



**Submission of the
Chinese Medicine Registration Board of Victoria
on
Medical Board of Australia
Consultation on a registration standard for endorsement for acupuncture
14 May 2012**

1.0	Executive summary	2
2.0	Background on the CMRBV.....	2
2.1	The CMR Boards' view	3
3.0	Proposed registration standard	3
3.1	Appointment of Australian Medical Council.....	3
3.2	Protection of title and endorsement.....	4
3.3	Grandparenting arrangements	4
3.3.1	Reference to legislation.....	5
3.3.2	Concerns with the standard set for grandparented practitioners.....	5
3.3.3	Clarification required	6
4.0	CPD, Renewal and Definitions	6

1.0 Executive summary

The Chinese Medicine Registration Board of Victoria (CMRBV) is responding to the consultation issued by the Medical Board of Australia (Medical Board) on its draft registration standard for endorsement for acupuncture. The CMRBV thanks the Medical Board for the opportunity to provide a submission.

The CMRBV is of the view that the standard for all acupuncturists, registered or endorsed, should be the same. Apply differing standards for registered and endorsed Acupuncturists compromises public safety, and undermines the mechanism of endorsement and the public's faith in the regulation of Acupuncturists.

The CMRBV has received regular feedback from members of the public since 2005 indicating dissatisfaction that other health professionals may be practising with lesser qualifications than that required for Registered Acupuncturists. For ongoing public faith in the regulatory process the good reputation of the profession must be upheld; this relies on a consistent minimum level of qualifications applied to the profession and all those using the protected title of 'acupuncturist', which in turn satisfies the public's expectations regarding good regulatory process. The public can have faith that the regulatory process will deliver them practitioners who are properly qualified in their area. The existence of more than one standard for Acupuncturists however, puts patients and the reputation of the entire profession at risk.

The CMRBV has a wealth of experience gleaned from regulating Acupuncturists for the past ten years in Victoria. As previously stated to the Medical Board, the CMRBV is prepared to work with the Medical Board of Australia and all other national boards proposing to endorse their practitioners to practise acupuncture. The CMRBV notes that it is yet to be directly consulted by any of these boards.

2.0 Background on the CMRBV

The CMRBV was appointed in December 2000 and has been regulating Chinese medicine practitioners and Acupuncturists in Victoria since 1 January 2002. As with all health regulation boards a key function of the CMRBV's work is to accredit courses of study and to set standards for the profession. After broad consultation, the CMRBV published its final *Guidelines for the Approval of Courses of Study in Chinese Medicine* in August 2002. This document has had several revisions and has set the standard in Victoria for entry level education¹ to the profession since that time.

From 2001 the CMRBV sought to work cooperatively with most of the other Victorian Health Registration Boards² with regard to endorsement of their practitioners for acupuncture. The requirement for other health practitioners to be endorsed by the respective Boards to practise acupuncture commenced on 1 January 2005. To a large extent the CMRBV obtained ready agreement and co-operation to set standards consistent with the CMRBV.

¹ This includes assessment of post-graduate courses of study in Acupuncture; available to persons with undergraduate degrees in other health professions.

² Chiropractic, dental, medical, nursing, optometry, osteopathy, physiotherapy and a few years later podiatry.

2.1 The CMR Boards' view

The CMRBV's view is that there should be one standard for both registered and endorsed acupuncturists, that standard currently exists and is set by this Board and should be set by its successor the Chinese Medicine Board of Australia after 1 July 2012.

The CMRBV believes public safety is the primary reason for applying one standard across all professions and that anything less than that will undermine the profession of Acupuncture and public faith in the regulatory system.

The CMRBV emphasises that:

- there is an existing standard which has been in place since 2002; the current entry level standard is degree level³
- the standard has been used previously for endorsement by other state registration boards;
- the standard has been effective in protecting the public by requiring a suitably high standard of education for Acupuncturists; and
- the standard is widely known and accepted

All regulatory bodies expect the standards they set to be the legitimate standards for the profession, this is true also for Chinese medicine and Acupuncturists.

Without parity of standards across all health professions the regulation of Acupuncturists is undermined and the underlying reason for regulation, public safety, is compromised. For public protection which is the main objective of registration, there must be one standard for the profession; whether registered or endorsed; and therefore one meaning for the title 'Acupuncturist'.

3.0 Proposed registration standard

3.1 Appointment of Australian Medical Council

The CMRBV is supportive of the Australian Medical Council (AMC) developing an accreditation standard for acupuncture endorsement and supports this happening in a consultative and transparent manner. The CMRBV suggests that the AMC consider the existing standard that has applied to Registered Acupuncturists in Victoria for the past ten years issued by this Board, when developing its standard for approved courses for endorsement.

The Chinese Medicine Board of Australia has decided on the appointment of an Accreditation Committee to oversee accreditation of courses in Acupuncture. This committee will develop a national standard for acupuncturists and it will likely include a standard for post-graduate education in acupuncture. The CMRBV considers that that standard when developed should apply to any profession that seeks to endorse its practitioners for acupuncture.

³ The entry level was Advanced Diploma from 2002 to 2005, which provided a time frame for existing institutions to develop their existing courses to meet current trends in Australia in health care education delivery, i.e. degree level.

The CMRBV has previously voiced its concerns about:

- the lack of consultation and transparency in the accreditation process that saw the courses currently approved in Victoria receiving approval and
- governance within the Australian Medical Acupuncturists College which offers one of the approved courses and within the Joint Consultative Committee on Medical Acupuncture (JCCMA)⁴

The CMRBV hopes that issues of transparency, appropriate consultation and accountability will be considered by the AMC when developing its national accreditation standard for endorsement of acupuncturists.

3.2 Protection of title and endorsement

Regulation of health practitioners in Australia is based on protection of title. Any practitioner seeking to use the title 'Acupuncturist' must be registered or endorsed and must therefore have been assessed as properly qualified.

The CMRBV is disappointed and concerned to see in the background paper statements that infer that it is acceptable to practice acupuncture providing a person does not use the title acupuncturists. The statement, *"Unless a practitioner wishes to use the title 'acupuncturist', it is not necessary to be endorsed for acupuncture even if they perform acupuncture"* is misleading as it does not consider the implications of the 'holding out' provisions of the National Law. For example a medical practitioner who uses the Medicare provider items for acupuncture services is arguably holding out to the patient as an acupuncturist whether or not they directly advertise as an acupuncturist.

Additionally it is implied that a practitioner who is studying acupuncture is *"not committing an offence by not having their registration endorsed so long as they are not using the title 'acupuncturist'"*. This is unacceptable and would not apply to persons studying acupuncture in an undergraduate degree. Would the MBA consider is acceptable for a registered acupuncturist with an undergraduate degree in acupuncture and who is studying medicine to begin practice as a medical practitioner prior to completing their studies?

These statements directly impact on patient safety and undermine the purpose of regulation.

3.3 Grandparenting arrangements

The CMRBV is supportive of the MBA developing a pathway for existing practitioners to gain endorsement to practice acupuncture.

The CMRBV believes that the process for approving existing practitioners needs to be consistent with the reasoning set by the Health Ministers in developing a national registration scheme i.e. consistency of standards and qualifications across the professions.

⁴ See the CMRBV Submission on the MBA Consultation Paper 5 "Proposal for Registration Standard Acupuncture Endorsement of Medical Practitioners in Australia" available at <http://www.cmrb.vic.gov.au/news/whatsnew.html>

The CMR Board recommends that a similar grandparenting standard as set by the CMBA be applied to all professions who seek to endorse practitioners to use the title acupuncturist.

3.3.1 Reference to legislation

In the background paper the Medical Board's identifies section 97(1)(a)(ii) of the National Law, as the section by which it intends to register practitioner with existing qualifications and experience that does not meet the 'approved qualification' requirements. This in effect means that the Board is using the equivalence provisions as a grandparenting pathway.

It is not clearly stated in the registration standard which section of the National Law the 'grandparenting' arrangements are made under. The CMRBV supports direct references to the legislation in the registration standard for clarity and transparency.

3.3.2 Concerns with the standard set for grandparented practitioners

The CMRBV is concerned that the standard set for grandparenting of medical practitioners for endorsement for acupuncture is too low.

Medical practitioners are required to show that either:

- 1) written confirmation from the Joint Consultative Committee on Medical Acupuncture that they are currently accredited by that organisation (or were accredited if applying after 1 July 2012); or
- 2) they have claimed 25 or more acupuncture-related Medicare item numbers in the period 1 July 2010 to 30 June 2012

Point 1

The CMRBV has previously outlined its concerns with the JCCMA in relation to governance, transparency and accountability⁵.

Point 2

Requiring evidence of 25 acupuncture-related Medical item numbers is particularly concerning. There is no statement provided to describe how Medicare decides who is eligible to use the Medicare item numbers related to acupuncture. It is not clear how or even if the educational qualifications of such practitioners have ever been assessed.

In addition the amount of evidence required for this pathway is too low. Requiring 25 item numbers over two years effectively means a practitioners could have practised acupuncture 12 or 13 times in each of the past two years and that would be sufficient to qualify for registration.

⁵ See the CMRBV Submission on the MBA Consultation Paper 5 "Proposal for Registration Standard Acupuncture Endorsement of Medical Practitioners in Australia" available at <http://www.cmrb.vic.gov.au/news/whatsnew.html>

This pathway provides no assessment of competence and therefore fails to satisfy the basic purpose of registration i.e. public safety through consistent and safe standards.

There is no reassurance given to the public that practitioners who have been using Medicare item numbers are safe and competent practitioners. Setting such a low standard for 'grandparenting' endorsed acupuncturists undermines the core aim of regulation, i.e. public health and safety.

3.3.3 Clarification required

The statement

The Medical Board of Australia considers that medical practitioners who have been practicing acupuncture up to 30 June 2012, who have been undertaking relevant CPD and who are qualified for general and/or specialist registration to have a qualification that is substantially equivalent to, or based on similar competencies, to the approved qualification

is unclear and could be interpreted to mean that any medical practitioner who has previously been practising acupuncture is deemed to have completed a qualification equivalent to an approved course. The statement does not directly refer to the detailed information below it, which provides the circumstances by which medical practitioners can identify that they have previously been practicing acupuncture i.e. points 1 and 2 on page 2 of the standard.

4.0 CPD, Renewal and Definitions

The CMRBV supports the statements on CPD, renewal of endorsement and the definitions.