APC). An APC is required in all instances where a physiotherapist is “practising his/her calling”, in other words doing any work for which they use their physiotherapy title, and their knowledge and skills “under the style of physiotherapist or physiotherapy expert” (Physiotherapy Act 1949):

Physiotherapists required to hold an APC include:

- ▶ Physiotherapy service managers/advisors
- ▶ Advisory physiotherapists
- ▶ Physiotherapy teachers/educators
- ▶ Locum and part-time physiotherapists (even if only working for a short period)
- ▶ Physiotherapy accreditation surveyors

- ▶ Physiotherapists performing assessment and treatment, and/or advising on management of (e.g.) sports teams, clients in rest homes, children in schools, community groups for people with disabilities (whether voluntary or not)
- ▶ Presenter **and** participants at “hands-on” physiotherapy courses
- ▶ Physiotherapists working as sales representatives selling physiotherapy products, i.e. when the job description/person specification requires a physiotherapist.

Employers have a responsibility to establish that the physiotherapist they are employing is registered.

Take good care of your APC. It is a valuable document, is the property of the Board and must be surrendered on request. Furthermore, for security reasons the Board will not provide a replacement.

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# Recruiting and Employing Overseas-Trained Physiotherapists

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## AS AN EMPLOYER YOU MAY BE INTERESTED IN EMPLOYING AN OVERSEAS-TRAINED PHYSIOTHERAPIST.

Overseas-qualified physiotherapists keen to come to and work in New Zealand may also seek your advice about it. Please note the following.

Their top priority **must** be applying to the Board for registration. In order to work as a physiotherapist in New Zealand, the person must first be registered with the Physiotherapy Board. This is a legal process, not a simple form filling exercise.

There is a standard process for the assessment of applications for registration from overseas-trained physiotherapists. It involves a number of stages.

### Making an application

There is a prescribed format for this. All accompanying documents, e.g. degree certificates, course curricula, certificate of registration etc. **must** be certified in strict accordance with Board specifications - the Board receives a significant number of incomplete applications with incorrectly certified documents. These slow down the application concerned and by adding to the Secretariat’s already busy workload, impact on the checking of others. This is an avoidable and therefore unnecessary cost.

### Assessment of qualifications and experience

An applicant’s qualifications and experience are measured against the competencies developed by the Board and contained in the document **Registration Requirements: Competencies and Learning Objectives (2nd Edition) 1999**.

Applicants must meet **all** competencies. All physiotherapists holding an APC at any time since 1999 have received a copy of this document. Applicants may obtain a copy from the Board for \$20.00 (inclusive of GST, packing and postage).

The Board does not have a policy of accreditation of overseas courses as these are frequently being changed. Thus all applications are individually assessed. The process involves assessing qualifications and experience against the competencies on which the New Zealand undergraduate degree is based. If the assessors are satisfied that the applicant is eligible for registration they will make a recommendation to the Board. They may however, require further information.

### Board determination

Only the Board can grant Full Registration. In its final assessment of eligibility the Board will also consider character and conduct.

# New Zealand Physiotherapy Registration Statistics 1998–2002

AS AT 31 JANUARY	2002*	2001*	2000	1999	1998
Total number on Register (including provisional registrations and those "non-practising")	5792 (7.2%)	5400 (2.9%)	5249	4953	4861
Number of Annual Practising Certificates Issued	2597 (1.8%)	2551 (2.4%)	2491	2398	2311
Registration Applications Received	419 <sup>#</sup> (41%)	297 (11.6%)	266	245	308
Full Registrations granted New Zealand Graduates	156 (9.0%)	143 (8.3%)	132	135	136
Full Registrations granted Overseas	174 (62%)	107 (24.4%)	86	112	120
Removals from Register (refer to section 16 of the Act)	51	12	41	4	15

NOTES: \*(% CHANGE IN BRACKETS)  
# RECEIVED IN CALENDAR YEAR

Source: New Zealand Register of Physiotherapists

IN THE PAST TWELVE MONTHS THERE HAS BEEN A 41% INCREASE IN THE NUMBER OF APPLICATIONS RECEIVED FOR REGISTRATION AND A 62% INCREASE IN THE NUMBER OF FULL REGISTRATIONS GRANTED TO APPLICANTS WITH OVERSEAS QUALIFICATIONS.

Valid Certificates of Good Standing and other supporting documents are important.

Previously the Board met only 3-4 times a year. Now it meets much more regularly and as a result of the Physiotherapy Amendment Act 1999 can, and does, conduct meetings by teleconference.

On average it takes the Board several months to process an application. This compares favourably with other nations and has the benefit of enabling continuous assessment as opposed to a few formal examinations during the year. However, delays can easily occur, invariably as a result of applicant error/omission. The Board will not be held responsible for an applicant's inability to take up a position as a result of such delays.

***Applicants should not commit to taking up a position on a given date or book air tickets before they have received registration.***

## Other Points To Note

- ▶ Applications for registration are confidential to the applicant and the release of information on the status of an application for registration is possible only on the express written authority of the applicant.
- ▶ It is not the role of the Board to provide information on employment, housing or general social and economic conditions. This information may be available from the nearest New Zealand Embassy or Consulate.

## TRANS TASMAN MUTUAL RECOGNITION (TTMR)

EMPLOYERS SHOULD TAKE NOTE OF THIS.

THE CONCEPT OF TTMR IS SIMPLE: TO FACILITATE LABOUR (AND OTHER) MOVEMENTS BETWEEN AUSTRALIA AND NEW ZEALAND. THE OPERATION IS SPEEDY: IF YOU ARE LEGALLY ENTITLED TO PRACTISE YOUR CALLING THEN YOU MAY APPLY FOR REGISTRATION ACROSS THE TASMAN UTILIZING TTMR. THUS, IF YOU ARE REGISTERED AND HOLD A CURRENT APC IN NEW ZEALAND YOU MAY APPLY FOR REGISTRATION IN ANY AUSTRALIAN STATE (EXCEPT WESTERN AUSTRALIA WHICH HAS NOT SIGNED UP TO TTMR). SIMILARLY, AUSTRALIAN-REGISTERED PHYSIOTHERAPISTS MAY DO THE SAME THE OTHER WAY. YOU MUST BE LEGALLY ENTITLED TO PRACTISE IN YOUR CURRENT JURISDICTION TO BE ABLE TO APPLY. THE TIMELINES ARE PRESCRIBED BY STATUTE. IT IS MUCH QUICKER THAN THE PROCESS FOR REGISTRATION FOR OVERSEAS-TRAINED PHYSIOTHERAPISTS. IF YOU WISH TO KNOW HOW IT OPERATES, PLEASE CONTACT THE SECRETARIAT FOR FURTHER INFORMATION.