

Law for Australian Speech Pathologists: 29 Useful things to know.

Episode 5 - Speech Pathologists as unregistered health practitioners and as self-regulated professionals –

Cheat Sheet

Key things to know	Free resources to read
<p>Many health professions (including many allied health professions) are regulated by the Health Practitioner Regulation National Law, which requires registration.</p>	<p>http://www.speechiesinbusiness.com/allied-health-regulation-in-australia-101/</p> <p>http://www.ahpra.gov.au/about-ahpra/what-we-do/legislation.aspx</p> <p>Health Practitioner Regulation National Law Act 2009 (Model)</p> <p>Health Practitioner Regulation National Law (NSW) No 86a</p> <p>Health Practitioner Regulation National Law (Victoria) Act 2009</p> <p>Health Ombudsman Act 2013 (Qld)</p> <p>Health Practitioner Regulation National Law (Tasmania) Act 2010</p> <p>Health Practitioner Regulation National Law (South Australia) Act 2010</p> <p>Health Practitioner Regulation National Law (WA) Act 2010</p> <p>Health Practitioner Regulation National Law (ACT) Act 2010</p> <p>Health Practitioner Regulation (National Uniform Legislation) Act 2010 (NT)</p>
<p>15 Australian health Professions that are required to register with AHPRA include some of our peer allied health professions.</p>	<ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander health practitioners • Chinese medicine practitioners (including acupuncturists, Chinese Herbal medicine dispensers) • Chiropractors • Dental practitioners • Medical practitioners • Nurses and midwives • Optometrists • Osteopaths • Paramedics • Pharmacists • Physiotherapists • Podiatrists • Psychologists • Medical radiation practitioners • Occupational therapists <p>The 15 National Boards are:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Health Practice Board of Australia • Chinese Medicine Board of Australia • Chiropractic Board of Australia • Dental Board of Australia • Medical Board of Australia • Medical Radiation Practice Board of Australia • Nursing and Midwifery Board of Australia

Key things to know	Free resources to read
	<ul style="list-style-type: none"> • Occupational Therapy Board of Australia • Optometry Board of Australia • Osteopathy Board of Australia • Paramedicine Board of Australia • Pharmacy Board of Australia • Physiotherapy Board of Australia • Podiatry Board of Australia • Psychology Board of Australia
Speech pathologists are not registered health professionals.	The National Law does not apply to speech pathologists.
Speech pathologists are not the only unregistered health professions in Australia.	<p>Other “unregistered” allied health professions include:</p> <ul style="list-style-type: none"> • Audiologists • Exercise physiologists • Dietitians <p>See National Alliance of Self Regulating Health Professions: http://nasrhp.org.au/</p> <p>Full members include:</p> <ul style="list-style-type: none"> • Dietitians Association of Australia - www.daa.asn.au • Exercise and Sports Science Australia - www.essa.org.au <p>SPA is in the process of applying for full membership, which will (among other things) require SPA to audit members for compliance with laws and rules.</p>
Speech pathologists in <u>some</u> States are subject to Statutory Codes of Conduct based on a model National Code of Conduct. This is effectively a set of minimum standards, and a safety net designed to protect the public from unsafe and predatory practices.	<p>National Code (model): http://www.coaghealthcouncil.gov.au/NationalCodeOfConductForHealthCareWorkers</p> <p>NSW: http://www.health.nsw.gov.au/phact/Pages/code-of-conduct.aspx</p> <p>Queensland: https://www.health.qld.gov.au/system-governance/policies-standards/national-code-of-conduct</p> <p>South Australia: http://www.hcsc.sa.gov.au/frequently-asked-questions/</p> <p>Victoria: https://hcc.vic.gov.au/sites/default/files/code_of_conduct_full_text_a3_poster.pdf</p> <p>(Other States are in the process of implementing Codes based on the National Code of Conduct, though not as quickly as anticipated.)</p>

Key things to know	Free resources to read
<p>Key legal obligations under the Codes of Conduct.</p>	<p>Speech pathologists:</p> <p>Must:</p> <ul style="list-style-type: none"> • Provide safe and ethical health care • Obtain consent for treatment • Take care to protect clients from infection • Minimise harm and act appropriately if something goes wrong • Report concerns about other practitioners • Keep appropriate records and comply with privacy laws • Be covered by insurance • Display information about the general code of conduct and making a complaint <p>Must not:</p> <ul style="list-style-type: none"> • Mislead clients about their products, services or qualifications • Put clients at risk due to their own physical or mental health problems • Practice under the influence of drugs or alcohol • Make false claims about curing serious illnesses such as cancer • Exploit clients financially • Have an inappropriate relationship with clients • Discourage clients from seeking other health care or refuse to cooperate with other practitioners if they do. <p>In NSW (but not in other jurisdictions), speech pathologists also need a clinical basis for treatment.</p>
<p>If speech pathologists breach the relevant Code of Conduct, clients can lodge complaints with authorities.</p>	<p>For example:</p> <p>New South Wales: Health Care Complaints Commission - http://www.hccc.nsw.gov.au/</p> <p>Queensland: Office of the Health Ombudsman - http://www.oho.qld.gov.au</p> <p>South Australia: Health and Community Services Complaints Commissioner - http://www.hcsc.sa.gov.au/</p> <p>Victoria: Health Care Complaints Commissioner - https://hcc.vic.gov.au/</p>
<p>Speech pathologists are also subject to consumer protection laws.</p>	<p>Consumer rights legislation, regulated by the Australian Competition & Consumer Commission and State Fair Trading laws, e.g. for breach of consumer rights/guarantees, false and misleading claims, price fixing, etc.</p> <p>Consumer rights and guarantees: https://www.accc.gov.au/consumers/consumer-rights-guarantees/consumer-guarantees</p> <p>Misleading claims: https://www.accc.gov.au/consumers/misleading-claims-advertising/false-or-misleading-claims</p> <p>Making a complaint: https://www.accc.gov.au/consumers/complaints-problems/make-a-consumer-complaint</p> <p>Prices/surcharges: https://www.accc.gov.au/consumers/prices-surcharges-receipts</p>

Key things to know	Free resources to read
<p>SPA accredits or co-accredits speech pathologists for eligibility to some Government-funded services.</p>	<p>See, for example:</p> <p>Health Insurance Act 1973 (Cth) Health Insurance (Allied Health Services) Determination 2014 National Disability Insurance Scheme Act 2013</p> <p>Medicare provider number: https://www.humanservices.gov.au/health-professionals/forms/hw019</p> <p>Veterans' Affairs provider: http://www.dva.gov.au/providers</p> <p>Medicare rebates: https://www.legislation.gov.au/Details/F2013L02134</p> <p>NDIS approved provider status: https://myplace.ndis.gov.au/ndisstorefront/providers/provider-toolkit.1.html https://providertoolkit.ndis.gov.au/</p> <p>GST registration: https://www.ato.gov.au/business/gst/in-detail/your-industry/health/gst-and-other-health-services/</p> <p>Note: some private health insurers require membership of SPA.</p>
<p>Key self-regulation rules set by SPA to be and remain a member.</p>	<p>Code of Ethics - https://www.speechpathologyaustralia.org.au/spaweb/Document_Management/Public/Ethics.aspx</p> <p>Code of Ethics - Advertising Rules</p> <p>Scope and Principles of Practice: https://www.speechpathologyaustralia.org.au/spaweb/Document_Management/Public/SPA_Documents.aspx#anchor_scope</p> <p>Professional Self-Regulation rules (including rules for Certified Practising Speech Pathologist membership):</p> <p>https://www.speechpathologyaustralia.org.au/SPAweb/Members/PSR/SPAweb/Members/Professional_Self_Regulation/Professional_Self_Regulation.aspx?hkey=1a793d97-f224-46e8-a6eb-9aa776c3450d</p> <p>Students: https://www.speechpathologyaustralia.org.au/SPAweb/Resources_For_Speech_Pathologists/CBOS/SPAweb/Resources_for_Speech_Pathologists/CBOS/CBOS.aspx?hkey=c1509605-c754-4aa8-bc10-b099c1211d4d</p> <p>Profession Re-entry rules: https://www.speechpathologyaustralia.org.au/SPAweb/Join_us/Re-entering_the_Profession/SPAweb/Join_Us/Re-entering_the_Profession/Re-entering_the_Profession.aspx?hkey=87d9cd57-ec18-48b0-ab23-01882defc9bb</p> <p>Overseas Trained SLPs: https://www.speechpathologyaustralia.org.au/SPAweb/Join_us/Qualification_Assessments/SPAweb/Join_Us/Overseas_Qualifications/Overseas_Qualifications_Assessments.aspx?hkey=8a8411d5-9e32-4d73-8c57-82ad68905cab</p>

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