

## Membership of the Board

His Excellency, the Governor, acting by and with the advice of the Executive Council and under the provisions of the *Osteopaths Registration Act 2001*, has appointed the following members to the Inaugural Osteopaths Board of Queensland:

### Four Registrant Members

Mark Keyworth	D O [ <b>Chairperson</b> ]
Graham Sanders	D O [ <b>Deputy Chairperson</b> ]
Natalie J Rutsche	B Sc (Clinical Sciences), M Hlth (Osteopathy)
Nicholas Penney	D O

### Two Public Members

Julie M Sultmann	B Bus (Accounting)
Susan M Brady	BA, B Soc Wk, Ph D

### One Lawyer

Carol A Lee	LLB
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The term of appointment of Board members is for four years, except where an appointment is made to fill a casual vacancy when the appointment is then for the unexpired portion of the four year period.

The current term of appointment for the Board members expires on 10 April 2006.

## **Chairperson's Address**

The *Osteopaths Registration Act 2001* commenced operation on 1 May 2002. The enactment of this legislation provided for the formation of the Osteopaths Board of Queensland.

This is a momentous step forward for the osteopathic profession, not only in Queensland, but the whole of Australia. There are now four States that separately register osteopaths, those being Queensland, New South Wales, Victoria and Western Australia.

At the end of the first payment period, ie 31 July 2002, the Osteopaths Register contained the names of 70 practitioners.

There are some major changes in the legislation governing osteopaths compared to the legislation that previously governed chiropractors and osteopaths. Queensland Health has been reviewing all professional legislation over the past several years and all Health Practitioner legislation has been transformed.

I would recommend that all osteopaths obtain a copy of the new legislation (*Osteopaths Registration Act 2001* and *Osteopaths Registration Regulation 2002*), which can be downloaded from:  
[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

I would like to thank Dr Mark Pickford, Chairperson of the former Chiropractors and Osteopaths Board of Queensland, for his support and backing during lengthy discussions with respect to the separation of the chiropractic and osteopathic professions within Queensland and look forward to a productive term of office.

Dr M Keyworth  
Chairperson  
Osteopaths Board of Queensland

## **Registration Period**

With the commencement of the *Osteopaths Registration Act 2001* came the introduction of new registration periods. Osteopaths will no longer be registered from 1 January to 31 December each year. The new registration period will be 1 July to 30 June each year.

The Board will provide all registrants with an Application for Renewal in April each year. This Application, along with the required fee, must be received in the Office prior to 14 June to ensure that your application is considered before the registration expiry date of 30 June.

The Board is required to provide each registered osteopath with a yearly Registration Certificate, which will state the registration period (ie 1 July 2003 to 30 June 2004). This will be sent to each registrant once the Board has considered their relevant Application for Renewal.

## **Recency of Practice**

Not only has the registration period changed, legislation has also introduced recency of practice for renewal of registration. All osteopaths will now have to apply for renewal each year, which will include the payment of the required Annual Registration Fee as mentioned above, as well as the completion of a recency of practice survey. The Board intends to randomly audit these surveys.

The Osteopaths Board is responsible under the *Osteopaths Registration Act 2001* to protect the public by ensuring health care is delivered by registrants in a professional, safe and competent manner. The Board also has a significant role in upholding the standards of professional practice and maintaining public confidence in the profession.

One way of discharging these responsibilities is through the development and implementation of recency of practice as the basis for the annual renewal of general registration.

You should note that the recency of practice provisions will not be implemented until they are prescribed in the *Osteopaths Registration Regulation 2002*. This is not expected before late 2003.

The recency of practice provisions of the Act were formulated by the Queensland Parliament with the interests of the public in mind and they are an endeavour to ensure that those whom the Board approve for continued registration can provide care in a safe and competent manner.

The Board will be responsible for defining the recency of practice requirements and is committed to consultation as the vehicle to move this forward. A Discussion Document will be formulated over the next twelve months, which will seek submissions from the public, the profession and professional organisations.

The Board looks forward to your contribution to the development of this initiative.

### ***Restoration to the Register***

Please be aware that if you fail to pay your Annual Renewal Fee within the prescribed payment period, your name will be removed from the Osteopaths Register. Once your name is removed, you will only have a period of three months in which to restore your name to the Register.

However, please be advised that if you are working in Queensland, you must remain currently registered. If your name is removed from the Osteopaths Register for non-payment, you are liable to prosecution for practising unregistered if you do not restore your name to the Register immediately.

Any osteopath whose name has been removed from the Register, and does not apply for restoration prior to 30 September in the year of removal, will be required to make a new Application for Registration if they wish to continue to practise osteopathy in Queensland.

### ***Practising Unregistered***

The introduction of the *Osteopaths Registration Act 2001* has brought with it substantial increases with respect to penalties for practising unregistered.

The penalty for such an offence now carries a fine of up to 1,000 penalty units, which equates to \$75,000.00. This same penalty has been introduced in all Health Practitioner Legislation.

### ***Advertising***

Advertising has also received attention under the new legislation. In line with Competition Policy, advertising has now been relaxed. Section 128 of the *Osteopaths Registration Act 2001* states the following:

- (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
  - (b) 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
  - (c) refers to, uses or cites actual or purported endorsements or testimonials about the service or business, or a registrant; or
  - (d) is disparaging of—
    - (i) a professional service provided by another person; or
    - (ii) a business providing professional services; or
    - (iii) 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.

Section 129 of the *Osteopaths Registration Act 2001* states the following 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.

### ***Business Names***

Section 126 of the *Osteopaths Registration Act 2001* states the following in relation to business names:

- (1) A registrant must, before carrying on a business providing professional services under a business name other than the registrant's own name, give the board notice of the business name.

Maximum penalty—10 penalty units.

- (2) Subsection (1) applies whether or not the business name is registered under the *Business Names Act 1962*.

- (3) An individual who is not a registrant must, before carrying on a business providing professional services, give the board notice of—

- (a) the business name of the business (whether or not the name is registered under the *Business Names Act 1962*); and
- (b) the name and address of the individual.

Maximum penalty—10 penalty units.

- (4) A corporation must, before carrying on a business providing professional services, give the board notice of—

- (a) the business name of the business (whether or not the name is registered under the *Business Names Act 1962*); and
- (b) the name and principal address of the corporation; and
- (c) the names and addresses of—
  - (i) if the corporation is a corporation under the *Corporations Act*—the directors of the corporation; or
  - (ii) if the corporation is not a corporation under the *Corporations Act*—the members of the governing body of the corporation.

Maximum penalty for subsection (4)—50 penalty units.

Section 127 of the *Osteopaths Registration Act 2001* states the following in relation to notification of change in business names etc:

- (1) This section applies if—
- (a) a person has given the board a notice under section 126; and
  - (b) there is a change in the information contained in the notice.
- (2) The person must, within 14 days after the happening of the change, give the board notice of the change.

Maximum penalty—10 penalty units.

- (3) The person does not commit an offence against section 126 during the period of 14 days after the happening of the change if the person complies with subsection (2).

### ***Professional Indemnity Insurance***

The Board has been made aware that, given the recent separation of the chiropractic and osteopathic professions in Queensland, those practitioners that hold dual qualifications and therefore dual registration, may need to obtain two separate insurances, one for chiropractic and one for osteopathy.

The Board has ascertained that some insurance companies will not cover a practitioner who is practising in dual professions, under the one policy. The insurance companies will want clarification as to whether the practitioner was, at the time of the occurrence, practising as an osteopath or a chiropractor, and if a practitioner's policy only states one profession, the other will not be covered. This puts not only the practitioner, but the client, at risk, and therefore the Board strongly suggests that all dually registered practitioners seek clarification from their respective insurance company.

### ***Rules of Practice***

Section 374 of the *Health Practitioners (Professional Standards) Act 1999* states that the Board may formulate a Rules of Practice to provide guidance to its registrants as to appropriate professional conduct or practice. The Board is in the process of formulating the document, which will need final approval from the Minister for Health before the Board will be able to provide a copy to all registrants.

The Board would urge all practitioners to read these Rules of Practice carefully when distributed, to keep them on hand in their practice and to adhere to them as they may be used by the Board's Disciplinary Committee, Solicitors, Professional Conduct Review Panel or Health Practitioners Tribunal in determining whether a practitioner has breached his/her professional conduct as an osteopath in Queensland. The Board does not expect to have these Rules of Practice finalised until mid 2003.

### **Board Office Contact Details**

Executive Officer – Mr Jim O'Dempsey  
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Assistant Registrar - Mrs Debby Ramsay  
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(07) 3225 2516

Administrative Officer – Ms Stephanie Rowe  
(07) 3225 2517

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[www.chiroandosteoboard.qld.gov.au](http://www.chiroandosteoboard.qld.gov.au) and  
click on the relevant link to the Osteopaths  
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