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投诉

Chair's welcome

Welcome to the first edition of the Chinese Medicine Board of Australia's (the National Board) newsletter.

On 1 July 2012 Chinese medicine joined the National Registration and Accreditation Scheme (the National Scheme) and became a nationally regulated profession. The National Board is one of 14 boards regulating registered health practitioners across Australia.

For the profession, it means that new nationally consistent registration standards apply which all practitioners must meet. Under the National Scheme, practitioners register once, renew yearly (by 30 November), and can practise anywhere in Australia (within the scope of their registration).

For the public it means that they are better protected by ensuring that only health practitioners who meet the mandatory standards and who have the skills, qualifications and knowledge to provide safe care are registered.

The National Board has hosted a number of community fora around Australia to more than a thousand practitioners and members of the community since September 2011. Over that time, many lively discussions have been held about how to best protect the public and how practitioners who have been practising safely for years in Australia can transition to the National Scheme in an efficient way that upholds the obligations of the National Board and the National Law.

Becoming a nationally regulated profession has meant a big change for many practitioners, particularly those who live outside of Victoria, which had been the only state with a local registration board. It is therefore very important that all practitioners keep up to date with important changes that might affect Chinese medicine practice in Australia. The best

ways to do so are to ensure that AHPRA holds your current contact details so that you can receive important updates and to check the National Board's website regularly for announcements.

I would like to take the opportunity to acknowledge the work that was completed by the Chinese Medicine Registration Board of Victoria (between 2000 and 2012), which has contributed significantly to the preparation for the profession to join the National Scheme.

I look forward to continuing to work with the National Board in partnership with the Australian Health Practitioner Regulation Agency (AHPRA) to build the robustness of the regulatory framework for Chinese medicine practitioners, and better protect the public.

Professor Charlie Xue

Chair, Chinese Medicine Board of Australia

Make sure you renew your registration before 30 Nov!

See page 4 for details.

Legally restricted herbs

It is currently illegal for a Chinese herbal medicine practitioner or herbal dispenser to 'obtain, possess, use, sell or supply' certain Chinese herbs that are captured by the various schedules of the drugs and poisons legislation in each state or territory. >>

Scheduling is a national classification system that controls how medicines and poisons are made available to the public. The Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP), also known as the 'Poisons Standard':

- is a record of decisions about the classification of medicines and chemicals into schedules, and
- includes model provisions about containers and labels, and recommendations about other controls on medicines and chemicals.

Effectively, the SUSMP lists official decisions about the classification of poisons into nine different schedules, signifying the degree of control recommended to be exercised over their availability to the public.

Most of the substances in these lists are chemicals, but a number of plants are included and the restrictions also apply to plants that include the listed chemicals as one of their constituents. The SUSMP entries may specify a series of conditions under which a particular chemical may or may not be used. This presents a challenge for practitioners since it is not always apparent whether a herb is affected by the SUSMP.

A number of Chinese herbs are thus restricted due to the potential toxic effects of their chemical constituents.

In 2006, the Chinese Medicine Registration Board of Victoria conducted a project to develop a list of Chinese herbs that are captured by the schedules, and thus are restricted or prohibited. The list is not exhaustive and a number of more uncommon herbs may be affected by the SUSMP. The most up-to-date version of the SUSMP should be reviewed to ensure accuracy (see the [Therapeutic Goods Administration](#) website).

In the near future, the National Board will update and republish this list for the assistance of Chinese herbal medicine practitioners and dispensers.

Keeping adequate patient records

The Board has released its *Guidelines for patient records* (published on the website under the [Codes and guidelines](#) tab). These offer guidance to practitioners on the minimum content and quality of patient records that the Board expects them to meet.

The guidelines were finalised after a public consultation late last year. Apart from eliciting general feedback, the Board specifically consulted on whether patient records should be mandated to be in English or whether there should be statement of principle that, in general, records should be kept in English.

After careful consideration of the feedback received and its obligations under the National Law, the Board decided

that as the accuracy of the content is more important than language, English language will not be a requirement. However, practitioners are strongly encouraged to keep their patient records in English.

The guidelines will be reviewed in three years, in line with the requirements of the National Law.

For more information, refer to:

- the [Guidelines for patient records](#)
- the National Board's [explanatory statement](#) on its decision, and
- the information about patient records on the [FAQ page](#) of the website.

Responsibilities of registered practitioners

As a registered Chinese medicine practitioner, it is important that you are familiar with and understand the national standards and guidelines which apply to your practice. Ensuring that only practitioners who meet these standards are registered is how the National Board protects the public.

All the standards are published under the [Registration standards](#) tab on the Board's website, and the codes and guidelines are published under the [Codes and guidelines](#) tab.

Practitioners also have an obligation to renew their registration annually by 30 November and to disclose certain information National Board (see information on page 4).

Advertising

Practitioners' obligations under the National Law extend to ensuring that all their advertising the requirements of the National Board's [Guidelines for advertising of regulated health services](#). In particular please note that section 133 of the National Law states that 'a person must not advertise a regulated health service, or a business that provides a regulated health service, in a way that:

- is false, misleading or deceptive or is likely to be misleading or deceptive, or
- offers a gift, discount, or other inducement to attract a person to use the service or the business, unless the advertisement also sets out the terms and conditions of the offer, or
- uses testimonials or purported testimonials about the service or business, or
- creates an unreasonable expectation of beneficial treatment, or
- directly or indirectly encourages the indiscriminate or unnecessary use of regulated health services.'

Keeping in touch with the National Board

- Make sure to keep your contact details with AHPRA up to date in order to receive important updates from the National Board, such as registration renewal reminders.
- The National Board's website is the most up-to-date and reliable source of information on everything relating to the regulation of Chinese medicine practice in Australia: www.chinesemedicineboard.gov.au.
- The Chinese Medicine Board of Australia and AHPRA can be contacted by telephone on 1300 419 495.
- An online enquiry form is available on both websites under the *Contact us* link on the website.
- Mail correspondence can be addressed to: Prof. Charlie Xue, Chair, Chinese Medicine Board of Australia, GPO Box 9958, Melbourne Vic. 3001.
- If you would like to receive updates from the Board simply send us your full name and email address. Send your details to: cmbaupdate@ahpra.gov.au.

Who does what in Chinese medicine regulation

The list below outlines the key functions of the main organisations and bodies regulating the practice of Chinese medicine in Australia.

Chinese Medicine Board of Australia

www.chinesemedicineboard.gov.au

The National Board members were appointed by the Australian Health Workforce Ministerial Council on 18 July 2011 in preparation for the 1 July 2012 transition to the National Scheme. The Board's functions are defined under the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law), and it is responsible for:

- registering practitioners so that they can practise the profession and in order to protect the public. Divisions of the register are:
 - > Chinese medicine practitioner
 - > acupuncturist, and
 - > Chinese herbal dispenser
- setting the registration requirements and standards for all practitioners.

Accreditation Committee of the National Board

The Accreditation Committee was recently appointed by the National Board after holding a public consultation

earlier this year calling for expressions of interest from suitably qualified and experienced persons. The committee is responsible for:

- developing the accreditation standards and submitting them to the Board for approval
- assessing programs of study and education providers
- assessing overseas authorities
- overseeing the assessment of overseas qualified practitioners, and
- making recommendations and giving advice to the National Board.

The Australian Health Practitioner Regulation Agency (AHPRA)

www.ahpra.gov.au

AHPRA was established in March 2009 in preparation for the 1 July 2010 rollout of the National Scheme with the first 10 National Boards. AHPRA:

- manages all registration and notification* matters on behalf of the Chinese Medicine Board and the 13 other National Boards in the National Scheme
- manages the registration renewal process for Chinese medicine, and
- is the first point of contact for practitioners who have a query about their registration.

*Except in NSW where this is done jointly by the Health Care Complaints Commission and the Health Professional Councils Authority. For more information about notifications, please see page 5.

Welcoming the new Accreditation Committee

The National Board welcomes the following individuals as members of the Accreditation Committee:

1. Meeuwis Boelen (educationalist and Chair)
2. Justin Walls (educationalist and Deputy Chair)
3. Shelley Beer (Chinese medicine practitioner with teaching experience)
4. Henry Liang (Chinese medicine academic)
5. Glenys Savage (Chinese medicine practitioner with teaching experience)
6. Chris Zaslowski (Chinese medicine academic)
7. Jerry Zhang (Chinese medicine practitioner with teaching experience)

The terms of reference for the committee will be published on the Board website.

Renew on time, renew online

Most Chinese medicine practitioners are due to renew their registration by 30 November 2012.

AHPRA will contact you (by letter or email) when it is time to renew. If you are not sure if you have to renew, check your record on the [Register of Practitioners](#) at www.ahpra.gov.au. The date you must renew by will be the registration expiry date on your record.

While you are online, log into the AHPRA website to check your contact details and make sure AHPRA has the correct email, phone and physical address details for you. That way you can be confident you will receive a reminder when your registration is due.

The only practitioners who do not have to renew by 30 November this year are those who were granted limited registration (in the public interest). The assessment process for general registration for these practitioners is continuing, and their limited registration status is valid through to 31 December 2012. These practitioners do not need to renew at this time.

Most practitioners will be able to renew online if they choose. However, a small number of practitioners will be sent printed application forms for renewal.

Update on the transition to the National Scheme

We have come a long way since the first call for registration applications in March 2012. It is a major achievement for the profession and while it is not over yet, it is a moment to be proud of the greater public protection being in the National Scheme affords the profession and for the development of Chinese medicine in Australia. As of 1 July 2012 there were 2,723 new applications received and a total of 3,661 individuals registered (including those that transitioned from the Victorian scheme). For applications that are under assessment, many require further information or evidence to be submitted by the applicant, which may delay the processing.

Implementing national standards, national registration and national management of complaints handling for the first time has meant some significant changes and a number of complexities. The National Board has worked hard to ensure that supporting information on the changes the national framework brings to practitioners, including speaking at fora, publishing extensive FAQs and translating key information into Chinese.

In the future, the registration data for the Chinese medicine profession will be reported on a quarterly basis, in line with the reports currently being published by the 10 boards who entered the National Scheme in 2010.

Requirements to disclose information to the Board

When Chinese medicine practitioners and dispensers think about their duty to disclose information to the Chinese Medicine Board of Australia (the Board), they may understandably think only about their renewal of registration (by 30 November annually) and go no further. But what about events that may occur between each renewal?

Did you know that a Chinese medicine registrant is required to make the following disclosures in writing to the Board?

A Chinese medicine registrant has 30 days to advise of:

- a change of the principal place of practice
- a change in the correspondence address the Chinese medicine practitioner would like the Board to use, and
- a change in the Chinese medicine registrant's name.

A Chinese medicine registrant has seven days to notify the Chinese Medicine Board of becoming aware of any of the following:

- being charged with an offence punishable by 12 months' imprisonment or more
- being convicted of or found guilty of an offence which is punishable by imprisonment
- appropriate professional indemnity insurance arrangements no longer being in place
- having one's right to practise at a hospital or another facility at which health services are provided, withdrawn or restricted because of the practitioner's conduct, professional performance or health concerns
- having one's billing privileges withdrawn or restricted, and
- having one's registration in another country suspended or cancelled.

Failing to make the required disclosures within the required timeframe can lead to disciplinary action against you.

If you have any questions about proper disclosure, you should contact AHPRA, your insurers, or your professional association.

Notifications

In the National Scheme, any person with concerns about the health, conduct or performance of a registered health practitioner can make a notification (including complaints) to the National Board or AHPRA.

AHPRA manages the notifications process on behalf of the National Board in all states and territories, except in

New South Wales, where this is done jointly by the Health Care Complaints Commission and the Chinese Medicine Council of New South Wales.

All notifications/complaints are subject to a preliminary assessment by AHPRA. Depending on the findings, the National Board may decide to take immediate action or investigate further. An investigation will determine the next course of action, including health or performance assessments or referral to a panel or tribunal. Conditions or sanctions may be imposed if:

- the practitioner is found to have engaged in unprofessional conduct or professional misconduct
- the practitioner's professional performance is found to be unsatisfactory (that is, below the standard reasonably expected of a practitioner of an equivalent level of training or experience), or
- the practitioner's health is impaired and their capacity to practise their profession is detrimentally affected or may place the public at risk.

If you have concerns, complete and submit the online notifications form, or contact AHPRA on 1300 419 495. For more information about notifications, please refer to the [Notification](#) section of the AHPRA website www.ahpra.gov.au.

Mandatory reporting

Health practitioners must report another health practitioner or student if they form the reasonable belief that the second practitioner or student has engaged in notifiable conduct.

The benchmark is high, and relates only to the practitioner or student in relation to putting the public at risk.

Registered Chinese medicine practitioners, employers of Chinese medicine practitioners and education providers of accredited courses are all mandated by law to report:

- notifiable conduct relating to a practitioner, or
- in the case of a student, an impairment that may place the public at substantial risk of harm.

Registered practitioners and students who fail to report notifiable conduct may face disciplinary action by their National Board.

'Notifiable conduct' is defined as where a practitioner has:

- (a) 'practised the practitioner's profession while intoxicated by alcohol or drugs; or
- (b) engaged in sexual misconduct in connection with the practice of the practitioner's profession; or
- (c) placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment; or
- (d) placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.'

To find out more about mandatory notification and practitioners' obligations under the National Law, please refer to National Board's [Mandatory notification guidelines](#).

