



## Public consultation

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28 April 2014

### You are invited to provide feedback on this public consultation

Review of registration standards:

- Professional indemnity insurance
- Continuing professional development
- Recency of practice

**Please provide feedback in a word document (or equivalent)<sup>1</sup> to [osteoboardconsultation@ahpra.gov.au](mailto:osteoboardconsultation@ahpra.gov.au) by close of business on 30 June 2014.**

#### Public consultation

1. The Osteopathy Board of Australia is releasing the attached consultation paper on the review of the professional indemnity insurance, continuing professional development and recency of practice registration standards. You are invited to provide your comments on the consultation paper, including the questions in the paper, by 30 June 2014.

#### How your submission will be treated

2. Submissions will generally be published unless you request otherwise. The Boards publish submissions on their websites to encourage discussion and inform the community and stakeholders. However, the Boards retain the right not to publish submissions at their discretion, and will not place on their website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of the consultation.
3. Before publication, the Boards will remove personally-identifying information from submissions, including contact details. The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Boards.
4. The Boards also accept submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal experiences or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the *Freedom of Information Act 1982* (Cwlth), which has provisions designed to protect personal information and information given in confidence.

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<sup>1</sup> You are welcome to supply a PDF file of your feedback in addition to the word (or equivalent) file, however we request that you do supply a text or word file. As part of an effort to meet international website accessibility guidelines, AHPRA and National Boards are striving to publish documents in accessible formats (such as word), in addition to PDFs. More information about this is available at [www.ahpra.gov.au/About-AHPRA/Accessibility.aspx](http://www.ahpra.gov.au/About-AHPRA/Accessibility.aspx).

5. Please let the Boards know if you do not want your submission published, or want all or part of it treated as confidential.



## Contents

Overview <i>Registration standard: Professional indemnity insurance arrangements</i>	4
Consultation <i>Registration standard: Professional indemnity insurance arrangements</i>	7
Overview <i>Registration standard: Continuing professional development</i>	11
Consultation <i>Registration standard: Continuing professional development</i>	14
Overview <i>Registration standard: Recency of practice</i>	17
Consultation <i>Registration standard: Recency of practice</i>	20
<i>Board's Statement of assessment against AHPRA's Procedures for development of registration standards and COAG principles for best practice regulation (Attachment 1)</i>	23

## Overview

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28 April 2014

### Review of *Professional indemnity insurance registration standard*

#### Summary of issue

6. The National Law requires the Board to develop a professional indemnity insurance registration standard about the requirements for professional indemnity insurance arrangements for registered health practitioners registered in the profession.
7. Section 129 of the National Law provides that a registered health practitioner must not practise unless they have appropriate professional indemnity insurance arrangements in force.
8. Section 109 of the National Law requires a practitioner applying to renew their registration to make a declaration that they have not practised during the previous registration period without having appropriate professional indemnity insurance arrangements in place. It also requires the practitioner to declare that, if their registration is renewed, they will not practise without appropriate professional indemnity insurance arrangements in place.
9. Section 130 (3)(iii) requires a registered health practitioner to notify the National Board within 7 days if appropriate professional indemnity insurance arrangements are no longer in place.
10. The Board's initial professional indemnity insurance arrangements registration standard included a minimum amount of cover of \$20 million. The Board is reviewing this standard to ensure it meets the objectives of the National Law and is worded as simply and clearly as possible.

#### Options statement – professional indemnity insurance

11. The Board has considered a number of options in developing this proposal.

##### Option 1 – Status quo

12. Option 1 would continue with the existing registration standard. The registration standard establishes the Board's requirements for professional indemnity insurance arrangements including the minimum amount of cover necessary.
13. The Board has identified a range of issues with the current standard, including the ability to clarify the language and structure to make it easier to understand.

##### Option 2 – Proposed revised standard

14. Option 2 would involve the Board submitting a revised registration standard to the Ministerial Council for approval.
15. The Board is considering whether the objectives and guiding principles of the National Law would be met if it were to:
  - not specify a level of cover, or
  - specify a lower level of cover and require practitioners to self assess and, if they deem it necessary because of the nature of their practice, seek expert insurance advice to ensure that they have appropriate cover for their individual practice and the risks involved.
16. The Board is considering this to become more aligned with the other regulated health professions.

17. This public consultation provides an opportunity for all interested parties to provide input on the draft revised standard and this option, particularly.

18. The revised standard has clearer wording and structure to make it easier to understand.

### **Preferred option**

19. The Board prefers Option 2.

### **Issues for discussion**

#### **Potential benefits and costs of the proposal**

20. The benefits of the preferred option are that the draft revised standard:

- is more flexible and user-friendly
- strikes a better balance between protecting the public and impact on registrants and practitioners applying for registration
- has been reworded to be simpler and clearer.

21. The costs of the preferred option are:

- applicants, other stakeholders, AHPRA and National Boards will need to become familiar with the new standard
- there will likely need to be a period of transition to the proposed revised standard, if approved.

#### **Estimated impacts of the draft revised registration standards**

22. The changes proposed in the draft revised registration standard are relatively small, although more significant changes may be proposed through consultation. There is little impact anticipated on practitioners, business and other stakeholders arising from the changes proposed.

### **Relevant sections of the National Law**

23. Relevant sections of the National Law relating to PII (and summarised above) are:

- Section 38
- Section 109
- Section 129, and
- Section 130.

#### **Questions for consideration**

24. The Board is inviting feedback on the following questions.

- From your perspective, how is the current registration standard working?
- Is the content and structure of the draft revised registration standard helpful, clear, relevant and more workable than the current standard?
- Is there any content that needs to be added, changed or deleted in the revised draft registration standard?
- Do you have any other comments on the revised registration draft standard?

## Attachments

25. The Board's Statement of assessment against AHPRA's Procedures for development of registration standards and COAG principles for best practice regulation is at Attachment 1.
26. The current professional indemnity insurance registration standard is published on the Board's website, accessible from [www.osteopathyboard.gov.au/Registration-Standards.aspx](http://www.osteopathyboard.gov.au/Registration-Standards.aspx)



## Registration standard: Professional indemnity insurance

**Effective from:** <<date>>

**Review date:** <<date>>

### Summary

This registration standard explains the Board's requirements for professional indemnity insurance (PII) under the National Law.

### Does this standard apply to me?

This standard applies to all registered osteopaths applying for general, limited or provisional registration or to renew their registration. Registrants can be covered by their own PII arrangements or third party PII arrangements.

This standard does not apply to student registrants or practitioners with non-practising registration.

### What must I do?

1. When you practise as an osteopath, you must be covered by your own or third party PII arrangements that meet this standard:
  - a) for all aspects of your practice
  - b) that cover all locations where you practice
  - c) whether you are working in the private, non-government and/or public sector, and
  - d) whether you are practising full time, part time, self-employed, employed, or in an unpaid or volunteer capacity.
2. Your PII cover must include:
  - a) civil liability cover
  - b) unlimited retroactive cover
  - c) automatic reinstatement, and
  - d) run-off cover for retirement or death

**or**

  - e) the equivalent of 2a to 2d above under employer-based PII arrangements, such as self-insurance by public sector employers or occurrence based cover.

3. If you are covered by a third party PII arrangement, you must ensure that the policy meets this standard. However:
  - if the third party cover does not meet this standard you must take out additional cover to ensure this standard is met, and
  - if any area of your practice is specifically precluded from your PII cover, you **must not** practise in that area.

If your PII arrangements are provided by your employer, you must have individual PII arrangements in place if you intend to practice outside your stated employment, including undertaking practical components of continuing professional development.

Registrants who take out their own PII policy must do so with a reputable insurer regulated by the Australian Prudential Regulation Agency.

#### Amount of cover

1. This standard specifies a minimum amount of cover of \$20 million that an osteopath must hold.
2. You are expected to conduct a self-assessment and seek expert insurance advice (such as from your insurer) to ensure that you have appropriate cover for your individual practice and the risks involved.

Factors that you should consider include:

- a) your practice setting and the type of services and care you deliver
- b) the patient or client groups involved
- c) the volume of patients or clients to whom treatment, advice, guidance or care is provided
- d) current employment status
- e) previous history of insurance claims and the type of claim made against you in the past, if any
- f) your experience in the practice of the profession, and
- g) any advice from professional indemnity insurers, professional associations and industrial organisations, including advice about the history and volume of professional liability claims experience by other members of the profession, provided by the relevant professional association and any advice from an insurance broker or insurer.

#### Are there exemptions to this standard?

There are no exemptions to this standard. The National Law requires you to have appropriate professional indemnity insurance arrangements in place when you practise as an osteopath.

#### What does this mean for me?

The National Law provides that a registered health practitioner must not practise his/her profession unless appropriate professional indemnity insurance arrangements are in force in relation to the practitioner's practice of the profession (s.129).

#### When you apply for registration

When you apply for registration as an osteopath, you must declare that you will not practise the profession unless you have professional indemnity insurance arrangements in place that meet this standard. This is a requirement under the National Law.

#### When you apply for renewal

You will be required to declare annually at renewal that:

1. during the preceding period of registration, you practised the profession in accordance with the requirements of the Board's PII registration standard, and
2. you will not practise the profession unless you have professional indemnity insurance arrangements in place that meet this standard.

### During the registration period

1. You must notify the Board within 7 days if you no longer have appropriate professional indemnity insurance arrangements in place in relation to your practice that meet the requirements of this standard (s. 130).
2. Your compliance with this standard may be audited from time to time.

### Evidence

The Board may, at any time, require you to provide evidence that you have appropriate professional indemnity insurance in place.

If you hold private insurance in your own name, you must retain documentary evidence of this insurance.

If you are covered by a third party insurance arrangement, you are not required to obtain documentary evidence of the insurance policy unless the Board requests it, however, there may be circumstances when you will be required to seek the documentation from that third party. If requested by the Board, you must provide a certified copy of the certificate of currency or a letter from the third party declaring that you are covered.

### What happens if I don't meet this standard?

The National Law establishes possible consequences if you don't meet this standard, including that:

- the Board can impose a condition or conditions on your registration or can refuse your application for registration or renewal of registration when you don't meet a requirement in an approved registration standard for osteopathy (sections 82 and 112 of the National Law)
- practising without appropriate PII arrangements, or failing to notify the Board within seven days that appropriate PII arrangements are no longer in place, is not an offence but may be behaviour for which health, conduct or performance action may be taken (section 129 and 130 of the National Law), and
- registration standards, codes or guidelines may be used in disciplinary proceedings against you as evidence of what constitutes appropriate practice for osteopathy (section 41 of the National Law).

### Authority

This registration standard was approved by the Australian Health Workforce Ministerial Council on <<date>>.

Registration standards are developed under section 38 of the National Law and are subject to wide ranging consultation.

### Definitions

**Automatic reinstatement** is a provision in policies which allows for the limit of indemnity (amount insured) to be reinstated for new, unrelated claims, after one or more claims has been paid to the limit of the indemnity.

**Civil liability insurance** means insurance that covers the costs of liability incurred by the insured arising from civil claims seeking compensation for personal injury, harm or loss incurred, where the claim arises directly from an alleged act, error or omission committed in the conduct of the practitioner's practice or professional business during the policy period. Civil liability cover includes cover for legal expenses incurred in defence or settlement of a civil claim and for damages payable.

**Occurrence-based policy** means a policy that is in place when the event which is the subject of the claim occurred, even if the policy has not been renewed.

**Practice** means any role, whether remunerated or not, in which an individual uses their skills and knowledge as a health practitioner in their profession. For the purpose of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.

**Professional indemnity insurance arrangements** means arrangements that secure for the practitioner's professional practice insurance against civil liability incurred by, or loss arising from, a claim that is made as a result of a negligent act, error or omission in the conduct of the practitioner. This type of insurance is available to practitioners and organisations across a range of industries and covers the cost and expenses of defending a legal claim, as well as any damages payable. Some government organisations under policies of the owning government are self-insured for the same range of matters.

**Retroactive cover** means PII arrangements which cover the insured against claims arising out of or in consequence of activities that were undertaken in the course of the practitioner's professional practice, prior to the date of the commencement of the insurance.

**Run-off cover** means insurance that protects a practitioner who has ceased a particular practice against claims that arise out of or are a consequence of activities that were undertaken when he/she was conducting that practice. This type of cover may be included in a PII policy or may need to be purchased separately.

**Third party cover** means the cover that an individual holds through a third party's insurance arrangement, such as through an employer, education provider or union.

## Review

Date of review: This registration standard will be reviewed from time to time as required. This will generally be at least every five years

Commenced / Last reviewed: XXXX. This standard replaces the previously published registration standard from 1 July 2010.

## Overview

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April 2014

### Review of *Continuing professional development registration standard*

#### Summary of issue

27. The National Law requires the Board to develop a registration standard about the requirements for continuing professional development (CPD) for registered health practitioners registered in the profession. The registration standard is part of the regulatory framework for the osteopathy profession.
28. Section 128 of the National Law provides that a registered health practitioner (other than a practitioner who holds non-practising registration) must undertake the continuing professional development (CPD) required the Board's CPD registration standard.
29. Section 109 of the National Law requires practitioners applying to renew their registration to make a declaration that they have completed the CPD required by the relevant National Board in the previous registration period.
30. The Board is reviewing its standard to ensure it is based on the best available evidence, meets the objectives of the National Law and is worded as simply and clearly as possible.
31. The Board, in conjunction with the other National Boards who are reviewing their CPD registration standards, commissioned a review of the literature on the effectiveness of CPD. The Board has taken this information into account in its review of the registration standard.
32. As the available evidence does not provide definitive answers to issues such as the most effective amount and types of continuing professional development, the Board has also considered its experience with the standard over the past three years in its review. The National Boards and AHPRA will continue to monitor developments in this area to inform the Board's standard.
33. The review of the Board's CPD guideline is not yet due, as the Board approved a revised CPD guideline on October 2011. This guideline has been in place for two years. Although the current guideline is expected to be reviewed shortly, the Board is intending to consult on a guideline with similar scope and content.

#### Options statement – *Registration standard Continuing professional development*

34. The Boards have considered a number of options in developing this proposal.

##### **Option 1 – Status quo**

35. Option 1 would continue with the existing registration standard. The registration standard established the Board's initial requirements for CPD under the National Law.
36. However, the Board has now identified a range of opportunities to improve the current standard, including the ability to clarify the language and structure to make it easier to understand.

##### **Option 2 – Proposed revised standard**

37. Option 2 would involve the Board submitting a revised registration standard to the Ministerial Council for approval. The registration standard would continue to establish the Board's requirements for CPD, without changes to requirements.
38. The revised standard has clearer wording and structure to make it easier to understand. The draft revised registration standard now states that: 'It may not apply to those registrants with limited registration for supervised practice to sit an examination' such as a one day ANZOC clinical exam, which is in line with the current CPD Guidelines and the wording of at least one other National Board's registration standard. The Board has not specified any 'recognised bodies' so has removed this reference.

### **Preferred option**

The Board prefers Option 2.

### **Issues for discussion**

#### **Potential benefits and costs of the proposal**

39. The benefits of the preferred option are that the draft revised standard:
- is more flexible and user-friendly
  - strikes a better balance between protecting the public and impact on registrants and practitioners applying for registration
  - has been reworded to be simpler and clearer.
40. The costs of the preferred option are:
- applicants, other stakeholders, AHPRA and National Boards will need to become familiar with the new standard; and
  - there will probably need to be a period of transition to the proposed revised standard, if approved.

#### **Estimated impacts of the draft revised registration standards**

41. There are no material changes proposed in the draft revised registration standard, although more significant changes may be proposed through consultation. There is little impact anticipated on practitioners, business and other stakeholders arising from the changes proposed.

#### **Relevant sections of the National Law**

42. The relevant sections of the National Law relating to CPD (and summarised above) are:
- Section 38
  - Section 109, and
  - Section 128.

#### **Questions for consideration**

43. The Board is inviting feedback on the following questions.
- From your perspective, how is the current registration standard working?
  - Is the content and structure of the draft revised registration standard helpful, clear, relevant and more workable than the current standard?
  - Is there any content that needs to be added, changed or deleted in the revised draft registration standard?
  - Do you have any other comments on the revised registration draft standard?

#### **Attachments**

44. The Board's Statement of assessment against AHPRA's *Procedures for development of registration standards and COAG principles for best practice regulation* is at [Attachment 1](#).

45. The current professional indemnity insurance registration standard is published on the Board's website, accessible from [www.osteopathyboard.gov.au/Registration-Standards.aspx](http://www.osteopathyboard.gov.au/Registration-Standards.aspx).

## Registration standard: Continuing professional development

**Effective from:** <<date>>

**Review date:** <<date>>

### Summary

This registration standard sets out the Board's minimum requirements for continuing professional development (CPD) for osteopaths.

### Does this standard apply to me?

This standard applies to all registered osteopaths except those with student or non-practising registration. It may not apply to those registrants with limited registration for supervised practice to sit an examination.

### What must I do?

To meet this registration standard, you must:

1. complete a minimum of 25 hours per annum, which includes four hours of mandatory topics approved by the Board, and
2. hold a current senior first aid certificate at the minimum standard of a Senior First Aid (level 2) certificate or equivalent.

Applicants who are registered part-way through a registration period must complete the first aid requirements specified above and six hours of CPD for every three months of registration remaining in the registration period.

CPD should be relevant to the practitioner's area of professional osteopathic practice and have clear learning aims and objectives that meet the individual's requirements. CPD activities should also have a focus on the clinical aspects of practice, including diagnosis, evidence-based practice and patient safety.

### Are there exemptions to this standard?

The Board may grant an exemption to this standard in exceptional circumstances, such as a serious illness or bereavement, that result in a substantial absence from practice.

### What does this mean for me?

#### When you apply for registration

You don't need to meet this standard when you apply for registration in Australia for the first time as an osteopath.

#### When you apply for renewal

When you apply to renew your registration, you are required to declare whether you comply with this standard.

### **During the registration period**

Your compliance with this standard may be audited from time to time.

### **Evidence**

You should maintain records of your CPD activity for five years in case you get audited.

### **What happens if I don't meet this standard?**

The National Law establishes possible consequences if you don't meet this standard, including that:

- a Board can impose a condition or conditions on your registration or refuse an application for registration or renewal of registration when the applicant does not meet a requirement in an approved registration standard for the profession (sections 82 and 112 of the National Law)
- a failure to undertake the CPD required by this standard is not an offence but may be behavior for which health, conduct or performance action may be taken by the Osteopathy Board of Australia (section 128 of the National Law), and
- registration standards, codes or guidelines may be used in disciplinary proceedings against health practitioners as evidence of what constitutes appropriate practice or conduct for the health profession (section 41 of the National Law).

### **Continuing professional development guidelines for osteopaths**

The Continuing professional development guidelines provide more information about how to meet this standard. Osteopaths are expected to understand and apply these guidelines together with this registration standard.

### **Authority**

This registration standard was approved by the Australian Health Workforce Ministerial Council on <<date>>.

Registration standards are developed under section 38 of the National Law and are subject to wide ranging consultation.

### **More information**

If required at audit or by the Board, you must provide evidence of your compliance with this standard. Evidence may include:

- a record of completed CPD issued by a provider
- a professional portfolio of self-directed CPD undertaken.

### **Definitions**

**Continuing professional development** is the means by which members of the profession maintain, improve and broaden their knowledge, expertise and competence, and develop the personal and professional qualities required throughout their professional lives.

**Practice** means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. Practice in this context is not restricted to the provision of direct clinical care. It also includes using professional knowledge (working) in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on the safe, effective delivery of services in the profession.

**Scope of practice** means the professional role and services that an individual health practitioner is educated and competent to perform.

### Evidence

If required at audit or by the Board, you must provide evidence of your compliance with this standard. Evidence may include:

- a record of completed CPD issued by a provider
- a professional portfolio of self-directed CPD that has been undertaken.

### Review

This standard will be reviewed from time to time as required. This will generally be at least every five years.

This standard replaces the previously published registration standard from 1 July 2010.

## Overview

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April 2014

### Review of *Recency of practice registration standard*

#### Summary of issue

46. The National Law requires the Board to develop a registration standard about the requirements for the nature, extent, period and recency of any previous practice by practitioners applying for registration in the profession. The registration standard is part of the regulatory framework for the Osteopathy profession.
47. Section 109 of the National Law requires a practitioner applying to renew their registration to declare that they have met the recency of practice requirements in the Board's registration standard.
48. The Board is reviewing its standard to ensure it is based on the best available evidence, meets the objectives of the National Law and is worded as simply and clearly as possible.
49. The Board, together with the National Boards reviewing their recency of practice registration standards, commissioned a review of the literature on recency of practice requirements. The Board has taken this information into account in its review of the registration standard.
50. The available evidence does not provide definitive answers to issues such as the amount of practice that a practitioner must undertake to remain competent so the Board has also considered its experience with the standard over the past three years and how best to protect the public given current knowledge limitations. The National Boards and AHPRA will continue to monitor developments in this area to inform the Boards' standards.

#### Options statement – recency of practice registration standard

51. The Boards have considered a number of options in developing this proposal.

##### **Option 1 – Status quo**

52. Option 1 would continue with the existing registration standard. The registration standard established the Board's initial requirements for recency of practice under the National Law.
53. However, the Board has now identified a range of issues with the current standard, including the ability to clarify the language and structure to make it easier to understand.

##### **Option 2 – Proposed revised standard**

54. Option 2 would involve the Board submitting a revised registration standard to the Ministerial Council for approval. The registration standard would continue to establish the Board's requirements for recency of practice, with some changes to the number of hours (increasing from 400 to 450 hours over three years which is consistent with other National Boards) and broaden the definition of clinical practice to include oversight of direct clinical care of patients.

55. The proposed registration standard continues to define a recent graduate as a person applying for registration on the basis of a qualification for registration that was awarded not more than six months prior to the date of their application. Given that many osteopaths work in small and sole practices without structured supervision, the Board sets a maximum of six months gap for graduates between gaining their qualification and consolidating this with clinical practice to prevent a deterioration of skills.
56. The revised standard has clearer wording and structure to make it easier to understand.

#### **Preferred option**

57. The Board prefers Option 2.

#### **Issues for discussion**

##### **Potential benefits and costs of the proposal**

58. The benefits of the preferred option are that the draft revised standard:

- is more flexible and user-friendly
- strikes a better balance between protecting the public and impact on registrants and practitioners applying for registration
- has been reworded to be simpler and clearer.

59. The costs of the preferred option are:

- applicants, other stakeholders, AHPRA and National Boards will need to become familiar with the new standard
- there will likely need to be a period of transition to the proposed revised standard, if approved.

##### **Estimated impacts of the draft revised registration standards**

60. The changes proposed in the draft revised registration standard are reasonably minor and are not expected to affect many practitioners, although more significant changes may be proposed through consultation. There is little impact anticipated on practitioners, business and other stakeholders arising from the changes proposed.

#### **Relevant sections of the National Law**

61. Section 109 is the relevant section of the National Law for developing this registration standard.

#### **Questions for consideration**

62. The Board is inviting feedback on the following questions.

- From your perspective, how is the current registration standard working?
- Is the content and structure of the draft revised registration standard helpful, clear, relevant and more workable than the current standard?
- Is there any content that needs to be added, changed or deleted in the revised draft registration standard?
- Do you have any other comments on the revised registration draft standard?

#### **Attachments**

63. The Board's *Statement of assessment against AHPRA's Procedures for development of registration standards and COAG principles for best practice regulation* is at [Attachment 1](#).

64. The current recency of practice registration standard is published on the Board's website, accessible from [www.osteopathyboard.gov.au/Registration-Standards.aspx](http://www.osteopathyboard.gov.au/Registration-Standards.aspx)

## Registration standard: Recency of practice

**Effective from:** <<date>>

**Review date:** <<date>>

This registration standard sets out the Board's minimum requirements for recency of practice for osteopaths.

### Does this standard apply to me?

This standard applies to all registered osteopaths except those with student or non-practising registration.

### What must I do?

To meet this registration standard you must have practised as an osteopath in your current domain of practice for at least 450 hours in the previous three years.

Specifically, to work in clinical practice, you must have undertaken at least 450 hours of clinical practice in the previous three years in order to maintain recency of practice in the clinical domain (for example, an osteopath who has been working as an academic but has not undertaken clinical practice or clinical supervision would not meet this standard)

Meeting the Board's minimum requirements for recency of practice doesn't automatically satisfy your professional and ethical responsibilities to ensure that you recognise and work within the limits of your competence and maintain adequate knowledge and skills to provide safe and effective care.

### What does this mean for me?

#### When you apply for registration

When you apply for registration as an osteopath, you must meet this registration standard. This includes practitioners who are applying for new or additional types of registration, such as changing from non-practising to general registration or applying for an endorsement. It also applies to those who change their domain of practice.

You don't need to meet this registration standard if you are a recent graduate applying for registration for the first time within six months of completing an approved program of study as you are exempt from this standard. However, you will be required to complete the pro-rata equivalent of 450 hours of practice in the first three years of registration.

### **When you apply for renewal**

When you apply to renew your registration, you are required to declare whether you comply with this registration standard.

### **During the registration period**

Your compliance with this registration standard may be audited from time to time. It may also be checked if the Board receives a notification about you.

### **Evidence**

You should retain records as evidence that you meet the requirements of this standard for five years in case you are audited.

### **What happens if I don't meet this standard?**

If you want to continue to practice, or return to practice after taking a break, and you don't meet this standard, you will need to provide information to help the Board decide whether you are able to continue to practice.

In assessing applications that do not meet this standard, the Board will consider:

- a. length of absence from the workforce
- b. amount and standard of continuing professional development (CPD) undertaken during the period of absence
- c. level of experience prior to absence (including duration of prior practice)
- d. reason for absence (e.g. caring, illness, study leave),
- e. other activities undertaken during absence.

The Board may, depending on the circumstances, require a person who does not meet this standard to:

- f. undertake an assessment of their competency to practise
- g. practise under supervision
- h. undertake specified amounts or types of CPD before returning to practice, or
- i. undertake any other activity specified by the Board.

### **Other possible consequences**

The National Law establishes possible consequences if you don't meet the recency of practice requirements in this standard, including that:

- the Board can impose conditions on your application for registration or renewal of registration or can refuse your application for registration or renewal of registration (sections 82 and 112 of the National Law), and
- registration standards, codes or guidelines may be used in disciplinary proceedings against you as evidence of what constitutes appropriate practice or conduct for osteopaths (section 41 of the National Law).

## Authority

This registration standard was approved by the Australian Health Workforce Ministerial Council on <<DATE>>.

Registration standards are developed under section 38 of the National Law and are subject to wide ranging consultation.

## More information

More information for osteopaths about the requirements of this standard is available from *Information for osteopaths: Satisfying recency of practice and returning to practice requirements*, which may assist health practitioners to understand the registration standard, its purpose and requirements.

## Definitions

**Clinical practice** means direct clinical care or oversight of direct clinical care of patients, using the current knowledge, skills and attitudes of the osteopathic profession, whether remunerated or not, and regardless of job title.

**Practice** means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. Practice in this context is not restricted to the provision of direct clinical care. It also includes using professional knowledge (working) in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on the safe, effective delivery of services in the profession.

**Recency of practice** means that a health practitioner has maintained an adequate connection with, and recent practice in the profession since qualifying for, or obtaining registration.

**Recent graduate** means a person applying for registration on the basis of a qualification for registration that was awarded not more than six months prior to the date of their application.

**Scope of practice** means the professional role and services that an individual health practitioner is educated and competent to perform.

## Review

This registration standard will be reviewed from time to time as required. This will generally be at least every five years

Last reviewed: XXXX

This standard replaces the previously published registration standard from 1 July 2010.

## Statement of assessment

Board's statement of assessment against AHPRA's *Procedures for development of registration standards* and *COAG principles for best practice regulation*

*Registration standard: Professional indemnity insurance arrangements*

*Registration standard: Continuing professional development*

*Registration standard: Recency of practice*

The Australian Health Practitioner Regulation Agency (AHPRA) has *Procedures for the Development of Registration Standards* which are available at: [www.ahpra.gov.au](http://www.ahpra.gov.au)

These procedures have been developed by AHPRA in accordance with section 25 of the *Health Practitioner Regulation National Law* as in force in each state and territory (the National Law) which requires AHPRA to establish procedures for the purpose of ensuring that the National Registration and Accreditation Scheme operates in accordance with good regulatory practice.

Below is the National Boards' assessment of their proposal for its revised draft registration standards against the three elements outlined in the AHPRA procedures.

### 1. The proposal takes into account the National Scheme's objectives and guiding principles set out in section 3 of the National Law

#### Board assessment

The Board considers that the revised draft registration standards meet the objectives and guiding principles of the National Law.

The revised draft *Registration standard: Professional indemnity insurance arrangements*, if approved, will provide for the protection of the public by ensuring that practitioners have appropriate professional indemnity insurance arrangements in place when they practise.

The revised draft *Registration standard: Continuing professional development*, if approved, will provide for the protection of the public by ensuring that practitioners undertake appropriate continuing professional development as an important aspect of maintaining their competence.

The revised draft *Registration standard: Recency of practice*, if approved, will provide for the protection of the public by ensuring that practitioners have appropriate recent practice.

The revised draft registration standards also support the National Scheme to operate in a transparent, accountable, efficient, effective and fair way.

### 2. The consultation requirements of the National Law are met

#### Board assessment

The National Law requires wide-ranging consultation on proposed registration standards. The National Law also requires the Board to consult other boards on matters of shared interest.

The Board will ensure that there is public exposure of its proposals and there is the opportunity for public comment by undertaking an eight week public consultation process. This process includes

the publication of the consultation paper (and attachments) on its website.

The Board has drawn this paper to the attention of key stakeholders.

The Board will take into account the feedback it receives when finalising its proposals for submission to the Ministerial Council for approval.

### 3. The proposal takes into account the COAG Principles for Best Practice Regulation

#### Board assessment

In developing the revised draft registration standards for consultation, the Board has taken into account the Council of Australian Governments (COAG) *Principles for Best Practice Regulation*.

As an overall statement, the Board has taken care not to propose unnecessary regulatory burdens that would create unjustified costs for the profession or the community.

The Board makes the following assessment specific to each of the COAG principles expressed in the AHPRA procedures.

#### COAG Principles

##### A. Whether the proposal is the best option for achieving the proposal's stated purpose and protection of the public

#### Board assessment

The Board considers that its proposals are the best options for achieving the stated purposes. As only minor changes to the existing standards are proposed, the impact of the proposals is similar to the existing registration standards.

The Board considers that the revised draft standards would have a low impact on the professions. These low impacts are significantly outweighed by the benefits of protecting the public and providing clearer, simpler requirements, in the public interest.

National Boards in reviewing their registration standards commissioned a review of the literature on the effectiveness of CPD and on recency of practice requirements. The Board has taken this information and its regulatory experience into account in its review of the *Registration standard: Continuing professional development* and *Registration standard: Recency of practice*.

##### B. Whether the proposal results in an unnecessary restriction of competition among health practitioners

#### Board assessment

The Board considered whether its proposals could result in an unnecessary restriction of competition among health practitioners. The proposals are not expected to impact on the current levels of competition among health practitioners.

##### C. Whether the proposal results in an unnecessary restriction of consumer choice

#### Board assessment

The Board considers that the revised draft *Registration standard: Professional indemnity arrangements* will support consumer choice, by establishing clear requirements for professional indemnity insurance arrangements that practitioners must meet when they practise, in accordance with the National Law.

The Board considers that the revised draft *Registration standard: Continuing professional development* will support consumer choice, by establishing clear requirements for continuing professional development that practitioners must meet as a key part of maintaining their competence, in accordance with the National Law.

The Board considers that the revised draft *Registration standard: Recency of practice* will support consumer choice, by establishing clear requirements for recency of practice that practitioners must meet, in accordance with the National Law.

**D. Whether the overall costs of the proposal to members of the public and/or registrants and/or governments are reasonable in relation to the benefits to be achieved**

**Board assessment**

The Boards considered the overall costs of the revised registration standards to members of the public, registrants and governments and concluded that the likely costs are appropriate when offset against the benefits that the revised draft standards contribute to the National Scheme.

Subject to stakeholder feedback on the proposed revisions and if approved by the Ministerial Council, the revised draft standards should have only minimal impact on the costs to applicants by presenting the Board's requirements in a clearer and simpler way.

**E. Whether the requirements are clearly stated using 'plain language' to reduce uncertainty, enable the public to understand the requirements, and enable understanding and compliance by registrants**

**Board assessment**

The Boards consider the revised draft registration standards have been written in plain English that will help practitioners to understand the requirements of the standard. The Boards have changed the structure of the standards and reviewed the wording to make the standards easier to understand.

**F. Whether the Board has procedures in place to ensure that the proposed registration standard, code or guideline remains relevant and effective over time**

**Board assessment**

If approved, the Boards will review the revised registration standards at least every five years, including an assessment against the objectives and guiding principles in the proposed National Law and the COAG principles for best practice regulation.

However, the Board may choose to review the standards earlier, if it is necessary to ensure the standards' continued relevance and workability.