

## Statement

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### When it is necessary to be registered

#### Purpose

This statement provides advice to help practitioners decide whether or not they should be registered.

#### Why National Boards are publishing this information

The National Boards have defined “practice” in a number of their registration standards as:

**Practice** means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.

The definition was intended to be broad and inclusive. It allows individuals with qualifications as a health practitioner to be registered if they are using their skills and knowledge as a health practitioner, regardless of whether or not they are treating persons<sup>1</sup>. By being registered, health practitioners can use the protected title related to their profession, however they are also obliged to comply with their National Board’s approved registration standards.

This definition of practice does not require all people who engage in activities that fall within the definition to be registered. It indicates that registration may be available to those people.

There are many qualified health practitioners who use their skills and knowledge in a range of activities, who may or may not need to be registered. This statement clarifies the circumstances in which National Boards expect practitioners to be registered and details circumstances in which registration may not be required. This advice is based on the *Health Practitioner Regulation National Law Act (National Law)* as in force in each state and territory, and the level of risk to the public that the “practice” poses.

#### The National Law

Health practitioners are registered under the National Law. The National Law limits the use of certain titles, such as ‘Chinese medicine practitioner’ to registered practitioners (for a comprehensive list refer to s.113 of the National Law). Other than a few notable exceptions (that apply to restricted dental acts, prescription of optical appliances and manipulation of the cervical spine<sup>2</sup>) the National Law does not define the activities that require registration as a particular health practitioner. That is, it is not a breach of the National Law for a health practitioner to use their knowledge and skills relating to the health profession without being registered if the individual does not breach the sections of the National Law related to the protection of title or to the specific practice protections.

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<sup>1</sup> In this document “the person” has been used to describe a person receiving clinical services. It includes patients, clients and consumers

<sup>2</sup> Part 7, Division 10, Sub-division 2

Under the National Law, a person must be a registered health practitioner if they:

1. use the title “registered (health practitioner)” with or without any other words (s. 116(a))
2. take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate, that the person is a (health practitioner) (includes Chinese medicine practitioners) or is authorised or qualified to practise in (a health profession) (s. 116(b))
3. claim to be registered under the National Law or hold themselves out registered under the National Law (s. 116(c))
4. claim to be qualified to practise as (a health practitioner) (s. 116(d))
5. undertake a restricted act (which are specific dental acts, prescription of optical appliances and manipulation of the cervical spine).

The online national register allows the public to identify who is a registered health practitioner. Practitioners who are registered must meet the registration standards set by the relevant National Board. The public can therefore be confident that a registered practitioner meets the relevant requirements for professional indemnity insurance, continuing professional development and recency of practice.

### When should a practitioner be registered?

Any practitioner who is qualified and meets the applicable registration standards may apply for registration. It is up to each individual to decide about their registration. Under the National Law this is not a decision the Board can make in the absence of an application for registration. However, practitioners who are registered, become subject to the jurisdiction of the relevant National Board.

The Board provides the following advice, based on the objectives of the National Law to help practitioners decide whether or not they should be registered.

### Factors to consider when deciding whether to register

The National Boards consider that health practitioners should be registered if they are providing treatment or opinion about the physical or mental health of a person, including prescribing or formally referring to other registered health practitioners, or when a person may reasonably believe that the health practitioner is registered.

The following examples are provided to assist individuals decide whether or not they ought to be registered. The examples are not exhaustive. They have been selected based on common queries raised with National Boards.

Each individual practitioner will need to decide whether or not they should be registered on the basis of their own circumstances and using the criteria listed above.

### Examples of when health practitioners should be registered include:

1. they have direct clinical contact and/or
2. their work impacts on safe, effective delivery of health services to individuals and/or
3. they are directing or supervising or advising other health practitioners about the health care of an individual(s) and/or
4. their employer and their employer’s professional indemnity insurer requires a person in that role to be registered and/or
5. the practitioner’s professional peers and the community would expect a person in that role to comply with the relevant Board’s registration standards for professional indemnity insurance (PII), continuing professional development (CPD) and recency of practice and/or
6. the person is required to be registered under a law to undertake a specific activity
7. the person wishes to use a protected title which is reserved for registered health practitioners

8. they wish to be eligible for certain Medicare and/or Pharmaceutical Benefit payments

**Practitioners engaging in the following activities may not require registration:**

- An examiner or assessor for an accreditation entity, when the entity does not believe that registration is necessary for the scope of activity undertaken and if they are not supervising candidates who are treating persons as part of the assessment
- A tutor or teacher working in:
  - Settings which involve persons to demonstrate examination or consulting technique but not the actual delivery of care
  - settings which involve simulated persons
  - settings in which there are no persons
- A researcher whose work does not include any human subjects and whose research facility does not require them to be registered
- A practitioner who has been invited to talk publicly about a health or medically-related topic and who will not be giving any specific advice
- A practitioner discussing the health of another person in a social setting but not providing specific advice or opinion
- A practitioner serving on a Board, when their appointment is not because of their status as a “registered practitioner”
- A person providing first aid in an emergency
- A person who may be using skills and knowledge gained from an approved qualification but is not using a protected title, or claiming or holding themselves out to be registered, such as a person in an advisory or policy role
- A course presenter from overseas who uses a protected title with words explaining their registration status in Australia, e.g. registered in Hong Kong, or not registered in Australia

If you do not require registration, but wish to continue using a protected title, you may wish to consider non-practising registration.

**Further advice**

- If you require further assistance to help you decide whether or not you need to be registered, consult your employer, professional indemnity insurer or legal adviser.