



Issue 20 June 2009

Information and Contacts

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

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

chiroreg.vic.gov.au

Board Members

Dr John Reggars
President

Dr Amanda Kimpton
Vice President

Dr Stan Innes
Chiropractor

Dr Paul Wise
Chiropractor

Dr Judy Courtin
Chiropractor

Ms Joanna Devrome
Lawyer member

Mr William Burns
Non chiropractor

Ms Esther Alter
Non chiropractor

Mr Rex Deighton-Smith
Non chiropractor

Dear Registrant

I hope this Newsletter finds you in good health and unscathed by the current financial crisis. It has been some months since the last Newsletter and it is now appropriate to bring practitioners up to date on a number of issues. It is also timely to remind practitioners as to the Board's role in regulating the profession.

The primary purpose of all health practitioner registration boards is to protect the public through the regulation of standards of performance, regulation of advertising by practitioners and conduct of that particular health profession. This includes investigations into professional conduct, investigations into professional performance and the ability to practise.

Complaints

There has been an unexpected increase in the number of complaints received by the Board over the past few months. Unfortunately some of these complaints have been of a serious nature and are still in the process of investigation, so I cannot divulge any details until the investigation and disciplinary processes are completed.

However, the Board has prosecuted a company trading as "Chiropractic Alliance" for conducting Spinal Screenings in breach of s80 of the *Health Professions Registration Act 2005*. This company conducted spinal screenings at public events and employed unqualified persons to conduct these screenings. They charged the public for that service, in exchange for a referral to a chiropractor who was a client of their company. The matter was referred to the Melbourne Magistrates Court and on 15th April 2009 they pleaded guilty to a charge under s80(1)(b)(ii) of the *Health Professions Registration Act 2005* and the court issued them with a fine of \$2,500.

The Board's Guidelines on Spinal Screenings are under review and draft guidelines will be made available shortly for appropriate consultation with the public, the profession and other stakeholders.

The Board is still receiving numerous complaints about advertising by chiropractors which contains testimonials, language which engenders fear, statements that create an unreasonable expectation of therapeutic benefit or scientific claims which cannot be substantiated.

Again, the Board reminds practitioners that it is their responsibility to ensure their advertising complies with both the *Health Professions Registration Act 2005* and this Board's guidelines and that this responsibility is not abrogated when the material is purchased from, or produced by, a third party.

Guidelines

As mentioned in the previous Newsletter, and as part of this Board's commitment to transparency and accountability, the Board has finalised its 'Guidelines on Consultation' and they have been submitted to the Minister for Health, Hon. Daniel Andrews MP, for his review. These guidelines together with those relating to the use of Surface Electromyography by chiropractors, Visiting Lecturers, Support Staff, and Chiropractic Care of Children are also with the Ministers' office and it is hoped that they will be finalised and published on the Board's website within the next few weeks. Practitioners are advised that apart from being published on the Board's website all registrants will be individually notified of the official release of any new or revised guidelines.

Research Fund

As advised in your renewal of registration documents, the Board has established a \$200,000 Research Fund. The Board has established a Research Sub-Committee to assess applications for grants under this Fund, which will be chaired by Professor Philip Poronnik from RMIT. Other members of the Committee include Board Members and representatives from the Chiropractors Association of Victoria (Victorian Branch) and the Chiropractic & Osteopathic College of Australasia. The Board is excited about this initiative and encourages applications for this grant but reminds potential applicants that the deadline for applications is 5.00 pm 3rd July. All the necessary forms, including the Application Form, Guidelines and Policy documents can be downloaded from the Board's website: <http://www.chiroreg.vic.gov.au/index.php>

National Registration

The processes required for the establishment of National Registration Boards are progressing as planned and it is proposed that "Bill B" will be introduced very soon. Calls for nominations and expressions of interest for National Board positions have also been advertised in the national press and elsewhere and appointments are expected to be made by September of this year. Of importance to Victoria, it has also been announced that the National Office will be situated in Melbourne in the premises now occupied by the Nurses Board. The Scheme is still scheduled to commence on 1st July 2010.

Notable decisions by the Ministerial Council in relation to the National Registration Scheme include:

- The Ministerial Council has agreed that there will be a requirement that, for annual renewal of registration, a registrant must demonstrate that they have participated in a continuing professional development program as approved by their national board.
- Each profession's requirements will be set by the relevant board. A board may use its accrediting body to set standards for such programs and approve providers of such programs (including, in the case of medicine, specialist medical colleges) where that is the best arrangement for that profession.

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- The Ministerial Council also decided that, from 1st July 2012, Aboriginal and Torres Strait Islander health practitioners, Chinese medicine practitioners and medical radiation practitioners will be regulated under the scheme. These are in addition to the ten professions already agreed for inclusion in the national scheme from 1 July 2010 (chiropractors; dental (including dentists, dental hygienists, dental prosthetists and dental therapists); medical practitioners; nurses and midwives; optometrists; osteopaths; pharmacists; physiotherapists; podiatrists and psychologists).
 - The Ministerial Council agreed on 5th March 2009 that there will be a requirement that practitioners and employers (such as hospitals) report a registrant who is placing the public at risk of harm.
 - Mandatory criminal history and identity checks will apply to all health professionals registering for the first time in Australia. All other registrants will be required to make an annual declaration on criminal history matters when they renew their registration and these declarations will be audited on a random basis by an independent source. Ministers also agreed that national boards will have the power to conduct ad hoc criminal history and identity checks on registrants.
 - The Ministerial Council agreed that national boards will be required to register students in the health professions. Boards will decide at what point during their programs of study students will be registered, depending on the level of risk to the public.
 - The Ministerial Council agreed that the accreditation function will be independent of governments. Accreditation standards will be developed by the independent accrediting body or the accreditation committee of the board where an external body has not been assigned the function.
 - Ministers have confirmed the arrangements set out in the *Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008* (the Act), that boards will be appointed by the Ministerial Council. At least half, but not more than two thirds, of the members must be practitioners and at least two must be persons appointed as community members. Adding to the Act, Ministers have also agreed that the National Law will require all national boards to contain at least one practitioner member from each of the larger jurisdictions (Queensland, New South Wales, Victoria, South Australia and Western Australia) and at least one other practitioner member drawn from the three smaller States and Territories (Tasmania, the Australian Capital Territory or the Northern Territory). Members of existing boards and State and Territory boards under the national scheme (see below) will be eligible for appointment to national boards. Members of the Agency Management Committee may not hold an appointment to a national board.

It has come to the Board's attention that the ACCC has recently instituted Federal Court action alleging false and misleading conduct against a Naturopathic organisation promoting

the use of “vial testing” as a means of allergy diagnosis and assessment. The techniques being used by the organisation under investigation resemble those used in variants of AK, NET, and Health Kinesiology. Preliminary investigations by the Board indicate that the evidence supporting the use of these techniques may be lacking in validity and reliability and those practitioners utilising these techniques should be cautious in their use so as to avoid placing the public at risk through a misdiagnosis or inappropriate management.

Finally, I would like to take this opportunity to advise all registrants that my term on the Board will cease on 30th June, 2009. I would like to sincerely thank all those who have supported me in my six years on the Board and in particular I would like to express my sincere gratitude to the current Board Members for their assistance, loyalty and support during my time as President.

At the time of writing this Newsletter, a decision has not been made on who will be appointed as the new President of this Board but as soon as possible after the appointment is made, the Board will notify the profession.

Yours sincerely,

John Reggars
PRESIDENT

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