

Speech Pathologists Board, Queensland

Newsletter

The Speech Pathologists Board administers the Speech Pathologists Act 1979 and other relevant legislation for the benefit and protection of the community.

Inside this issue

- ? From the Chairperson
- ? New Speech Pathologists Registration Act
- ? 2002 Speech Pathology Australia Conference
- ? New Privacy Rules Apply to Registrants in the Private Sector
- ? State Government announces Queensland Privacy for the Public Sector
- ? 1999 Speech Pathologists Labourforce Survey
- ? Information about Management of Impaired Registrants
- ? Advertising
- ? Registration
- ? Change to Registration Period
- ? New Duty to Notify the Board of Certain Matters

Gai Rollings

Speech Pathologist, Speech Pathology Australia (Qld Branch) nominee.

Gloria Ryan

A solicitor of the Supreme Court.

I look forward to working with members at this time of substantial change

The Board has also farewelled two of its former members

Linda Worrall, a member of the Board since 1996, decided not to continue as a Board member. Linda was Deputy Chairperson for the last three years and has played an influential role in the continued maintenance of high standards. We will miss Linda's encouragement and wish to record our thanks to her for her significant contribution to the Board over the last five years, particularly in the development of a Strategic Plan for the Board.

I would also wish to record the Board's appreciation for the services by *Robert Bax*, solicitor who was not re-appointed.

The *Speech Pathologists Registration Act 2001* and Regulation are anticipated to commence on 1 February 2002. Included in this newsletter is information which may be helpful in increasing awareness of that legislation.

The Board in reviewing its operations under the anticipated legislation has made a request for an increase in the annual licence fee to ensure that it has the capacity to cover costs and to perform its statutory function in maintaining professional standards and protection of the public.

Meredith Kilminster
Chairperson

From the Chairperson

The membership of the Board was reconstituted on 12 July 2001 with the appointment of members for a new three year term.

The current members of the Board are:

Meredith Kilminster (Chairperson)

Speech Pathologist, Speech Pathology Australia (Qld Branch) nominee.

Valerie Cocksedge

Person representing users of the services of Speech Pathologists.

Vickie Dawson (Deputy Chairperson)

Speech Pathologist, Minister for Health nominee.

Lynette Hodgson

Speech Pathologist, Minister for Health nominee.

Wendy McCallum

Speech Pathologist, Minister for Health nominee.

Paul McCarthy

Minister for Health nominee.

Sandra McMahon

Speech Pathologist, Speech Pathology Australia (Qld Branch) nominee.

2002 Speech Pathology Australia Conference

Speech Pathology Australia advises that its 2002 National Conference will be held on 20-23 May 2002 at Alice Springs. The contact person for further information is Gina McInnis who may be contacted on e-mail gmcinnis@speechpathology.org.au or telephone 0396424899.

New Speech Pathologists Registration Act

The *Speech Pathologists Registration Act 2001* will come into force in February 2002. The new Act replaces the *Speech Pathologists Act 1979* and complements the *Health Practitioners (Professional Standards) Act 1999* - which deals with complaints about registrants and the discipline and management of impaired registrants.

Compliance with the law is a key feature of ethical practice and the Board expects all Speech Pathologists to be aware of their responsibilities under the new Act. All Speech Pathologists should read and have ready access to the new Act (which is available from GoPrint Bookshop for \$16.63 plus \$3.58 for postage and handling (telephone 07 3246 3399) or on the Board's website www.speechpathboard.qld.gov.au).

The new Act may require changes to some speech pathology practices and it imposes new obligations on registrants and entities carrying on speech pathology businesses. There are significant penalties for breaching this new law (maximum fines range from \$750 to \$75,000 for individuals depending on the offence).

While Speech Pathologists who work in the private sector will be most greatly affected by the new Act, there are also obligations upon public sector practitioners.

Registrants should also be aware that, under the new Act, there is a requirement to observe all conditions imposed on registration and to return registration certificates where registration or a condition has been changed or cancelled.

Also, particular care needs to be taken to ensure that non-registrants (eg assistants, students, other professionals) are not presented in a way which suggests they are registrants as this attracts a very significant penalty (up to \$75, 000) under the new Act.

All registrants and other entities (eg companies) that provide speech pathology services should review current practice for compliance with the new Act. Particular attention should be given to:

- Notification of changes in personal circumstances (section 119)
- Business names (sections 126 and 127)
- Advertising (sections 128-129)
- Abetting unsatisfactory professional conduct, etc (section 130)
- Giving or receiving payments or benefits for referrals (section 136)
- Signing certificates, reports, etc (section 208).

The criteria, registration categories and registration processes have also been overhauled under the new Act. Registrants will have the greatest interest in the process for renewal of registration. Under the new Act, all registrants must apply for renewal of registration and renewal cannot be automatically granted. The Board is required to assess whether each applicant satisfies the recency of practice requirements and may

choose to not renew the applicant's registration or to register them on conditions (known as recency of practice conditions). Also, applicants for renewal of registration must advise the Board if they have a medical condition that adversely impacts on their ability to safely and competently practise the profession. (See sections 70-74).

The Board does not provide legal advice to registrants. Queries regarding responsibilities under the new Act should be directed to a legal advisor.

New Privacy Rules Apply To Registrants in the Private Sector

From 21 December 2001 the *Privacy Act 1988* (Clth) will apply to most private sector organisations, including Speech Pathologists in private practice and Speech Pathologists working for private sector organisations.

The new rules, known as the National Privacy Principles or NPPs, regulate matters such as the collection, use and disclosure, storage and security of personal information, including health information. Under the NPPs clients have a right of access to their health records and to require errors to be corrected.

The Federal Privacy Commissioner is expected to release detailed Health Privacy Guidelines to assist registrants and other health providers to comply with the new rules.

All registrants practising in the private sector must be aware of their duties under the *Privacy Act 1988* and comply with this law. A breach of privacy may be the subject of a complaint to the Federal Privacy Commissioner and also provides grounds for disciplinary action against the registrant concerned.

Fact sheets about the new privacy rules and the Health Privacy Guidelines can be obtained from <http://www.privacy.gov.au>. Queries regarding the new privacy rules may be directed to the Office of the Privacy Commissioner on 1300 363 992.

State Government announces Queensland Privacy for the Public Sector

On 10 September 2001 State Cabinet approved two new information standards that together implement *Queensland Privacy*.

Information Standard 42A, which applies only to Queensland Health, requires personal information to be managed in accordance with the National Privacy Principles (NPPs) set out in the *Privacy Act 1988* (Clth). This standard will apply to all Speech Pathologists employed by or under contract to Queensland Health. Guidelines for IS 42A are to be developed by Queensland Health.

Information Standard 42 requires personal information handled by all other Government agencies (including employees and contractors), such as Education Queensland and Disability Services Queensland, to be managed in accordance with the Information Privacy Principles (IPPs) set out in the *Privacy Act 1988* (Clth). Cabinet also approved guidelines for IS 42.

The commencement date for IS 42 and IS 42A will be determined by the chief executive of each agency.

All public sector Speech Pathologists should be aware of their responsibilities under Queensland Privacy and comply with the relevant privacy principles. It should be noted that the scheme is administratively based and, consequently, subject to legislation.

Further information about Queensland Privacy, including the information standards, can be obtained from: <http://www.iie.qld.gov.au/comminfo/guidelines.html> or the Privacy Contact Officer within the employing Department.

1999 Speech Pathologists Labour Force Survey

A Report of the data submitted by registrants in response to the Speech Pathology Labour Force Survey 1999 is now 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 future Reports.

Information about 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 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.

Advertising

The new *Speech Pathologists Registration Act 2001* will affect advertising by Speech Pathologists.

The provisions about advertising in the new Act are as follows:

128. Obligations of advertisers

(1) A person must not advertise a professional service, or a business providing professional services, in a way that -

(a) is false, misleading or deceptive or is likely to be misleading or deceptive; or

Example for paragraph (a)

An advertisement that contains a false claim about the beneficial outcome of a professional service

Offers a discount, gift or other inducement to attract a person to use the service or the business, unless the advertisement also states the terms of the offer; or

Refers to, uses or cites actual or purported endorsements or testimonials about the service or business, or a registrant; or

Is disparaging of

A professional service provided by another person; or

A business providing professional services; or

A registrant.

Maximum penalty - 200 penalty units.

(2) A person must not advertise a professional service that the person knows or ought reasonably to know will, or is likely to, harm a person to whom it is provided

Maximum penalty - 200 penalty units

(3) A person must not advertise a registrant's expertise in a field of practice of the profession unless the registrant has the skills, knowledge, training or qualifications necessary to practise in the field.

Maximum penalty - 200 penalty units

(4) A printer or publisher does not commit an offence against subsection (1),(2) or (3) merely by, as part of his or her business, printing or publishing an advertisement for another person.

129. Information to appear in advertisements

(1) A person must not advertise a professional service, or a business providing professional services, unless -

(a) if a registrant provides the service, or carries on the business, under a business name that is the registrant's own name - the registrant's name is stated in the advertisement; or

(b) otherwise - the business name notified to the board under section 126(1), (3) or (4) is stated in the advertisement.

Maximum penalty - 50 penalty units

(2) A printer or publisher does not commit an offence against subsection (1) merely by, as part of his or her business, printing or publishing an advertisement for another person.

Speech Pathologists intending to advertise are advised to ensure that they comply with all sections of the *Speech Pathologists Registration Act 2001*.

Further information can be obtained by contacting the Office of the Board on telephone 32252508.

Registration

Persons who hold qualifications conferred outside of Queensland who are contemplating applying for registration should note that, once the new Act commences, the Board may only register a person whose qualifications are substantially equivalent to, or based on similar competencies to that required for, a *current* Australian or New Zealand qualification prescribed under the Regulation (See section 44). It is likely that some older qualifications may not satisfy the new requirements, however, any person registered before the commencement of the new Act is not affected by this change provided they maintain their registration.

Change To Registration Period

Under the new legislation, the registration year for Speech Pathologists will align with the financial year. Currently, the registration year is a calendar year. This change will not affect registration renewal until 2003 and further information will be provided when the new legislation commences.

New Duty To Notify the Board of Certain Matters

An amendment to the *Health Practitioners (Professional Standards) Act 1999*, which came into force on 20 August 2001, makes it an offence for a registrant to fail to notify the Board of the following information:

- X a conviction of an indictable offence
- X a conviction of an offence under *any* health practitioner registration Act in any jurisdiction (including foreign countries)
- X a judgement or settlement of a negligence matter to which the registrant is a party.

Disciplinary action or the cancellation, suspension or imposition of conditions or undertakings imposed on the

registrant's registration under *any* health practitioner registration Act in any jurisdiction (including foreign countries).

Notification must be made in the approved form within 30 days of the event occurring. Failure to notify the Board of this information makes a Speech Pathologist liable to a penalty of up to \$3,750 and/or disciplinary action.

Registrants are directed to sections 385A-385C of the *Health Practitioners (Professional Standards) Act 1999* for further information about this matter. This Act can be accessed on the Board's website (www.speechpathboard@qld.gov.au).

Contacts

The Office of the Board is located at:

**Address: Level 19
Forestry House
160 Mary Street
BRISBANE QLD 4000**

Telephone: (07) 3225 2508 **Facsimile: (07) 3225 2527**

E-mail:
speechpathology@healthregboards.qld.gov.au

Correspondence to the Board should be addressed to:

**The Registrar
Speech Pathologists Board
GPO Box 2438
BRISBANE QLD 4001**