

Clinical Placements

what you should do if approached by overseas students

If you are approached by a physiotherapy student who is overseas-trained and who wishes to undertake a clinical placement as part of their physiotherapy training, the placement must be arranged through one of the NZ schools.

The primary function of the Physiotherapy Board is to protect the public by ensuring that physiotherapists are registered, safe and competent to practise. The word “physiotherapy” and “physiotherapist” are protected titles. Similarly, the use of the name “physiotherapy student” is restricted to students undergoing training at an approved school of physiotherapy in New Zealand. The Board has the legal responsibility for

- Approving schools of physiotherapy in New Zealand
- Auditing physiotherapy undergraduate programmes at approved NZ schools to verify that the Board’s standards are being met.

Overseas students seeking clinical placements as part of their physiotherapy training need to bear the above in mind. They are required to seek to arrange a placement through one of the approved Schools of Physiotherapy, i.e. Otago or Auckland University of Technology.

If an overseas student is accepted by a NZ school to undertake clinical placement, that individual is considered a student of the NZ school for the duration of their placement in New Zealand. The student is regarded by the Board as being under the direct supervision of the NZ school. The student’s clinical placement must therefore be arranged and assessed by the NZ School.

Several exchange programmes currently exist between schools of physiotherapy in New Zealand and the United Kingdom. There are penalties for working without this approval and for those who employ them.

Late APC payment has consequences

you should hold an APC for the whole year at the beginning of the year (1 April onwards) if you wish to practise physiotherapy. by law you require two things: registration and an annual practising certificate (APC)*.

if you have neither you are in breach and liable to prosecution.

It is a registered physiotherapist’s responsibility to ensure that he/she holds a current Annual Practising Certificate. It is also a requirement that at the time of renewal, payment is made promptly so that an APC may be issued at the beginning of the year for the year.

There are a number of physiotherapists who delay payment for their APC until they have been warned of possible removal from the register. Some are persistent offenders.

The Board is seriously considering treating persistent failures such as this as matters entitling it to exercise its disciplinary powers under Section 24 of the Physiotherapy Act 1949 and charges, if proven, may attract penalties such as a fine of up to \$10,000.

Under the proposed new legislation, the Health Practitioners Competence Assurance Bill, the Registrar may refer to the Board applications for an APC if he/she believes that the practitioner has failed to maintain the required standard of competence. Please note that Competency 10 of the Registration Requirements is to demonstrate accountability to the public and the profession through abidance by legal requirements. The consequences of this may be that the practitioner has to undergo a competence programme at his/her expense and/or the Board may impose restrictions on practice.

Under the new legislation it will be a disciplinary offence to practise without an APC. The penalty could be as high as a \$30,000 fine.

*There are two exceptions. Holders of Temporary Registration (post-graduate students at NZ Schools and visiting presenters at conferences) do not require an APC. However, they are not able to work “at large” outside the conditions on their certificate of Temporary Registration. Also, new graduates from the NZ Schools of physiotherapy issued with certificates of Provisional Registration do not require an APC. Their provisional registration covers the period between the completion of their studies and the Board granting them Full Registration.

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 box).

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

This information is contained on the website www.physioboard.org.nz

Change of name

If you have changed your name, you must send the Board a certified copy of your marriage certificate (or statutory declaration) as evidence of a change of name. 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.

This information is contained on the website www.physioboard.org.nz

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.

Certified Copies

certified copies must comply with the board's requirements.

When approaching an official i.e. Justice of the Peace, Solicitor, New Zealand Court Registrar to certify your documents, please ensure that authorising official complies with all of the following:

- Signs the copy
- Prints his/her name under the signature
- States his/her position or designation
- Endorses the copy with his/her official seal (where applicable)
- Provides his/her postal address to enable the Board to seek verification, and
- Ensures that the certified copy being provided to this Board includes the statement "Certified true copy of original document sighted".

The names and contact details of local Justices of the Peace are available:

- In the Yellow Pages section of the telephone directory under the heading 'Justices of the Peace'
- Online at jpfed.org.nz.

contacting the physiotherapy board

ceo/registrar: dr william whittaker
deputy registrar: jan richmond
secretariat manager: sue beggs
executive assistant: pauline chadburn
policy analyst: despina arathimos
office assistant: lindsey tompson

Level 9
Morrison Kent House
105 The Terrace
Wellington
office hours:
The office is open from 9.00am – 5.00pm Monday to Friday (excl. public holidays)

postal address
PO Box 10-734
Wellington

phone: 64 4 471 2610
fax: 64 4 471 2613
email: physio@physioboard.org.nz
website: www.physioboard.org.nz

Health Practitioners Competence Assurance Bill

at the health select committee

The Physiotherapy Board was one of a number of health related groups who presented oral submissions to the Select Committee on Wednesday 19 February 2003. The Committee is chaired by Steve Chadwick, (Labour MP for Rotorua) and includes representation from all the parliamentary parties. (Three of the Committee have health related backgrounds including ACT MP Heather Roy, physiotherapist).

The Board's submission was presented by Margot Skinner and Dr William Whittaker, CEO/Registrar. Despina Arathimos, the Secretariat's new Policy Analyst was in attendance.

The first presenters spoke on behalf of a joint submission from a group of Health Professional Associations and Unions. They reiterated their general support for the legislation and need for the groups (professions) to be consulted regarding scopes of practice.

The New Zealand Society of Physiotherapists (NZSP) submission emphasised points that had been raised by members during the seminars on the HPCA held with Branches prior to Christmas. This included: costs for APC's, the need for independent Disciplinary Tribunals, concerns over mandatory reporting and the opportunity to nominate potential Board members. They also supported the need for scopes of practice to be determined by the profession. The Committee asked a number of questions.

The next submissions were made on behalf of the

Chiropractors and the NZ Assoc of Acupuncturists (the group not affiliated with Doctors and Physiotherapists and not currently regulated). The Association of Salaried Medical Specialists and the alternative Medicines group presented after the Board.

The Board's Key Points

The Board had prepared a summary of key points:

- Support for the inherent intent of the Bill
- Support for the concept of separate Tribunals, each coming under the auspices of the relevant registration authority
- Concern at the cost of the multi-disciplinary Health Practitioners Disciplinary Tribunal
- The need for common thinking on the interpretation of scopes of practice and licensed tasks
- Unqualified persons must not claim to be health practitioners
- Health practitioners must not practise outside their scopes of practice, e.g. teachers of physiotherapy and physiotherapy managers
- In terms of fitness for registration, the need for a further clause to encompass new graduates and practitioners without residency
- Unsatisfactory results of competence/re-certification programmes may be too limiting and could exclude practitioners from professional growth.

continued over

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.

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Responses to Select Committee Questions

Questions put by the Committee to the Board included the following:

- How much would the APC increase?

Answer: It is not easy to say, as the Secretariat does not currently have a clear appreciation of the administrative workload required to administer HPCA. However, under the new legislation as it stands today, the Board's role will be expanded.

The cost of fulfilling these increased and enhanced functions will increase. Having examined a number of possible scenarios the Board estimates that the cost of an APC could increase by 40-100%. However, it cannot be more specific until the nature and extent of various activities are known. The Board urges Parliament not to underestimate the direct and indirect costs of applying HPCA, however worthy and desirable the legislation may be in its intent.

- Regarding the issue of costs, is the Board advocating for the profession to have its own tribunal?

Answer: The Board has never advocated for a Multi-disciplinary Tribunal but agrees with keeping the tribunal an arm's length from the Board. However, it would be more streamlined and more cost effective if the Board retained ownership. Like other submitters the Board has concerns at the potential cost of the Multi-Disciplinary Tribunal.

We have not seen any provisional budget for this but given that it will require its own infrastructure and the costs of transacting business will be higher than currently employed by the Board, there are serious concerns about its general affordability.

- Are there great numbers of practitioners in New Zealand who do not have permanent residence?

Answer: No, it mainly relates to students undertaking post graduate study but this group must have "registration" in order to protect the public for the time being even though the student is not likely to be eligible for full registration.

- Does the Board wish to make some comment regarding scopes of practice?

Answer: Yes. It is important that they are defined broadly and not prescribed. The profession must make the determination about scopes of practice once entry-level competence has been proven.

- Scopes of practice are not currently determined by legislation. Does the Board believe that we need the ability to legislate for this?

Answer: As things stand (and work well currently) the individual in a discipline hearing must be able to prove that they have the competence to work in a particular area/scope of practice/application of a therapy etc. It is interesting to note that British Columbia has not yet legislated its prescribed scope of practice and that the proposed legislation here is based on that. Should New Zealand be first when others are finding it too hard to implement?

The Board currently has the legislative rights to licence therapeutic ultra sound – in the proposed model it would be appropriate for other groups to perhaps have ultra-sound licences as a prescribed task whilst for physiotherapists it would be part of the general scope of practice

In summary there are some key themes, which the Select Committee seemed to be following and could thus signal areas for change in the Bill:

- A question over the need for / difficulty with implementation of scopes of practice if part of the legislation
- The structure of the Health Practitioners Disciplinary Tribunal having due regard to the potentially high cost
- The right for professions to present nominations for Board vacancies to the Minister, versus the right to elect
- The need to ensure that all groups within the health profession are registered/have an APC to practise their calling.

What next?

The Select Committee is expected to report back to the House in the next 6 weeks. The Bill will then be debated clause by clause and could be passed into law by September/October 2003. There will then be a 12-month implementation period. Thus, the Health Practitioners' Competence Assurance Bill could become operational by late 2004.

On 11 April the Board is co-hosting a working day in Wellington with the Society. Major stakeholders will also be represented. Whilst the authority to set standards, prescribe qualifications, review and approve competence programmes etc. rests with the Board, it is anxious to consult widely over this in order to ensure that what is implemented is realistic, fair and manageable. This will be necessary if the Board is to meet its statutory requirement of regulation of physiotherapists in order to protect the public where there is a risk of harm.

The Physiotherapy Board submission on HPCA will be available on the website www.physioboard.co.nz

Self-treatment and Self-referral

it has been brought to the Board's attention that some physiotherapists under contract to the ACC may have been self-referring or making claims for treatments they have given to family members.

There have been detailed investigations into instances where this has arisen or has been suspected.

In 1996 the Ethics Committee of the New Zealand Society of Physiotherapists expressed the view that in certain situations it is acceptable to treat family members provided acceptable clinical and professional standards are applied. However, if the treatment is a matter of payment by a third party there should be a system in place which allows for independent verification, e.g. a referral from a GP and good record keeping in respect of treatment carried out.

As a general rule, ACC does not encourage claims for self-treatment or treatments given to family members. It (ACC) supports the New Zealand Medical Association's (NZMA) 1994 resolution that it is not good clinical practice for treatment providers to treat themselves or their close family members in all but minor and emergency health matters. This position has been endorsed by the Medical Council of New Zealand (MCNZ) in its Statement of Self-Care and Family

Care 2001. Consequently, ACC regards the position of the NZMA and MCNZ regarding self and family treatment as applicable to all treatment providers.

The Medical Council view is that it is generally unwise for medical practitioners to care for themselves or family members in all but minor and emergency health matters. Self-care and family care is neither prudent nor practical due to the lack of objectivity and discontinuity of care. Self-assessment may impair judgment about the diagnoses or treatment. Concern about personal and professional commitments may influence decisions that interfere with seeking and receiving adequate care.

The obvious exceptions are in emergency situations where no other professional support is immediately available. However, the practitioner must be able to justify his/her decision and actions. When payment for a service is claimed there must always be documented evidence in the form of clinical records outlining the assessment findings.

Physiotherapy Board releases findings

board hearing into a complaint against margaret davidson.

The Physiotherapy Board of New Zealand has released the findings of its disciplinary hearing held in Auckland in November 2002.

The hearing related to a charge against physiotherapist Margaret Davidson that she failed to obtain the informed consent of the parents of a baby to the use of neonatal chest physiotherapy.

The Board found after considering all evidence presented at the hearing that it was of the view that while employed as a physiotherapist at National Women's Hospital, Margaret Davidson's actions were in accordance with widely accepted physiotherapy practice in the multidisciplinary setting at that time. Consequently, the Board found no evidence of negligence or misconduct, and the charge was not upheld.

The findings conclude a thorough and rigorous investigation into complaints about the use of neonatal chest physiotherapy at National Women's Hospital nine years ago.

Physiotherapy Board CEO/Registrar Dr William Whittaker says the Board devoted substantial time and resources to investigating the complaints it had received. While it decided that it should hear one charge of failing to obtain informed consent, it did not find there were any grounds for a case to answer in terms of the treatment of babies with chest physiotherapy.

Dr Whittaker says the investigation of numerous complaints has been demanding for all concerned. The investigation was the largest in the Board's 50-year history involving the careful scrutiny of a mass of information gathered over an 18-month period.

Temporary Registration

The Board is not the Society

the secretariat regularly receives correspondence from registered physiotherapists who confuse the board with the society.

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)
how it started	
Established by Act of Parliament – the Physiotherapy Act 1949	Established by physiotherapists as a professional association
who sets the “rules”?	
Roles and responsibilities defined by the Physiotherapy Act 1949	Activities and rules determined by the membership
who it affects	
Registers physiotherapists	Admits physiotherapists as members
compulsory or voluntary?	
Registration is compulsory	Membership is voluntary
core functions	
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.
who appoints the office holders	
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
who it serves	
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.

there are some physiotherapists and employers who appear to be under the impression that temporary registration is a provisional 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.

Thus 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.

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, if it thinks fit, and on payment if required by the board of any fee that may be prescribed for the purposes of this section, issue to him a certificate of temporary registration entitling him to practise 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.