

# Clinical Physiologist Board

In partnership with

Society of Cardiopulmonary Technologists Inc. (SCT)

Australasian Sleep Technologists Association (ASTA)

Australian and New Zealand Society of Respiratory Science Inc. (ANZSRS)

## Consultation Document

#1/05-2006

Joint application to the New Zealand Ministry of Health to become Regulated Professions under the Health Practitioners Competence Assurance Act 2003

1 May 2006

### Overview

The Clinical Physiologists Board (CPB) (formerly the Society of Cardiopulmonary Technologists Registration Board – SCTR) has been set up to represent the professions of cardiac technology, respiratory physiology and sleep physiology in their joint application to the New Zealand Ministry of Health to become regulated professions under the Health Practitioners Competence Assurance (HPCA) Act 2003.

The purpose of the HPCA Act is to protect the health and safety of members of the public by providing mechanisms to ensure that health practitioners are competent and fit to practice in their professions. The Act seeks to attain its principle purpose by providing, among other things, a) for a consistent accountability regime for all health professions; and b) for the determination for each health practitioner of the scope of practice within which he or she is competent to practise; and c) for systems to ensure no health practitioner practices in that capacity outside his or her scope of practice; and d) for power to restrict specific activities to particular classes of health practitioner to protect members of the public from risk of serious or permanent harm; and e) for certain protections for health practitioners who take part in protected quality

assurance activities; and f) for additional health professions to become subject to this Act.

The CPB has been working in partnership with the SCT, ASTA and ANZSRS to put in place documentation relating to guidelines for registration and scopes of practice, general standards of proficiency and standards of conduct, performance and ethics. Also developed have been education and training to ensure standardised on-the-job training and education post graduate education to ensure a minimum set of competences is achieved by all applicants for registration. To this end competences for registration in each professional scope of practice have been defined. The CPB has sought and received support from the Health Professions Council (UK) in the development of the standards of proficiency and the standards of conduct, performance and ethics, and from the Association of Clinical Scientists (UK) in the development of profession specific competences document.

It is the view of the CPB board and of the associated professional societies that there is the risk of harm and risk to the safety of the patients in our care due to the nature of the diagnostic testing and the procedures we are performing on our patients. These risks are in both the mental and physical realms and require the practitioner of each profession to be specifically trained and competent in the field in which they practice. There is risk to the patient of morbidity and mortality from some of the procedures, risks that can only be reduced through suitable training and education and on-going professional development. We also believe that to allow other health practitioners to practice in our fields of speciality when un-trained and poorly educated poses significant risk of harm and significant risk to the safety of patients/clients.

## Requirements for Application

The CPB, with support from the SCT, ASTA and ANZSRS, has reached the point where it is ready to draft its application to the Ministry of Health for recognition under the HPC Act. In order to proceed with the application the CPB must be able to provide 'evidence of the need to regulate' and 'evidence of general agreement on qualifications, standards and competencies'.

The Ministry of Health provides the following guidelines:

### **Evidence of need to regulate**

Applications must establish the following elements:

- (1) Application relates to the provision of a health service as defined by the HPCA Act. That is: "a service provided for the purpose of assessing, improving, protecting, or managing the physical or mental health of individuals or groups of individuals".
- (2) The profession must be identifiable.
  - What is the nature of the activities undertaken by members of that profession?
  - How many practitioners are participating in the profession?
  - Are there any current professional organisations to which members of the profession belong or are eligible to join?
  - Does the public see the members of the profession as an identifiable group?
  - Evidence provided by profession should state how the profession considers itself different from other professions which practice in similar areas (ie, identifying what the profession does that is not within the training and/or competence of another profession).
- (3) There is evidence of need for regulation. Provide evidence that goes to the purpose of the Act. Specifically, applications should identify:
  - the nature, frequency and severity of the potential risk to the public
  - the likelihood of the risk occurring
  - the nature, frequency and severity of the harm to, or the consequences for, the public
  - whether there are existing public safety concerns resulting from the activities of unregulated practitioners.

In addressing the risk of harm in this context you should endeavour to identify that risk associated with the practice of the proposed profession, as distinct from risks inherent in the area of health care within which the profession operates.

Where the focus of a proposal is more on the public interest than on the risk of harm, to accord with the principal purpose of the HPCA Act, there must also be some significant health-related aspect of the work of the putative profession in which it is appropriate to be seeking to protect the health and safety of members of the public.

Supporting evidence should identify if the profession is regulated overseas, and what risks (especially those to the public) have been identified in overseas experience or studies.

Provide a list of the organisations and individuals consulted on the regulation of this health service together with a summary of issues and concerns raised, agreements reached and any other matters.

### **Evidence of general agreement on qualifications, standards and competencies**

1. Identify how the profession has been consulted on the application and what views were expressed. [NB: the Ministry will then be able to use this information during the decision-making process as well as background for further discussions.]
2. Identify what qualifications are generally held by members of the profession and the degree of uniformity in qualifications across members.
3. Identify what sort of courses or training are currently offered for members of the profession.
4. List the agreed qualifications, standards and competencies expected of practitioners once regulated. [NB: in assessing the list of qualifications expected of providers the

Minister will be guided by the requirements in section 11 and 12 of the HPCA Act. These sections are contained in the Appendix to this Protocol.]

5. Provide evidence of how the qualifications, standards and competencies expected of practitioners reduces the public's risk of harm or helps achieve the public interest.
6. Provide evidence of general agreement among the profession or representatives of the profession on the qualifications, standards and competencies expected of health practitioners of that profession.
7. Identify the relationship between the generally agreed qualifications, standards and competencies of the profession proposed to be regulated, and the current scope(s) of practice of existing responsible registration authorities. Where possible this analysis should specify the similarities and differences in the qualifications, standards and competencies; at what educational level; whether at an accredited institution; whether continuing competency is a requirement of the profession (with details of the programmes and auditing processes).
8. Identify if service providers (such as District Health Boards) and the New Zealand Quality Assurance/universities accord any standing or status to the profession and the qualifications.

In line with the requirement for consultation and the need to provide 'evidence of general agreement on qualifications, standards and competencies' the CPB will be circulating the following documents to all members of the professions involved in this application:

- Guidelines for Registration
- Standards of Conduct, Performance and Ethics
- General Standards of Proficiency
- Competences required for Registration:
  - Cardiology
  - Respiratory Physiology
  - Sleep

Each of these documents has been ratified by Boards of the appropriate Societies that represent the three professions. What is now required is consideration of the documentation in terms of the application under the HPCA Act.

Each profession has in place standardised post graduate education and on-the-job training programmes in the appropriate core competences which are supported by the competence documents.

## The Consultation Process

Each of you is asked to participate in the consultation process as the outcome will directly impact on you in respect of your professional future.

1. We are asking you to read each document carefully and decide whether you agree with each document
  - i. in principle; and
  - ii. in practice.
2. Consider the implications of being registered under the HPCA Act and decide whether you support the application by the CPB for your profession to be recognised by the Act.

Please feel free to discuss these issues with your colleagues and to ask questions. The consultation process is our opportunity to move towards registration in a manner that the majority of you believe is appropriate. There is a need for us to move forward with the documentation and consequently we ask that each of you makes a decision and votes on the issues within 1-month of receiving this consultation document. We would like to receive all consultation information by the end of May 2006 along with your vote in relation to submitting our application to the Ministry of Health.

## What will registration under the Act mean?

The Act focuses on protection of the health and safety of members of the public by providing mechanisms to ensure that health practitioners are competent and fit to practice in their professions. With this in mind your professional practice will not change. You will continue to perform your role with respect for patient/client individuality, culture and personal preference. The need to maintain competencies and continue your professional development will be on-going.

Registration under the Act will mean that in order for you to practice you will be:

- i. required to be registered with the Clinical Physiologists Board;

- ii. required to hold a valid Annual Practicing Certificate which will define the scope(s) of practice in which you are able to practice;
- iii. required to regularly prove competence and fitness to practice;
- iv. legally responsible for your actions and their outcomes; and
- v. answerable to the Health Practitioners Disciplinary Tribunal in the event of charges being laid relating to professional practice and/or conduct.

### What is the cost of Registration and Annual Practicing Certificates?

The CPB is a not-for-profit board which has been set up for the sole purpose of overseeing registration of cardiac, respiratory and sleep physiologists and related practitioners under the HPCA Act 2003. The Board will raise funds, through registration and the issuing of annual practicing certificates (APCs), sufficient to cover the running costs of the CPB.

For those of you who already have voluntary registration through the SCTRFB there will be no additional costs of registration. For new registrants there will be a fee for registration. Each registrant will be required to apply for a yearly practicing certificate which will state the scope(s) of practice you are entitled to practice in. The cost of the APC will be set at a level that covers the total cost incurred by the CPB in processing and issuing the certificates.

### The question

1. Do you support the Clinical Physiologists Board in its application to the Ministry of Health asking that the professions of cardiac, respiratory and sleep physiology and related professions be recognised under the Health Practitioners Competence Assurance Act 2003? YES  NO
2. Do you support the Clinical Physiologist Board as the registration board for registration purposes under the HPCA Act? YES  NO

Please email your response and any questions to:

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**Sleep:** Angela Campbell. [wellsleep@paradise.net.nz](mailto:wellsleep@paradise.net.nz)

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