

Announcement re: Registration Standards Approval Process

Background

From 1 July 2012 occupational therapy practitioners across Australia will be required to be registered under the National Registration and Accreditation Scheme (the National Scheme).

The responsibility for the registration and regulation of the profession is held by the Occupational Therapy Board of Australia (the Board) under the *Health Practitioner Regulation National Law Act* (the National Law) as in force in each state and territory.

The primary role of the Board is to protect the public and set standards and policies that all health practitioners must meet in order to be registered.

Consultation

Accordingly, a number of registration standards for practitioners have been developed by the Board:

1. Continuing professional development (CPD) and Guidelines
2. Criminal history
3. English language skills
4. Professional indemnity insurance (PII)
5. Recency of practice.

In addition, special grandparenting provisions for registration via transitional arrangements for qualifications have also been developed, via the Board's Grandparenting Registration Standard.

The Board developed its proposed registration standards in accordance with the National Law and drawing on the Australian Health Workforce Ministerial Council (AHWMC) approved equivalents implemented by the National Boards for the 10 professions currently regulated under the National Scheme (see www.ahpra.gov.au). The Board paid particular attention to consistency, setting requirements at a reasonable level for occupational therapists, supporting workforce flexibility and ensuring protection of the public.

The Board's standards and its CPD guideline were released for wide-ranging consultation over a 6-week period from 29 August to 7 October 2011.

All views submitted during the consultation period were taken into consideration by the Board before the standards were finalised and submitted to AHWMC for approval at its December meeting.

Approval

The Board's registration standards must be approved by AHWMC before they can be implemented by the Board for AHPRA operations. A copy of the AHWMC approval has now been received by the Chair of the Board and is published at the Board's website – see www.occupationaltherapyboard.gov.au/.

Results of Stakeholder Consultation

As per the requirements of the National Law the Board has ensured that there was public exposure of its proposed registration standards and CPD guideline and provided an opportunity for public comment during its consultation period.

This process included the publication of a consultation paper and the proposed registration standards on its website. The Board also brought this paper to the attention of the other National Boards, professional associations and governments including feedback received from the workshop held with the Health Workforce Principal's Committee and feedback received from the teleconference with AHPRA state and territory managers.

The Board's consultation process resulted in a total 66 submissions during its 6-week consultation period, which closed on 7 October 2011.

The Board took into account the comments it received when finalising its proposed registration standards, prior to submission to the AHWMC for approval.

In accordance with the Board's consultation process, submissions which were not marked confidential have been published to its website – see www.occupationaltherapyboard.gov.au/News/Past-Consultations.aspx.

Continuing Professional Development Registration Standard

The Continuing Professional Development (CPD) Registration Standard sets out the requirements practitioners need to maintain and improve competence in occupational therapy, thus ensuring the safety and quality of services provided to the public. The minimum of 30 hours per year proposed by the Board can be achieved through a wide variety of activities making it achievable for all practitioners.

Of the total submissions received 48% were solely directed to the Board's CPD registration standard.

Reflecting on the common themes arising from consultation the Board formed the opinion that some alteration to the proposed standard should occur to improve clarity and workability, these are summarised as follows:

- The Board considered 30 hours of CPD to be achievable but has now included provision for partial exemption, by reduction of CPD hours, in special circumstances. This exemption allows for more flexible CPD arrangements but continues to ensure competence of practice to protect the public.
- References to area or field of practice has been removed to instead be 'competence in occupational therapy' to clarify and recognise diversity of practice
- Clarification has been made for the timing of the standard, that is, to apply to practitioners who are renewing their registration, and for CPD requirements to have been met for the preceding period of registration.

An extended initial period for compliance (17 months) has been provided to ensure that those practitioners registering for the first time are not disadvantaged.

- Removal of references to 'approved' training or education providers. Identifying approved providers was noted to provide commercial advantage to some training organisations and discourage occupational therapists from selecting from the full range of training options relevant to their professional practice. This approach also addresses the COAG principle of not restricting consumer choice.

To assist practitioners in understanding the standard, the Board also made changes to its accompanying CPD Guidelines, these are summarised as follows:

- Clarification made that CPD during work hours is acceptable and that a range of day to day work activities can contribute to CPD where these activities are specifically directed to developing or maintaining occupational therapy practice knowledge, skills or competence. The change makes it clearer that it is the nature of the activity that determines it being CPD, not the site or time at which it is undertaken.
- Receiving or providing supervision can contribute to CPD, up to a maximum of 10 hours each year, provided that written records are maintained for each session which summarise the development outcomes and actions planned.
- To assist rural and remote practitioners to identify CPD options, additional examples are included in the revised guideline.
- Changing the maximum hours which can be recorded in both the formal and informal CPD categories from 20 hours to 25 hours each year. This will allow greater recognition of formal training undertaken (eg. postgraduate study) and greater flexibility for those occupational therapists (including those in rural and remote areas) who find it difficult to access formal CPD events.
- Rewording the term 'reflection' to 'implications to practice' in the CPD template and reworking the examples provided to ensure the terms used are understood by the profession.

Criminal History Registration Standard

The Board undertook consultation on its proposed Criminal History Registration Standard, which was drafted to be consistent with the standard approved for the 10 professions that commenced registration on 1 July 2010. This is the only mandatory registration standard that is identical for all National Boards. It was subject to wide-ranging consultation with stakeholders prior to approval by the Ministerial Council.

The Board considers it is important to have a consistent, fair, and transparent standard that enables all National Boards to make equitable decisions about whether a health practitioner's criminal history is relevant to the practice of their profession.

Of the total submissions received none solely addressed the Board's Criminal History Registration Standard. The Board considered the general feedback received and was not sufficiently convinced that the proposed changes outweighed the requirement for consistency. As a result, no changes were made to this registration standard.

English Language Skills Registration Standard

This registration standard is consistent with the English language requirement used by the Occupational Therapy Council (Australia & New Zealand) Inc for the purposes of assessing English language skills as per the National Office of Overseas Skills Recognition (NOOSR) Country Education profiles.

The tests proposed refer to standards used by the International English Language Testing System (IELTS) academic level or Occupational English Test (OET) level. In proposing a minimum IELTS score of 7 or completion and an overall pass in the OET the Board is ensuring consistency with other national boards for internationally qualified applicants, or those who have not completed their secondary education in English. The proposed standard also provides that the Board may grant an exemption for an application for limited registration in special circumstances. These special circumstance exemptions will generally be subject to conditions requiring supervision by a registered occupational therapist and may also require the use of an interpreter.

The Board noted that the submissions received reflected general support for the English Language Skills Registration Standard. Reflecting on the common themes arising from consultation the Board formed the opinion that clarification was needed on when the IELTS or OET test results must have been obtained, and has revised the standard accordingly.

Professional Indemnity Insurance Registration Standard

The Professional Indemnity Insurance (PII) Registration Standard requires arrangements to be in place to ensure compensation is available to cover the actions against a practitioner, should this be necessary. The proposed standard specifies that practitioners must be covered by either an individual insurance arrangement or a third party's insurance arrangement or both, provided the cover is compliant with this registration standard. The Board has avoided imposing onerous documentation requirements to avert the potential to add to costs to practitioners, employers and consumers.

The Board noted that the submissions received reflected general support for the Professional Indemnity Insurance Registration Standard. Reflecting on the feedback received and the common themes arising from the consultation the Board formed the opinion that some alteration to the proposed standard should occur, these are summarised as follows:

- Removing the minimum quantum of cover (\$5M) to provide greater flexibility over the long term
- Removing age as a determinant to the level of cover
- Removing the direct requirement for unlimited retroactive cover, run-off cover and automatic reinstatement to instead have practitioners consider their needs when insurance arrangements are made. A large proportion of occupational therapy practitioners are employed in the public sector. Many public sector employers self-insure and a requirement for these specific policy features would require many occupational therapists to obtain additional PII when their employer's arrangements already make adequate provision for professional indemnity.
- Consistency with the wording from 'cover' to PII 'arrangements'

Recency of Practice Registration Standard

The Recency of Practice Registration Standard requires practitioners to maintain their competence to practice. The standard does not impose costs on registrants or the public, but may involve some costs for boards in monitoring compliance, in line with their role in protecting the public from unsafe health practitioners. The standard also provides for ways that practitioners who have not met the recency requirements to return to practice, to promote workforce participation. It is consistent with the arrangements used by state and territory boards.

The Board noted that the submissions received reflected general support for its Recency of Practice Registration Standard. Reflecting on the feedback received and the common themes arising from consultation the Board formed the opinion that some alteration to the proposed standard should occur, these are summarised as follows:

- An exemption has been included to provide for practitioners who do not meet the recency of practice requirements to apply for provisional registration to undertake a period of supervised practice required by the Board (eg as a requirement to develop and demonstrate competency in order to return to practice and be eligible for general registration).
- Clarification that the extent of practice during any 5 year period is 6 months full-time equivalent.
- Requirements for return to practice have been more clearly explained to include CPD, supervised practice and assessment of performance in relation to competency standards.

Grandparenting Registration Standard: transitional arrangements for qualification

The Grandparenting Registration Standard sets out how the broad grandparenting provisions of section 303 of the National Law are to be applied to occupational therapy. The intent of the grandparenting provisions is to ensure that practitioners who are legitimately practising the profession now (particularly in jurisdictions where registration is not currently required) are not unjustly disadvantaged because they will not automatically transition into NRAS (as those with current registration will do), or because they do not hold an approved qualification.

The Board has tailored the grandparenting requirements for practitioners to enable it to undertake an appropriate assessment of applications submitted under these arrangements and to provide for the protection of the public.

The Board noted that the general comments received reflected a general approval of the standard. The following amendments have been made to improve clarity and workability by:

- More clearly explaining which groups of practitioners may need to apply under the grandparenting provisions
- The requirement for a declaration from the applicant to declare that they have practised the profession for five years full time or part-time equivalent
- Reducing the number of references required from six to four, of which at least two (not four) must be from occupational therapists eligible for general registration
- Reducing the number of de-identified case studies required from six to four.

Approved Registration Standards

The approved registration standards are now published at the Board's website: www.occupationaltherapyboard.gov.au/

Call for Applications

As registration does not apply until 1 July 2012, the approved registration standards will not take effect until after that date, and national registration can only be granted from 1 July 2012.

This early Ministerial approval however enables an early call for applications for registration. Occupational therapists who will be working in an OT role from 1 July 2012 who are not currently registered are thereby encouraged to submit their application for registration to AHPRA **by Friday 30 March 2012**.

Application forms will be available from the Board's website www.occupationaltherapyboard.gov.au/ from February.

Submitting your application early will assist having your application processed by 1 July 2012 and will help AHPRA to manage the anticipated large volume of applications.