

Speech Pathologists Board, Queensland

Newsletter

Newsletter No. 10

August 2000

From the Chairperson

Welcome to this edition of the Newsletter of the Speech Pathologists Board.

Since Newsletter No. 9 (January 2000) there have been significant changes in the legislation administered by the Board.

The *Health Practitioner Registration Boards (Administration) Act 1999* and the *Health Practitioners (Professional Standards) Act 1999* commenced on 7 February 2000.

Brief information about these Acts is reported in this Newsletter.

All registrants should become familiar with the new Acts. At the recent Speech Pathology Australia Conference in Adelaide I presented a session in the private practice module, on the Board and registration in Queensland. It was useful to put together information on the recent changes.

At present, the Board is considering how it can provide relevant information about the implications of the legislation. It may organise workshops or have information available on its web site. We believe it is critical that Speech Pathologists who manage and supervise other Speech Pathologists should be familiar with the implications of the legislation and be able to make appropriate decisions in the workplace in relation to disciplinary matters and management of impaired registrants. Further information will be provided on this.

These Acts are available from Goprint, PO Box 364, Woolloongabba 4102 (telephone 07 32463399) and are also accessible on the Internet at www.legislation.qld.gov.au.

Meredith Kilminster
Chairperson

**Health Practitioner Registration Boards
(Administration) Act 1999 (“Administration Act”)**

The Administration Act has established the Office of Health Practitioner Registration Boards (“the Office”). The Registrar for the Registration Boards, Mr John Greenaway, has been appointed as Executive Officer of the Office. The Board has congratulated John on his appointment and looks forward to the new arrangements for administrative and operational support which must be provided to the Boards under service agreements with the Office.

Health Practitioners (Professional Standards) Act 1999 (“Professional Standards Act”)

With the introduction of the Professional Standards Act on 7 February 2000, the disciplinary provisions of the *Speech Pathologists Act 1979* (“the Act”) were omitted. The Board is pleased to report that in the 20 years of those provisions, they never had to be used by the Board. The requirements of those provisions was that the Board had to have reason to suspect that a Speech Pathologist had been guilty of any conduct deemed by the Board to be discreditable to a Speech Pathologist.

The Professional Standards Act (which comprises 231 pages) replaces the old disciplinary provisions regarding “conduct deemed by the Board to be discreditable” with “unsatisfactory professional conduct”, which includes the following:

- “(a) professional conduct that is of a lesser standard than that which might reasonably be expected of the registrant by the public or the registrant’s professional peers;
- (b) professional conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgment or care, in the practice of the registrant’s profession;
- (c) infamous conduct in a professional respect;
- (d) misconduct in a professional respect;
- (e) conduct discreditable to the registrant’s profession;
- (f) providing a person with health services of a kind that are excessive, unnecessary or not reasonably required for the person’s wellbeing;
- (g) influencing, or attempting to influence, the conduct of another registrant in a way that may compromise patient care;
- (h) fraudulent or dishonest behavior in the practice of the registrant’s profession;

(i) *other improper or unethical conduct.*”

The Professional Standards Act has created three levels of disciplinary proceedings. At the first level, the Board may appoint an investigation committee to deal with minor matters and now has the power to conduct proceedings by hearing or by correspondence. If the Board or a disciplinary committee decides a ground for disciplinary action is established against a registrant, it may only advise, caution or reprimand the registrant or, with the registrant’s agreement, enter into an undertaking with the registrant about the registrant’s professional conduct or practice. It must also decide if the disciplinary action should be recorded in the Board’s Register and if so, for how long.

The second disciplinary level will see registrants appearing before a Professional Conduct Review Panel. The functions of such a Panel include conducting a hearing relating to disciplinary matters other than those that if proven provide a ground for suspending or cancelling the registrant’s registration. The Panel must consist of three or four members, two of whom must be from the same profession as the registrant and only one member, at most, can be drawn from the Board. At least one member must be a lay person.

If a Panel decides that a registrant has behaved in a way that constitutes unsatisfactory professional conduct, it has the power to (a) advise, caution or reprimand, (b) impose conditions on the registrant’s registration, such as limiting the type of practice or procedures, requiring supervision or continuing education, and/or (c) approve undertakings.

The Panel must also decide whether details of conditions or an undertaking are included in the Register.

The third level is the Health Practitioners Tribunal. All District Court Judges are members of the Tribunal, but the Tribunal is constituted by just one District Court Judge at any time. In conducting hearings the Judge must be assisted by three assessors, two professional and one lay.

In addition to the penalties available to Professionals Conduct Review Panels, the Tribunal may impose fines of up to 1,333 penalty units (\$99,975), and suspension or cancellation of registration, in any combination.

In the event of a registrant giving a Tribunal an undertaking, the Tribunal can order the registrant to give to the registrant’s Board a financial assurance for the undertaking up to the equivalent of 6,666 penalty units (\$499,950).

Change of Address

Don’t forget it is your responsibility to advise the Board of any change of address within 14 days - please remember to let us know so that you do not become unregistered because of failure to provide a current and accurate address.

Management of Impaired Registrants

Part 7 of the Professional Standards Act provides an alternative to disciplinary proceedings for management of impaired registrants.

The Professional Standards Act defines impairment to mean *“that the registrant has a physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to affect, the registrant’s physical or mental capacity to perform the registrant’s profession and includes substance abuse or dependence”*.

Sometimes, the quality of health care may suffer if a Speech Pathologist is unwell. The Board has access to a Health Assessment and Monitoring Program to deal with issues of practitioner health.

The role of the Health Assessment and Monitoring Program is to intervene with expert advice and experience to assist impaired registrants to stay in the workforce wherever possible. With mutual agreement and co-operation, registrants and the Board can work together as partners in rehabilitation.

There are many people, including some health professionals who believe that registrants who have had a substance abuse problem should never be allowed to work as health professionals again. The Board does not agree with this point of view.

The Board would prefer to use services such as a Urine Drug Screening Program so that registrants who have had a substance abuse problem can remain in the workforce.

The Board wishes that there be an atmosphere of self declaration by registrants.

Further information can be obtained by contacting the Health Assessment Monitoring Program on telephone 07 32252532.

Legislative Review

The second stage of the new legislative scheme involves the development of 13 new profession-specific

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registration Acts for the registration and regulation of health practitioners, including Speech Pathologists.

In March 2000, the Board participated in consultation meetings with the Legislative Projects Unit of Queensland Health and lodged a written submission outlining the Board's views on the provisions of a consultation draft of the Speech Pathologists Registration Bill.

It is anticipated that the Bills will be finalised and presented to State Parliament for consideration during the 2000-2001 financial year.

There is likely to be some major issues for the Board and registrants about recency of practice and restoration which will be conveyed to registrants when the legislation has commenced.

Assessment of Overseas Qualifications

In the past, overseas qualified applicants for registration were assessed on the number of hours of education they had in the various aspects of speech pathology. Since the introduction of the Competency-based Occupational Standards framework by Speech Pathology Australia, it was deemed more appropriate that the Board move towards this approach with overseas applicants as well as with Australian educated applicants.

A draft application process is currently being piloted with several overseas applicants. Speech Pathology Australia and the Board have worked together to formulate this process and it is hoped the joint project will mean that there is a consistent seamless application process for overseas applicants wishing to work in Australia and Queensland.

The Board's project officer, Karen Dennien is continuing to work on this project and it should be completed by December 2000.

Speech Pathology Labour Force Survey 1999

A Report of the data submitted by registrants in response to the Speech Pathology Labour Force Survey 1999 is being prepared by the Board's Data Analysis Advisory Committee.

This Report will be available upon request (telephone 32252508).

The Board would be pleased to receive comments on workforce information you require in your workplace which may be included in the Report.

Strategic Plan

In Newsletter No 8, the Chairperson reported that the Board had commenced development of a Strategic Plan for 2000 – 2003.

The Plan is nearing completion and once it has been approved by the Minister for Health, it will be available upon request (telephone 32252508).

Guidelines for Medico-legal Reports March 2000

Workers' compensation claims, personal injury claims and other litigation often require co-operation between the medical and legal professions. The Medical Board of Queensland, in consultation with other relevant stakeholders, has developed guidelines are intended to will improve communication between all parties and assist the efficient settlement of claims.

The Medical Board of Queensland has given its permission for the Speech Pathologists Board to make available to registrants upon request, the Medical Board of Queensland policy document "Guidelines for Medico-legal Reports", March 2000, (telephone 322 52508)

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