



Issue 5 July 2003

## Dear Registered Chiropractor

These past few months has seen the Board complete a number of tasks with respect to administration and operating systems. A huge amount of the accumulated paperwork of the past 25 years has been sorted, listed and archived and all files up-dated and cross-referenced.

It has been a long term objective of mine that, should any Board Member or the Registrar, get knocked over by that proverbial Bus, that the work of the Board could go one barely interrupted.

Too often knowledge and experience goes with the moving on or loss of a member, and a lot of time, energy and money is spent on trying to retrieve it all.

It is always a pleasure to impart some good news, and this newsletter allows me to inform you that, at the time of writing, there are no Formal Hearings on the horizon!

There is the potential for one or two investigations to go that way, but this does represent a significant downturn in this activity from 12-18 months ago.

Registration fees have again this year seen a modest increase, which reflects the increased legal activity. It is my hope though, that if the level of complaints continues to decline, and some proposed legislative changes (Which I will refer to later) become reality, then we should be able to peg the fees at this level for some time.

Whilst the number of Formal Hearings has declined, there remain too many complaints received by the Board. The vast majority center around three areas:-

1. Contracts of care
2. Frequency and Duration of Care
3. Use of Testimonials

1) Contracts of Care: - Much has already been written about this by the Board, the CAA and others. Whilst contracts for care are not illegal, they are a commercial arrangement between the practitioner and the patient. All can, and should, be well if some basic rules are followed:

### Information and Contacts

If you are unsure or require further information on any topic, please contact the Registrar on:

**Telephone (03) 9639 8652**

**Facsimile (03) 9639 8653**

The Board has a home page on the Internet, the address is:

**[chiroreg.vic.gov.au](http://chiroreg.vic.gov.au)**

### Board Members

Dr John Waterhouse D.C.  
*President*

Prof. Andries Kleynhans OAM  
*Vice President*

Dr Robert Cathie D.C.  
*Chiropractor*

Dr Sue Heringslake, D.C.  
*Chiropractor*

Mr Michael Brett Young  
*Lawyer member*

Mr William Burns  
*Non chiropractor*

Ms Anna Radonic  
*Non chiropractor*

- a) Set out the exact terms of the contract, the costs, the time and withdrawal conditions.
- b) Use no coercive practices to persuade patients to sign. E.g. “If you don’t follow this program, you could become seriously ill, die, require a wheel-chair (choose your colour) - you can get the drift.
- c) Allow a cooling off period where the patient has the time to consider this, and may decide no to proceed.

Some considerable dissatisfaction exists when patients cease a program of care and then have their visit fees re-calculated at the higher, or non-discount, rate, and receive no refund or in fact, receive a bill! Lay out the terms and conditions of contacts **very clearly**.

On the subject of contracts, it would appear that some practitioners are using the same contract terms and conditions regardless of the age of the patient or presenting complaint. This clearly would be difficult to justify, and a number of observant lay-people have commented about this as part of their enquiries to the Board.

2) Frequency and Duration of Care :- A number of enquiries received by the Board relate to these two issues. Guidelines have been produced by the Board and if you don't have them, or haven't read them, or have lost them, then please contact the Registrar.

3) Use of Testimonials:- Surprisingly, this continues to be a problem. In common with all Health Acts in Victoria, this practice is not allowed. Some Registrants in Victoria are being “cute” by using a personal testimonial about themselves - a “confession by the Doctor in....” This is still a testimonial. The use of documented case studies where there is no patient identification, or peer reviewed and referenced articles are allowed and encouraged as a means of advertising.

Another practice, which has raised some concern, is that of the use of X-ray exposure on all, or most, patients regardless of age or presenting condition. including the X-ray of zones not relevant to the case. A multi-disciplinary committee is currently investigating this issue and will produce guidelines in due course.

The transfer of X-ray films between practitioners and to other parties has also generated some problems. What follows are the relevant sections of the **Health (Radiation Safety) Regulations Act 1994**, that deal with this topic:-

#### *51. Provision of radiographs*

*(1) The registered person in relation to an ionizing radiation apparatus used for radiological purposes*

*must provide on written request from a patient a copy of any radiograph relating to that patient resulting from that use.*

*Penalty: 25 Penalty Units*

*(2) A copy of a radiograph provided under sub-regulation (1) is to be provided at the expense of the patient.*

*(3) Sub-regulations (1) and (2) do not apply if the original radiograph is provided to the patient or sent to the patient's referring practitioner.*

Copies of radiographs can be made by many of the X-ray diagnostic clinics around at the expense of the patient. Should you prefer to make your own copies in-house, a system can be set up at a reasonable cost.

The most common practice is where practitioners have already recorded all of the information on the patient's file, and simply hand the X-ray films over to the patient or other requestor. This process can be accompanied by a signed release form, and should also be recorded on the patient's file.

## **Legislation**

Over the next 18-24 months, all of the Health Acts in Victoria will undergo review. There is a sensible recommendation being tabled that there be some form of over-arching legislation that covers all Health Acts under the one umbrella, with specific provisions germane to each profession where required. The advantage of this will be that any future amendments will flow on immediately to all Acts at the same time, rather than, say, 3-4 years later. It should also mean a best practice Act that takes the best provisions from each of the current Acts.

Some of the major proposals that will be of interest include:

1. Awarding of Costs - It is proposed that in future, if at a Formal Hearing a Practitioner is found guilty of unprofessional conduct, the Board will be able to award its own costs against the Practitioner concerned. At present, the Board, i.e. all Registrants, bear this cost. This could represent a considerable saving to the Board and Registrants alike. It may also help improve behaviour.

2. The fines imposed on Practitioners may be raised to above the current maximum of \$2,000 per offence.
3. The fees for Board Members sitting on Formal Hearings may be raised to more properly reflect today's standards. At present the fee for a day is approximately \$190, which is considerably less than legal counsel or Expert Witness fees.
4. Of particular importance to the profession will be that the new Act will (hopefully) protect both title and practice of chiropractic, which will give the Act considerable additional clout.
5. Professional Indemnity Insurance is likely to become mandatory.
6. The capacity for the Board to prosecute a Practitioner, even if their registration has lapsed.
7. A wider pool of Panel Members is being considered, which should take the pressure off a small Board that may have a number of Inquiries to consider.
8. Use of specialist titles - this is under review, but could see changes whereby duly qualified people may be better able to advertise themselves.
9. A requirement for Practitioners to undergo some form of competency assessment if they have been out of practice for a period of years is also being considered.
10. Greater scope for conciliation of complaints received, thereby reducing the need for so many Formal or Informal Hearings.

All of the above, and other proposed changes are by and large sensible, logical and have been welcomed by all of the Boards.

### **Penalties**

One of the processes used in imposing penalties for Practitioners found guilty of unprofessional conduct, has been to require some re-education in the area of conduct that was the subject of the complaint. This process, following extensive delays and difficulties is thankfully now in place and operating.

On the subject of further education, the Board has determined to sponsor another Risk Management Seminar, that will be provided at no cost to all Registrants in Victoria. As with the last one, the arrangements will be outsourced, so look for future mailings on the Seminar. We encourage as many as possible to attend.

## **Board Elections**

Board Members are elected for three year terms on a staggered basis, and recently, four positions became vacant - two Practitioners (Prof. Kleynhans and myself), our Board Legal Member, and one Lay Member. These positions were advertised in the "Age" newspaper. The positions of Board Legal Member and Lay Member attracted a number of applications, but for the Chiropractor Members, we received only one (mine!).

As a consequence, Prof. Kleynhans, who had intended to step down, has agreed to stay on for a period of six months whilst further applications are sought. The Department of Human Services have placed a notification which appears elsewhere in this newsletter, so, should you feel so inclined, please put yourself forward for consideration.

## **Guidelines**

Below is a list of the current guidelines available from the Board, some, or all of which, will soon be available on the website. Should you wish to have copies, please contact the Registrar.

- Code of Conduct
- Duration and Frequency of Care
- Advertising
- Professional Boundaries (in preparation)

Finally, I would like to personally thank my fellow Board Members for a thoroughly productive year. In particular, best wishes to those leaving the Board, you will be missed, but we wish you well.

In the meantime, here's to a year of increased professionalism and reduced, or preferably "no" complaints!

Dr. John Waterhouse DC  
PRESIDENT

## Expressions of Interest

### Appointments to the Chiropractors Registration Board of Victoria

The Victorian Minister for Health, the Hon Bronwyn Pike MP, is seeking additional applications from registered Chiropractors interested in being appointed to the Chiropractors Registration Board.

The Board is established under the *Chiropractors Registration Act 1996* to protect the public by registering suitably qualified practitioners, accrediting professional courses, and holding investigations into the professional conduct and fitness of registered chiropractors to practice.

### Composition of the Board

The Chiropractors Board is made up of:

- four registered chiropractors
- one lawyer
- two persons who are not chiropractors.

### Vacancies

Two, (2) for persons who are registered chiropractors.

### Selection Criteria

Practitioners appointed to the Board would preferably possess a broad range of experience in their profession, knowledge of the health care system and experience or ability relevant to an organisational governance role.

### Terms of Appointment

The Act provides for members of the Board to hold office for not more than three years from the date of appointment. Members are eligible for reappointment.

### Remuneration

Members of the Board will be paid sitting fees as determined by the Governor-in-Council.

### Application Process

Applications must be made on the prescribed application form. Please include a curriculum vitae (including three current referees) and a letter detailing what you can contribute to the relevant Board. Forms and further information can be downloaded from the Department's website at [www.dhs.vic.gov.au/pdpc/pracreg/index.htm](http://www.dhs.vic.gov.au/pdpc/pracreg/index.htm). Alternatively, application forms and further information can be obtained from Ms Elishia Finger on (03) 9616 7941.

Applications should be marked 'in Confidence' and sent to

Applications Officer  
Service and Workforce Planning Branch  
Department of Human Services  
5th Floor, 555 Collins Street  
Melbourne 3000  
Tel. 03 9616 7941 Fax 03 9616 7767

**Applications close on Friday 8 August 2003 at 4.00 pm.**

#### Board Address:

Level 17  
150 Lonsdale Street  
Melbourne 3000

#### Mailing address:

GPO Box 4831VV  
Melbourne 3001

#### Telephone

(03) 9639 8652

#### Facsimile

(03) 9639 8653

#### Email

[chirobd@chiroreg.vic.gov.au](mailto:chirobd@chiroreg.vic.gov.au)

#### Website

[chiroreg.vic.gov.au](http://chiroreg.vic.gov.au)