



CONSULTATION PAPER

Proposed recognition of comparable qualifications and regulators

If you wish to provide comments on this paper, please provide written comments in electronic form, at osteoboardconsultation@ahpra.gov.au by Thursday 4 November 2010.

Please note that your comments will be published on the Board's website unless you indicate otherwise.

Background

The Osteopathy Board of Australia has signed a Memorandum of Understanding with osteopathic regulatory authorities in New Zealand and the United Kingdom. The MOU provides that the regulators will work towards simplifying the registration process for osteopaths moving between Australia, New Zealand and the United Kingdom.

Currently, osteopaths with a qualification from Australia, New Zealand or the UK who seek registration in one of these countries other than their own country are subject to lengthy and costly assessment processes.

While these processes are aimed at ensuring the public is protected, there is a risk that the processes may pose unnecessarily high barriers to professional mobility. This would not only disadvantage individuals interested in practising in other countries, but may inhibit the international flow of research and teaching expertise critical to the development of osteopathy.

The Board considers that a streamlined registration process for osteopaths from other countries which offer a similarly high standard of education and training, could have benefits for Australia. The MOU commits the Board to working towards an agreement with the regulatory authorities in the United Kingdom and New Zealand to achieve a streamlined registration process.

Stakeholder consultation

This Paper provides an opportunity for stakeholders to provide initial feedback on the issues outlined in the attached Memorandum of Understanding.

The feedback from this consultation process will inform the further work the Board will undertake to progress the MOU. Protection of the public will be paramount in the Board's consideration. The Board will also consult on the final proposal for a streamlined recognition process for osteopaths qualified in Australia, New Zealand or the United Kingdom.



General
Osteopathic
Council



Memorandum of Understanding between the Osteopathic regulatory bodies of Australia, New Zealand and the United Kingdom

Purpose

1. This Memorandum of Understanding (MoU) confirms a commitment by the Osteopathy Board of Australia, the Osteopathic Council of New Zealand and the General Osteopathic Council in the United Kingdom to work together with the aim of agreeing comparable arrangements for registering osteopaths from all three countries on terms that enable each regulator to meet its statutory duties, whilst removing unnecessary obstacles for the registration of osteopathic graduates from each country.
2. A proposed timeline for activity is outlined in Annex I. The role of the respective organisations is set out in Annex II and a glossary of terms used in this MoU is appended at Annex III.

Context

3. At present, all applicants with an osteopathic qualification and registration from Australia, New Zealand and the UK seeking registration in another of these countries other than their home jurisdiction, are subject to lengthy and costly assessment processes. Whilst these processes are aimed at ensuring the safety of patients, there is a risk that they pose barriers to professional mobility. This not only works to the disadvantage of individuals interested in practising abroad, but may also inhibit the flow of research and teaching expertise, both critical to the development of osteopathy. There are currently legislated arrangements in place between Australia and New Zealand, under the Trans-Tasman Mutual Recognition Act; these arrangements do not apply to any other country, such as the UK.
4. It is acknowledged therefore, that in countries with well developed systems of education and regulation, where the standards of osteopathic practice and education and training are similar, there is scope for the development and agreement of arrangements which would reduce the burden of current registration processes, without compromising patient safety and statutory obligations.

Principles

5. The overriding duty of the Osteopathy Board of Australia, the Osteopathic Council of New Zealand and the General Osteopathic Council in the United Kingdom is to regulate the profession of osteopathy, in the interests of public protection. Each regulator must satisfy itself that its statutory obligations are not undermined in any way by removal of unnecessary barriers for registering international osteopathic graduates from each jurisdiction.
6. It is agreed that any arrangement that establishes each country as a comparable jurisdiction should be based on the following principles:

Proportionality

Processes should be no more burdensome than they need to be to address the risks involved.

Accountability

Each regulator participating in such an arrangement must be fully accountable, as now, to all its various stakeholders and any decisions must be justifiable.

Consistency

The arrangement must be applied consistently to ensure fairness.

Transparency

The arrangement must be clear and accessible for all, and user friendly for applicants.

Targeted

The arrangement must be designed so as to target actual risk.

Information sharing

As part of such an arrangement, each regulator must agree to share all relevant information on registered osteopaths. This could include a report of "good standing" or charges laid.

Aims

7. The overall aim is to agree arrangements by January 2012 that recognise each regulatory authority as comparable for the purposes of registering osteopathic graduates that were trained and achieved registration in one of the three jurisdictions - Australia, New Zealand and the UK.
8. To develop a common approach for the robust assessment of competency of osteopaths who have entered registers by means other than currently accredited qualifications consistent with statutory obligations.

Roles and Responsibilities

9. The relationship between all parties to this MoU will be based on mutual understanding and trust expressed through the sharing of information necessary to inform the development of an agreement for recognising each as a comparable jurisdiction.

10. As a starting point the General Osteopathic Council (GOsC) will:

- Provide a history of current GOsC assessment processes.
- Undertake a comparative review of current registration procedures in Australia, New Zealand and the United Kingdom for overseas qualified osteopaths, highlighting any potential challenges to comparable jurisdiction arrangements.
- Consider the current draft proposal for provisional registration published by the Australian and New Zealand Osteopathic Council's (ANZOC) Assessment Committee with a view to assessing its potential to contribute to a comparable jurisdiction arrangement.
- Research relevant comparable arrangements in place between other healthcare regulators in different jurisdictions, to inform the development of a similar process for osteopaths.
- Liaise with the UK Department of Health, and Border Agency in relation to any consequential changes to legislation, rules or processes that may be necessary.

11. As a starting point the Osteopathy Board of Australia will:

- Provide a history of current assessment processes and the proposed new process under development by ANZOC, to be finalised by 1 July 2010.
- Research relevant comparable jurisdiction arrangements in place between other Australian healthcare regulators in different jurisdictions (Australia), to inform the development of a similar process for osteopaths.
- Support the opportunity of a partnership working between Australian and New Zealand Osteopathic regulators and the GOsC.
- liaise with the OCNZ as appropriate in developing its relationship with the GOsC.

12. As a starting point the Osteopathic Council of New Zealand will:

- Research relevant comparable jurisdiction arrangements in place between other New Zealand healthcare regulators in different jurisdictions, to inform the development of a similar process for osteopaths.
- Support the concept of partnership working between the osteopathic regulatory authorities in Australia, New Zealand and the UK.
- Seek to improve information sharing between the jurisdictions so that the registration processes are not unnecessarily burdensome to osteopaths, whilst providing the maximum protection for the public.
- Liaise with the OBA as appropriate in developing its relationship with the GOsC.

- Liaise with the NZ Ministry of Health, and Immigration Service to ensure appropriate systems are developed.
13. The Australian and New Zealand regulators (OBA and OCNZ) jointly recognise the Australian and New Zealand Osteopathic Council (ANZOC) for the purpose of accreditation of osteopathic courses leading to eligibility for registration in Australia and New Zealand, and the assessment of overseas osteopathic qualifications for the purpose of registration as an osteopath in Australia and New Zealand. The OBA and OCNZ support the involvement of ANZOC in the consultative, advisory, developmental process, and would expect that it may have an implementation role.
14. When a comparative review of current registration procedures in Australia, New Zealand and the United Kingdom for overseas qualified osteopaths has been completed, highlighting any potential challenges to proposed arrangements for recognition as comparable jurisdictions, each participating regulator will undertake to:
- Contribute to the development by September 2010, of a draft joint strategy and action plan.
 - Share expertise and experience in the development of assessment methods and use of assessors.
 - Explore the development of mechanisms to exchange necessary and relevant information about individual migrating osteopaths.
 - Keep each organisation informed about new legislation, regulations or changes in working practices that may impact on the MoU.
 - Participate actively in online communications and face-to-face meetings aimed at progressing work leading to the achievement of the aims specified at paragraph 7 and 8 of this MoU.

Contact Points and mechanisms

15. Each party will appoint an officer to serve as the official contact and coordinate activities of each organisation in carrying out this MOU. The initial appointees of each organisation are:

Robert Fendall – Chair, Osteopathy Board of Australia

Stiofan Mac Suibhne – Chairperson, Osteopathic Council of New Zealand

Professor Adrian Eddleston – Chair, General Osteopathic Council

16. The majority of communication will be online, supplemented by periodic meetings as necessary, using the opportunity of the Osteopathic International Alliance meetings and other such gatherings for face-to-face contact.

Timescale & cancellation procedures

17. This MoU is effective from the date on which it was signed and will remain in force until either party serves notice that it should cease.

Authorisation

18. The signing of this MoU implies that the signatories will use their best endeavours to meet the objective stated within it.

19. On behalf of the Osteopathy Board of Australia, Osteopathic Council of New Zealand and the General Osteopathic Council of the United Kingdom, we are pleased to sign this Memorandum of Understanding.

(Endorsed by Robert Fendall 14 April 2010)

Mr Robert Fendall
Chair,
Osteopathy Board of Australia

(Endorsed by Stiofan Mac Suibhne 14 April 2010)

Mr Stiofan Mac Suibhne
Chairperson,
Osteopathic Council of New Zealand /
Kaunihera Whakanao Uaiwi

(Endorsed by Professor Adrian Eddleston 14 April 2010)

Professor Adrian Eddleston
Chair,
General Osteopathic Council (of the United Kingdom)

14 April 2010

ANNEX I: Proposed timeline

- Stakeholders Teleconference: to agree draft of MOU: April 2010.
- Proposal for assessment of overseas trained osteopaths by the Australian and New Zealand Osteopathic Council (ANZOC) to be recommended for adoption by OBA/OCNZ, subject to formal consultation: July 2010.
- Formal consultation on the MoU and ANZOC assessment proposal with the governmental strategic workforce planning process, immigration departments, osteopathic profession / professional associations: August 2010.
- Draft joint action plan and strategy: September 2010.
- Stakeholders Meeting: Osteopathic International Alliance, 24-28 October 2010, San Francisco.
- Review compliance requirements with privacy legislation and information held that may be disclosed to overseas regulator relating to registration: November/December 2010
- Develop draft common assessment standards and processes for osteopathic graduates: July 2011.
- Develop draft common assessment standards and processes for osteopaths who have entered registers by means other than by accredited qualifications: July 2011.
- Agree, by January 2012 arrangements, including a common assessment standard, which:
 - recognise each regulator as a comparable jurisdiction for the registration of osteopathic graduates.
 - provide for registration processes of osteopaths who hold qualifications gained prior to the introduction of accredited qualifications in one of the jurisdictions.
- Review date: July 2012, in the event that not all parties have reached agreement by January 2012.

ANNEX II: Purpose of respective organisations

Purpose of the Osteopathy Board of Australia

A key purpose of Australia's national registration and accreditation scheme for health professions is to protect the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered.

The powers and functions of the Osteopathy Board of Australia are set out under the *Health Practitioner Regulation National Law Act 2009*. The National Law is not a commonwealth law but a law that is, at the time of writing, currently being passed by parliaments in each Australian state and territory. A majority of states and territories have already passed the law and it is expected that full commencement will occur on 1 July 2010.

Within the national scheme, the functions of the Osteopathy Board of Australia include overseeing:

- the registration of osteopaths;
- the development of osteopathy profession standards;
- the handling of notifications and complaints in relation to the profession; and
- the assessment of overseas trained practitioners who wish to practise in Australia.

The Board will also approve accreditation standards and a list of accredited courses of study that meet the qualifications for registration and conduct investigations and disciplinary hearings.

The functions of the Board are supported by the national Australian Health Practitioner Regulation Agency.

Purpose of the Osteopathic Council of New Zealand

The Osteopathic Council of New Zealand is a regulatory authority established by the Health Practitioners Competence Assurance Act (HPCAA) (2003). The function of the regulatory authority is to regulate the osteopathic profession in order to protect the public.

The HPCAA regulatory framework requires that authorities:

- maintain a public register of osteopaths;
- prescribe qualifications for entering the register;
- determine scopes of practice for the profession;
- ensure systems are in place to maintain ongoing competency through continuing professional development;

- operates a system for receiving and investigate complaints relating to fitness to practice, competency and professional conduct;
- assesses the competency of overseas trained osteopaths for the purpose of registration in NZ.

Purpose of the General Osteopathic Council

The General Osteopathic Council (GOsC) has a statutory duty to regulate the practice of osteopathy in the UK. Osteopaths must be registered with the GOsC in order to practise.

The GOsC, established under the Osteopaths Act 1993, works with the public and the profession to protect and promote patient safety through effective regulation of osteopaths by:

- Registering osteopaths;
- Setting standards of conduct and osteopathic practice for osteopaths;
- Assuring the quality of osteopathic education;
- Requiring continuing professional development by osteopaths;
- Dealing with patients' concerns or complaints about osteopaths.

Purpose of the Australian and New Zealand Osteopathic Council

The Australian and New Zealand Osteopathic Council (ANZOC) is an independent body appointed by the Australian Health Workforce Ministerial Council for three years from 1 July 2010 as the accreditation authority assigned accreditation functions for the Osteopathy Board of Australia under the National Registration and Accreditation Scheme for Health Professions.

The primary objects of the ANZOC are to:

- Assess for the purpose of granting accreditation to, programs leading to eligibility for registration as an osteopath in Australia and New Zealand;
- Advise and make recommendations to the osteopathic registering authorities (or successor body(ies) and other relevant interest groups on matters concerning the registration of osteopaths in Australia and New Zealand;
- Assess the qualifications of overseas-trained osteopaths for registration eligibility in Australia and New Zealand;
- Provide information and advice to government concerning the adequacy of a person's skills in the field of osteopathy for the purposes of migration to Australia;
- Provide information and advice to government relating to law and policy concerning the registration of osteopaths in Australia.

ANNEX III: Glossary of Terms

Australian Health Practitioner Regulation Agency (AHPRA) is the organisation that supports the functions of the 10 Australian health professions included in the Health Practitioner Regulation National Law Act 2009.

Australian Health Workforce Ministerial Council comprises Ministers of the governments of the participating jurisdictions and the Commonwealth (Australia) with portfolio responsibility for health. It is known by its short-form name, the Ministerial Council.

Comparable jurisdiction is defined as one which has processes of assessment and training that are deemed equivalent to another jurisdiction, for the purposes of agreeing arrangements to register osteopathic graduates from each.

Comparable arrangements: these are defined as arrangements between comparable jurisdictions for registration of osteopathic graduates. They may also include arrangements that provide for registration of osteopaths who hold qualifications gained prior to the introduction of accredited qualifications in Australia, New Zealand and the United Kingdom.

Osteopathic graduate means a graduate that has completed accredited qualifications in a comparable jurisdiction. These are in contrast to osteopaths who may hold qualifications gained prior to the introduction of accredited qualifications in Australia, New Zealand and the UK.

Osteopaths Act 1993 is the UK legislation setting out the system of training, registration and regulation of osteopaths in the UK and the establishment of the General Osteopathic Council as the profession's regulator.

Skilled migration of osteopaths means a process by which osteopaths obtain entry visas (temporary or permanent) via a jurisdiction's migration authority which is not related to the registration process.

Trans-Tasman Mutual Recognition Act 1997 (TTMRA) is a non-treaty arrangement between the Commonwealth of Australia, the Australian State and Territory Governments and the New Zealand Crown. It is the cornerstone of the single economic market and the driver of regulatory co-ordination and integration in Australia and New Zealand (ANZ). The TTMRA is a key instrument in developing an integrated trans-Tasman economy as envisioned by the Australia and New Zealand Closer Economic Relations Trade Agreement (CER) signed in 1983.

The TTMRA is implemented by statute in all ANZ legislatures, it is overarching legislation, meaning that all laws are subject to it unless specifically excluded or exempted. The Health Practitioners Competence Assurance Act (2003) in New Zealand and the Health Practitioner Regulation National Law Act (2009) to be enacted on 1 July 2010 are not exempted from the TTMRA.