



AHPRA Public consultation paper on the definition of practice

Feedback from the Occupational Therapists Registration Board of Western Australia

Question 1:

The Occupational Therapists Registration Board of Western Australia has adopted a policy re the registration of occupational therapists working in positions not identified as that of occupational therapist. With the growth of non-traditional positions in the health, disabilities and vocational rehabilitation sector as well as other employment opportunities it is suggested that other professions will have the same issues. It is therefore recommended the following be considered when determining the requirement for registration;

Registration/practising certificate is required:

- If the job title is that of any health professional with registration requirements.
- For any position where the selection criterion stipulates a registered health professional qualification is an essential requirement.
- If any of the qualifications listed required registration and the position is occupied by a practitioner for which there is a registration requirement.
- In the circumstances where the position's occupant signs correspondence, purports to provide a service or otherwise depicts themselves as a health practitioner, even if the job title or selection criteria does not suggest the person requires a health practitioner qualification.

A copy of the OTRBWA policy is attached for information.

Question 2:

Direct clinical roles / patient or client health care

The Occupational Therapy Registration Board Western Australian (OTRBWA) agrees with the statement that when health practitioners provide advice, health care, treatment or opinion, about the physical or mental health of an individual, including prescribing or referring, it is clear that there is a level of risk to the public. The public and the practitioners' professional peers would expect that this group of health practitioners would have the qualifications and the contemporary knowledge and skills to provide safe and effective health care within their area of practice. It is agreed that it would be expected that these practitioners will meet the standards set by the Board and therefore should be registered.

Question 3

Indirect roles in relation to care of individuals

Health practitioners who are in roles in which they are directing, supervising or advising other health practitioners about the health care of individuals would also be expected to have the qualifications and contemporary knowledge and skills to do so as there is potential to alter the management of the patient/client.

The Occupational Therapy Registration Board Western Australia agrees with this statement.

Question 4

Non-clinical roles / non-patient-client care roles

There are experienced and qualified health practitioners who contribute to the community in a range of roles that do not require direct patient/client contact and whose roles do not "impact on safe, effective delivery of services in the profession". Examples are some management, administrative, research and advisory roles.

The Occupational Therapy Registration Board Western Australian suggests that if the duty statement requires the occupant to be a qualified health professional then registration should be required. However if the position has no requirement for specific health qualifications then it is suggested any occupant holding such qualifications should not be required to be registered and comply with registration standards for example in positions / roles that could be occupied by a person with non health qualifications but which happens to be occupied by someone with a health qualification (requiring registration) it should not necessary for such a person to be registered. Examples of these positions may include Chief Executives, quality managers, planners etc however positions such as directors of clinical services, clinical service advisors etc should be registered.

Question 5:

Education and Training

Experienced health professionals are vital to the education and training of health professionals. Their roles in education have an impact on safe and effective delivery of health services both directly and indirectly.

Question 5: For which of the following roles in education, training and assessment should health professionals be registered?

Settings which involve patients/clients in which care is being delivered ie when the education or training role has a direct impact on care, such as when students or trainees are providing care under the direction, instruction or supervision of another practitioner - **Yes Registration is required**

Settings which involve patients/ clients to demonstrate examination or consulting technique but not the delivery of care - **Yes Registration is required**

Settings which involve simulated patients/clients - **Yes Registration is required**

Settings in which there are no patients/clients present - **Registration should be required if the person is teaching profession specific clinical skills to students or practitioners of that profession.**

3. Options for consideration

The Occupational therapists Registration Board of Western Australia has considered the options presented and suggests the following alternative;

Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession or in a position not identified as that profession but requiring health practitioner skills and knowledge.

For the purposes 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.



Adopted June 2006 from COTRB
Reviewed October 2008

Registration of Occupational Therapists Working in Positions not Identified as “Occupational Therapist”

Registration boards in Australia (South Australia, Western Australia, Queensland and Northern Territory) and New Zealand administer legislation which provides for the protection of the health and safety of the public by:

- Ensuring persons applying for registration:
 - have the necessary recognised tertiary qualifications;
 - are fit and proper;
 - are medically fit;
 - are competent to practise safely.
- Maintaining appropriate registers.
- Ensuring that registered persons maintain high standards of competence and conduct.
- Approving courses of education and training that provide qualifications for registration.
- Establishing benchmarks for practice through endorsing/preparing standards of conduct and practice, and guidelines on continuing professional development.
- Investigating complaints about a registrant’s conduct, competence or capacity, and taking the necessary disciplinary or remedial action.
- Preventing or restricting the practice of unregistered or unqualified persons.
- Investigation and prosecution of summary offences under the Act or Regulations.

The registration boards have been concerned that some occupational therapists who are working in positions not identified as “occupational therapist” are not applying for registration, and thus their practice is not being monitored by the boards, and the public does not have an avenue of complaint.

Legislation in Australia and New Zealand carries penalties of up to a \$50,000 fine and six months’ imprisonment for an unregistered person holding out as an occupational therapist or practising as an occupational therapist.

The growth of non-traditional positions in the health, disabilities and vocational rehabilitation sector had contributed to this issue and caused confusion whether or not the occupational therapists should hold registration/practising certificate.

The following guidelines for practitioners and employers have been endorsed by the Council of Occupational Therapists Registration Boards (Australia and New Zealand) Inc. (COTRB) for the purpose of determining whether or not the practice of an occupational therapist falls within the scope of “the practice of occupational therapy” and thus registration/practising certificate is required.

Registration/practising certificate is required:

- If the job title is “occupational therapist”.
- For any position where the selection criterion stipulates an occupational therapy qualification is an essential requirement.
- If an occupational therapy qualification is listed as one of several required optional qualifications, and the occupational therapist obtains or occupies the position.
- In the circumstances where the position’s occupant signs correspondence, purports to provide an occupational therapy service or otherwise depicts himself as an occupational therapist,

even if the job title or selection criteria does not suggest the person requires an occupational therapy qualification.

NOTE:

- (1) This policy has been recommended to all occupational therapy registration boards in Australia and New Zealand.
- (2) Persons should also contact the relevant registration board in Australia and New Zealand to clarify if there are any additional requirements under the respective legislation.