

## Speech Pathologists Board of Queensland

# Newsletter

*The Speech Pathologists Board of Queensland administers the Speech Pathologists Registration Act 2001 and other relevant legislation for the benefit and protection of the community.*

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**There is important information for Speech Pathologists in this Newsletter and the Board recommends that all readers take particular note of the sections snapshotted. Please contact the Office if you require any assistance or clarification on any aspect of the Newsletter.**

## Duty of Speech Pathologists to Notify the Board of Certain Matters



**Registrants are required by legislation to notify the Board of any of the following:**

- **changes in name, address or qualification**
- **practising under a business name**
- **convictions, settlements or disciplinary action by other registration authorities.**

## From the Chairperson

With the commencement of the *Health Practitioners (Professional Standards) Act 1999* on 1 February 2000 and the *Speech Pathologists Registration Act 2001* on 1 February 2002, a number of issues have arisen. They are outlined in this Newsletter and registrants are encouraged to be aware of the contents.

Also commencing on 1 February 2002 was the *Speech Pathologists Registration Regulation 2001* which replaces the *Speech Pathologists By-law 1995* (Repealed).

The legislation necessitates that a number of policies be developed and the Board will report on developments in future newsletters.

The registration year for Speech Pathologists now aligns with the financial year. Registration will need to be renewed by 30 June 2003 and upon renewal, Speech Pathologists will receive a registration certificate for the period 1 July 2003-30 June 2004. The fee for inclusion with the application for renewal is \$206.

Meredith Kilminster  
Chairperson

Registrants are required by legislation to notify the Board of any of the following:

- a change in name.
- a change in address.
- the withdrawal or cancellation of qualification for registration.
- before carrying on a business providing professional services under a business name other than a registrant's own name, the registrant must give the Board notice of the business name. If there is a change to the information in the notice, the registrant must give the Board notice of the change within 14 days.
- conviction for an indictable offence in Queensland or under a corresponding law.
- if a registrant is party to proceedings in court claiming damages or compensation for alleged negligence by the registrant in the practice of his or her profession and in which either a judgement has been delivered or in respect of which there has been a settlement of the proceedings or part of the proceedings.
- if a registrant is registered under a corresponding law and that registration, licence or certification under that law is affected by disciplinary action or is otherwise cancelled, suspended or made subject to a condition or an undertaking.

The Board also requests that registrants advise in writing of any change in employer details in order to carry out the functions relevant to the administration of the legislation.

## Fees for registration



**Registrants should receive a renewal of registration notice in May 2003. Please contact the Office if this is not received. The fee is \$206.00.**

As at 14 March 2003, the *Speech Pathologists Registration Regulation 2001* prescribes the following registration fees:

Application fee for registration	\$100.00
Registration fee –	
(a) for period of registration of not more than 3 months	\$51.00
(b) for a period of registration of more than 3 months	\$103.00
(c) for a period of registration of more than 6 months but not more than 1 year	\$206.00
Restoration fee	\$281.00
Application for review of conditions	\$100.00
Replacement of certificate of registration.	\$25.00
Certified copy of certificate of registration	\$25.00
Copy of the register or part of it-for each page	\$0.50

## Mandatory disclosure notice - renewal of registration



**As part of renewal of registration, Speech Pathologists are required to state whether they suffer from any ongoing medical condition, of which they are aware, or know or ought reasonably to know adversely affects his or her ability to competently and safely practice the profession.**

**If such a condition is notified to the Board, registration is renewed, but the Board may deal with the matter under Part 7 of the *Health Practitioners (Professional Standards) Act 1999* which provides for the management of impaired registrants.**

The Board must be satisfied that registrants' state of health is such that the registrant is capable of carrying out the duties of a Speech Pathologist without endangering patients.

If such a condition is notified to the Board, registration is renewed, but the Board may deal with the matter under Part 7 of the *Health Practitioners (Professional Standards) Act 1999* which provides for the management of impaired registrants.

The *Health Practitioners (Professional Standards) Act 1999* defines impairment to mean that *the registrant has a physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally 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.

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

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

## Recency of practice



**For renewing registration, until a suitable Regulation provision is in place, recency of practice is not applicable.**

**A person who is unregistered and is applying to be registered, may be required to meet recency of practice requirements.**

### Recency of practice when renewing registration

Once suitable requirements have been specified in the Regulation to the Act, a Speech Pathologist applying for renewal of registration must demonstrate that he or she had maintained an adequate connection with the profession.

The Board will conduct extensive consultation with the profession and the community to define the recency of practice requirements. At this stage, the Board expects a discussion paper to be released this calendar year. There would be a significant period for stakeholders to respond to the discussion paper through submissions which would be then be analysed and a position developed. Further consultation would then follow and a cost benefit analysis would be conducted prior to a Regulation provisions being considered by the Government.

### Recency of practice when applying for registration

When considering applications for registration (either applying for the first time or re-registering), the Board must also have regard to the applicant's fitness to practice the profession.

One of the aspects of fitness to practice is recency of practice. This is applicable if the qualification relied on by the applicant to obtain registration was conferred or awarded on a day (the "qualification day") that is more than 3 years before the date of application and the Board may consider the nature, extent and period of any practice of the profession by the applicant since the qualification day. This means that an applicant holding a qualification awarded prior to 1999 must demonstrate the nature, extent and period of any practice of the profession.

When considering applications for registration, at this stage the Board is trialling recency of practice criteria and will report further in future Newsletters. As a result of a lack of recency of practice, one applicant has been requested to undertake an examination.

## Public access to Register on Board web site



**On-line access to the public details held on the Register of Speech Pathologists is available through the Board's web site ([www.speechpathboard.qld.gov.au](http://www.speechpathboard.qld.gov.au)).**

Providing on-line access to the Register enhances public protection by making the information about who is authorised to practise more directly accessible. In addition, it enables the Board to provide more efficient services particularly to the public, employers and professional associations.

It is important to note that the details accessible through the on-line service are those which are already publicly available on request or through the public workstation available at the Office of Health Practitioner Registration Boards. On-line access to the Register is therefore only an alternative medium of access and is consistent with the system of registration that establishes public Registers. The public nature of the Register provides the mechanism through which anyone can identify those who meet the requirements for registration and also assists in preventing those who are not registered from using professional titles or holding themselves out as a registrant.

Providing on-line access to the Register does not disadvantage those who do not have access to internet services. This is because on-line access merely provides an alternative medium of access. In the interests of equity, the current non internet access mechanisms will be maintained by the Board.

Issues in relation to security of the Register and the information technology infrastructure of the Office have been addressed during the development of the on-line access program. All security risks have been identified and design of the program has ensured that all identified risks have been addressed. Addressing these risks has enabled the Board to provide on-line access to the live data held on the electronic Register. This means that any changes to publicly available details held on the Register are immediately available through the on-line access program. Providing such immediate access ensures that users of the service have up to date information upon which to base their decisions.

## Qualifications for registration



**Applicants for registration who do not hold a prescribed qualification may be required to undertake an examination before being eligible for registration.**

**If a Speech Pathologist is not the holder of a prescribed qualification it is important to ensure that current registration is maintained.**

The following are the prescribed (or pending to be prescribed) qualifications for registration:

- Bachelor of Speech Pathology, Queensland
- Master of Speech Pathology Studies, Queensland
- Bachelor of Speech Pathology, Newcastle

- Bachelor of Applied Science (Speech Pathology), Sydney
- Master of Speech and Language Pathology, Macquarie
- Bachelor of Health Science (Speech Pathology) Charles Sturt
- Bachelor of Speech Pathology, La Trobe
- Master of Speech Pathology, La Trobe
- Bachelor of Applied Science (Speech Pathology), Flinders
- Master of Science (Speech Pathology), Curtin
- Bachelor of Science (Human Communication Science) Curtin
- Bachelor of Speech and Language Therapy, Canterbury NZ

The Board has adopted a policy on Qualifications for General Registration whereby as a transitional arrangement, it will, until 31 January 2005, continue to recognise for the purposes of section 44(1)(b) of the Act, the following Australian qualifications that were accepted for registration under the *Speech Pathologists Act 1979*:

B SP PATH (AUDIOL) QLD  
 B SP THY QLD  
 B APP SC (SP & HEARING) WAIT  
 B SC (SP & HEARING) CURTIN WA  
 B APP SC (SP PATH) CUMB NSW  
 B APP SC (SP PATH) LINC VIC  
 B APP SC (SP PATH) SACAE  
 B SP PATH FLINDERS

All qualifications recognised by the Board as equivalent to a "current Australian or New Zealand" qualification (as defined in the Act) are generally published on the Board's website within 10 days of recognition and are also available in printed form on request.

## Use of the title "Speech Pathologist"



***"A person who is not a registrant must not take or use a title (other than a restricted title), name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate—***  
***(a) the person is a speech pathologist; or***  
***(b) the person is authorised or qualified to practise the profession.***  
***Maximum penalty—500 penalty units."***

**The Board will be providing specific examples in this regard on its website ([www.speechpathboard.qld.gov.au](http://www.speechpathboard.qld.gov.au)).**

Sections 121-123 of the *Speech Pathologists Registration Act 2001* provide that:

*(1) A person who is not a registrant must not take or use a restricted title.*  
*Maximum penalty—1000 penalty units.*

*Example of an individual taking or using a restricted title—*  
*AB describes himself or herself as 'AB, speech pathologist'.*  
*Examples of a corporation taking or using a restricted title—*  
*1. ABC Pty Ltd describes itself as 'ABC Pty Ltd, speech pathologists'.*  
*2. A corporation having a restricted title as part of its name.*

(2) Subsection (1) does not apply if—

- (a) the title is taken or used as part of a business name for a business providing professional services; and  
 (b) in the carrying on of the business by the person, a registrant provides professional services.

(3) Also, subsection (1) does not apply if—

- (a) the person is undertaking study or training in the practice of the profession to obtain a qualification for registration; and  
 (b) the person takes or uses the title, in the course of the study or training, in conjunction with words that indicate the person is a student or trainee in the profession.

(4) A person (the “first person”) must not, in relation to another person who the first person knows or ought reasonably to know is not a registrant, use a restricted title.

Maximum penalty—1 000 penalty units.

(5) Subsection (4) does not apply if—

- (a) the other person is undertaking study or training in the practice of the profession to obtain a qualification for registration; and  
 (b) the first person uses the title in relation to the other person, in the course of the study or training, in conjunction with words that indicate the other person is a student or trainee in the profession.

(6) A person who is not a registrant must not take or use a title (other than a restricted title), name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate—

- (a) the person is a speech pathologist; or  
 (b) the person is authorised or qualified to practise the profession.

Maximum penalty—500 penalty units.

(7) A person (the “first person”) must not, in relation to another person who the first person knows or ought reasonably to know is not a registrant, use a title (other than a restricted title), name, initial, symbol, word or description that, having regard to the circumstances in which it is used, indicates or could be reasonably understood to indicate—

- (a) the other person is a speech pathologist; or  
 (b) the other person is authorised or qualified to practise the profession.

Maximum penalty for subsection (7)—500 penalty units.

122 Claims by persons as to registration

A person who is not a registrant must not—

- (a) claim, or hold himself or herself out, to be registered under this Act; or  
 (b) allow himself or herself to be held out as being registered under this Act; or  
 (c) claim, or hold himself or herself out, to be eligible to be registered under this Act.

Maximum penalty—1 000 penalty units.

123 Claims by persons as to other persons’ registration

A person must not hold out another person as being registered under this Act if the person knows, or ought reasonably to know, the other person is not registered under this Act.

Maximum penalty—1 000 penalty units.

Example—

A person carrying on a business providing professional services must not hold out that an employee of the person is registered under this Act if the person knows the employee is not registered under this Act.

The Board is currently considering the provisions of the *Speech Pathologists Registration Act 2001* with respect to the use of speech pathology qualifications by non-registrants.

## Queensland Nursing Council and Health Practitioner Boards’ Statement on Sexual Relationships between Health Practitioners and their Patients, May 2000



**While health practitioners may not be aware of their influence, patients usually perceive a power differential between themselves and their treating health practitioners. Given this power differential, any exploitation of the relationship between the patient and the health practitioner for the gratification of the practitioner, is an abuse of power.**

**Consent by the patient is not an acceptable defence in the case of sexual behaviour within a relationship between a patient and a speech pathologist  
 (Sections 1.4 and 1.5 of Statement)**

The Board has endorsed the Queensland Nursing Council and Health Practitioner Boards’ Statement on Sexual Relationships between Health Practitioners and their Patients, May 2000, with an amendment.

The Statement must be read in conjunction with the *Health Practitioners (Professional Standards) Act 1999*, the *Speech Pathologists Registration Act 2001* and the *Health Rights Commission Act 1991*.

The Statement is available on the Board’s web site or by contacting the Office.

### Contact details

**Location: Level 19, Forestry House, 160 Mary Street  
 BRISBANE QUEENSLAND**  
**Telephone: 07 3225 2508**  
**Facsimile: 07 3225 2527**  
**E-mail: [speechpathology@healthregboards.qld.gov.au](mailto:speechpathology@healthregboards.qld.gov.au)**  
**Web Site: [www.speechpathboard.qld.gov.au](http://www.speechpathboard.qld.gov.au)**  
**Correspondence to the Board should be addressed to:  
 Executive Officer  
 Speech Pathologists Board of Queensland  
 GPO Box 2438  
 BRISBANE QLD 4001**