

Authority

This standard was approved by the Australian Health Workforce Ministerial Council in December 2011 pursuant to the *Health Practitioner Regulation National Law Act*, as in force in each state and territory (the National Law), with approval taking effect from 1 July 2012.

Summary

The Chinese Medicine Board of Australia requires all registered Chinese medicine practitioners to have effective communication with patients to safely and competently practise the profession.

All applicants must be able to demonstrate English language skills in accordance with this standard. That is specified tests results.

This standard includes transitional arrangements that apply only to applications for registration received up to 30 June 2015.

The Board has the right to attach conditions to a practitioner's registration if it considers these are necessary to protect the public and provide for safe and competent practice.

Scope of Application

This standard applies to all applicants for general or limited registration. It does not apply to students.

PART 1: Requirements for general registration

An applicant for general registration must demonstrate English language proficiency per A or B, and C as follows:

- A. The applicant has completed five years full-time equivalent education (secondary and/or tertiary) taught and assessed in English in any of the following countries:
- Australia
 - Canada
 - New Zealand
 - Republic of Ireland
 - South Africa
 - United Kingdom
 - United States of America

OR

- B. The applicant has successfully completed one of the following English language tests:

IELTS – completion of the International English Language Testing System examination (academic module) with an overall score of at least 7 with no individual score (in components of listening, reading, writing and speaking) below 6.5;

OET – completion and an overall pass in the OET with grades A or B only in each of the four components (listening, reading, writing and speaking);

TOEFL – completion of the American Test for English as a Foreign Language (TOEFL test) including the spoken component and a minimum of 237 (test of written English 4.5).

- C. Test results must comply with the following requirements:

- a) must be obtained in one sitting, and
- b) must have been obtained within two years prior to applying for registration.

An IELTS (or approved equivalent) Test Report Form more than two years old may be accepted as current if accompanied by proof that the applicant:

- a) has actively maintained employment as a health practitioner using English as the primary language of practice in a country where English is the native or first language; or
- b) is a student and has been continuously enrolled in an approved program of study.

The applicant is responsible for the cost of English language tests.

The applicant must make arrangements for test results to be provided directly to the Board by the testing authority; for example, by secure internet login.

PART 2: Transitional arrangements for period to 30 June 2015

The following transitional arrangements (2A or 2B) may apply to an applicant for general registration who lodges their application on or before 30 June 2015, and does not meet the standard requirements set out in Part 1 above.

Where the applicant has a record of safe and competent practice and meets all other requirements for general registration in accordance with the requirements set out in section 303 of the National Law, the Board may accept the following evidence of English language proficiency or suitable arrangements.

2A Alternative Test Results

1. IELTS academic test only with the minimum requirement of 6.0 in each components (listening, reading, writing and speaking), or
2. OET minimum requirement of B level in all four sections (listening, reading, writing and speaking).

2B Conditional Registration

The Board may grant general registration to allow the practitioner to engage in clinical practice involving direct patient contact, subject to the following conditions:

- a) That at all times during practice, where the practitioner and the patient do not share a common language, a suitable interpreter is present throughout the consultation and a record of the arrangement is made in the patient's case record on every occasion of consultation and/or treatment.
- b) That at all times during practice another person who has sufficient English language proficiency to communicate swiftly and effectively with Emergency Services is present at all times on the premises.

As required under the National Law, conditions will include a review date for the Board to assess whether the conditions need to be changed or removed (see sections 125 to 127 of National Law).

Additional conditions may include but not be limited to specifying:

- the cohort of patients that may be consulted and/or treated
- other supervision requirements.

Exemptions for limited registration

The Board may grant an exemption from the English language testing requirements in PART 1 where an applicant is granted:

Limited registration (teaching or research), to undertake research that involves limited or no patient contact and therefore patient safety is not compromised, or

Limited registration (postgraduate training or supervised practice) to undertake a period of postgraduate study or supervised training while working in an appropriately supported environment that will ensure patient safety is not compromised.

Audits

Periodic audits of registrants may be conducted to ensure that registrants are compliant with this standard,

including any English language conditions placed on the practitioner's registration.

Other powers

The Board may also require, by written notice, an applicant or a registered practitioner to undertake an English language test (IELTS, OET or TOEFL) in accordance with section 80(1) of the National Law.

The Board may also, by written notice, require the applicant to attend before the Board within a reasonable time stated in the notice and at a reasonable place to answer any questions of the Board relating to the application in accordance with section 80(1) of the National Law.

Non Compliance with Standard

Non-compliance with this standard or a condition on registration may be dealt with by the Board as a professional conduct matter under the National Law.

Definitions

Common language is a language which the registered practitioner:

- is competent in communicating in for the purpose of practising Chinese medicine;
- reasonably believes that the patient is competent in communicating in, and
- reasonably believes will ensure that effective two-way communication occurs (whether by speaking and/or otherwise communicating, eg reading and writing).

Effective communication with patients means that all registered practitioners must have appropriate arrangements in place at all times during a consultation/treatment to ensure effective two-way communication with a patient, in particular, to:

- enable an adequate patient history to be taken;
- assist the patient to understand the information and advice given in relation to their medical condition;
- help the patient to understand the explanations and instructions given in relation to their treatment regime, in particular, the administration of herbal medicines; and
- have regard to the fact that within a multi-cultural community such as Australia there are patients who do not have an adequate command of spoken English.

IELTS means the International English Language Testing System developed by the University of Cambridge Local

Examination Syndicate, The British Council and IDP Education Australia (see <http://www.ielts.org/>).

National Law means the *Health Practitioner Regulation National Law Act*, as in force in each state and territory.

OET means Occupational English test administered by the Centre for Adult Education (see <http://occupationalenglishtest.org/>).

One sitting means the period of time set by the testing authority for completion of the test. If for example IELTS states that the listening, reading and writing components of the test are always completed on the same day. Depending on the test centre, the speaking test may be taken up to seven days either before or after the test date.

Suitable interpreter, means an adult who:

- has experience in health interpreting
- is agreed to by both the patient and the practitioner
- is considered by both the patient and the practitioner to be competent in communicating in their respective languages
- agrees not to compromise privacy and confidentiality.

TOEFL test means the (American) Test of English as a Foreign Language.

Review

This standard will commence on 1 July 2012. The Board will review this standard at least every three years.