

**Feedback on the administration of  
physiotherapists registration by the  
Australian Health Practitioner Regulation  
Agency**

**Presented to the Senate Finance and Public  
Administration References Committee**

**April 2011**

## Executive Summary

The Australian Physiotherapy Association (APA) remains supportive of the move from a state-based registration system to a nationally consistent registration scheme. However the transition to the new scheme has resulted in significant problems for a number of physiotherapists. This submission outlines the problems APA members experienced and the responses offered by the Australian Health Practitioner Regulation Agency's (AHPRA) and the staff of the Physiotherapy Board of Australia (PBA)..

The Australian Physiotherapy Association (APA) makes the following recommendations:

- The APA recommends that AHPRA increase its levels of direct communication with the professional associations at critical times. The APA's preferred mechanism is through the Professions Reference Group (PRG).
- The APA observed that the capacity of AHPRA to reply to individual enquiries within appropriate timeframes had an unacceptable level of variability. The APA believes that this was due to staffing shortages at critical renewal periods, and recommends that lessons learnt from the 2010 - 2011 renewal period be applied to improve staff capability and involve temporary or call centre staff in coming years.
- The APA recommends that AHPRA investigate the potential for a call centre to be placed on standby to take over-flow calls during the next peak registration renewal period.
- AHPRA's systems for processing payments received need upgrading. The APA believes that the reviewing of these processes should be a priority action for AHPRA.
- In the future, AHPRA should provide written late notices to all registrants who have not renewed their registration by the due date.
- The APA believes that AHPRA should provide contact details for its branch offices, and engage additional temporary staff to provide usernames and passwords to health professionals within the branches during peak periods of registration renewal.
- The APA feels that a system that allows practitioners who did not receive renewal notices to go online and use a combination of their existing information should be implemented - for example registration number combined with birth date.
- The APA believes it is imperative that AHPRA processes prioritise contact with the practitioner concerned, prior to contacting any other parties, and the APA recommends that AHPRA review its notification processes to ensure that this priority is entrenched within its systems.

Physiotherapists who were unaware of their registration lapse were in some cases still practicing in their profession. The unregistered status of practitioners meant that any patients treated under workers' compensation schemes, motor vehicle accident insurance schemes, Medicare, Department of Veteran's Affairs (DVA) or private health insurance, were not eligible for rebates. The APA's research indicates that this constitutes about 86% of all physiotherapy clients in private practice. These physiotherapists could also face significant professional and financial risk as most professional indemnity insurance policies are voided if the policyholder becomes deregistered.

The APA does not have data on the number of practitioners who cancelled consultations, but for each practitioner who cancelled clients, the APA's calculations show that the potential loss was around \$1,200 per practitioner per day.

Since January, AHPRA has worked to address the problems encountered by physiotherapists due to the transitional renewal process. Through the PRG, AHPRA has consulted with the professions affected, including the APA, around ways to ensure that physiotherapists are not further disadvantaged by transitional problems.

## Australian Physiotherapy Association

The Australian Physiotherapy Association (APA) is the peak body representing the interests of Australian physiotherapists and their patients. The APA is a national organisation with state and territory branches and specialty subgroups. The APA corporate structure is one of a company limited by guarantee. The organisation has approximately 12,000 members, some 70 staff and over 300 members in volunteer positions on committees and working parties. The APA is governed by a Board of Directors elected by representatives of all stakeholder groups within the Association.

The APA vision is that all Australians will have access to quality physiotherapy, when and where required, to optimise health and wellbeing. The APA has a Platform and Vision for Physiotherapy 2020 and its current submissions are publicly available via the APA website

[www.physiotherapy.asn.au](http://www.physiotherapy.asn.au).

## The impact of the transition to national registration on physiotherapists

### Introduction

The Australian Physiotherapy Association (APA) remains supportive of the move from a state-based registration system to a nationally consistent registration scheme. However the transition to the new scheme has resulted in significant problems for a number of physiotherapists. This submission outlines the problems APA members experienced and the responses offered by the Australian Health Practitioner Regulation Agency's (AHPRA) and the staff of the Physiotherapy Board of Australia.

This submission addresses the Committee's terms of reference relevant to the physiotherapy profession.

### 1. The performance of AHPRA in administering the registration of health practitioners - physiotherapists experience with the renewal process

#### Renewal notification

With the change-over to new registration renewal period, it was imperative that physiotherapists received properly addressed written notification that their registration was due. During January and February of 2011, the APA was made aware of several instances where improperly addressed letters were mailed to physiotherapists. Presumably, this was caused by import errors during the merging processes that combined the state data-bases, which produced incomplete records in the national system.

AHPRA partially addressed data integrity concerns by sending three types of renewal reminders out to registrants – letter, SMS and email. The APA supports this approach but notes that in some jurisdictions, practitioners would previously have received a number of separate written notifications. This means that they may not have been aware that the first notification was the only mail correspondence they would receive. The APA believes that it was unwise to reduce the number of renewal letters provided to physiotherapists during this transitional phase, and recommends that in the future, AHPRA should provide written late notices to all registrants who have not renewed their registration by the due date.

#### Receipt of payment

In January and February this year, the APA received a number of reports that physiotherapists had made payments to AHPRA in order to renew registration, but then found that their registration had not been renewed. This is particularly concerning because it indicates problems with AHPRA's systems for processing payments received. The APA believes that the reviewing and upgrading of these processes should be a priority action for AHPRA.

#### Telephone communication breakdown

Telephone lines to AHPRA were not functioning during some of the most critical periods of the renewal process, meaning that physiotherapists were unable to contact AHPRA when their renewal was due. Compounding this problem was that when lines were restored, phones were not answered due to a lack of capacity to answer calls.

The APA believes that the majority of calls would have been simple requests for usernames and passwords, and simple steps to automate processes should have been set up. Conversely, an additional call centre could have been engaged solely to provide usernames and passwords to health professionals to facilitate online registration renewal.

The APA recommends that AHPRA investigate the potential for a call centre to be placed on standby to take over-flow calls during the next peak registration renewal period.

### **Website**

The AHPRA website did not provide phone, fax or email contact details for branch offices. The APA understands that AHPRA wished to discourage direct calls to branch offices while there was a functioning call centre; however given the lack of functionality in the 1300 phone line, the APA feels that the paucity of information available on its website contributed to the issues physiotherapists experienced.

The APA believes that AHPRA should provide contact details for its branch offices, and engage additional temporary staff to provide usernames and passwords to health professionals within the branches.

### **Interaction between the Physiotherapy Board of Australia (PBA) and AHPRA**

The APA communicated frequently with the PBA at the height of the problems with the registration process. The APA commends the PBA and its Executive Officer for assistance to physiotherapists whose registration had lapsed due to the problems with the renewals process. However given the limited nature of the APA's involvement in the renewals process, the PBA were only able to assist the small number of practitioners that contacted their professional association.

### **Fast track procedures**

AHPRA's establishment of a procedure to allow health practitioners to be restored to the register without going through an entirely new application process showed foresight. Unfortunately education of AHPRA staff around the fast track procedures was patchy and communication with health professionals around the procedures was flawed. Some physiotherapists were told that the 48 hour turn-around time was a minimum, and that the fast track procedure could take significantly longer.

This meant that some physiotherapists who had cancelled patient appointments were uncertain of when they could recommence practice even after they had submitted their fast track application. Physiotherapists were not notified of approval of fast track application out-comes, and the APA believes that a simple email or SMS notification on successful completion of a fast track approval would have increased satisfaction with the service immensely.

### **Learning from previous registration boards**

Previous state boards had systems in place that allowed health practitioners to renew their registration online, without needing to have a username and password mailed out to them. The APA feels that a system that allows practitioners who did not receive paper renewal notices to go online and use a combination of their existing information should be implemented - for example registration number combined with birth date. Integration of lessons learnt from the previous state boards with a self-service methodology would have prevented many of the problems experienced by physiotherapists.

### **Communication with professional bodies**

In previous years, the APA had avoided giving advice on registration renewal issues, referring members instead onto the state registration boards, as the most appropriate bodies to provide information on registration. With the problems experienced by members during the transitional renewal process, the APA needed to reverse this position, and provide advice and guidance to the profession on registration matters. While the PBA was cooperative and pleased that the APA was assisting with the dissemination of information to the profession, the APA lacked immediate information on the problems with the phone lines and the lack in staffing capacity to answer urgent queries.

The APA recommends that AHPRA increase its levels of direct communication with the professional associations. The APA's preferred mechanism is through the Professions Reference Group (PRG). This group was convened when the problems with the renewals process were identified. The group had originally been formed during the establishment of the new scheme, and comprised

representatives from all the soon to be nationally registered professions. The group's terms of reference should include consultation with professional associations about issues within the professions that would impact on the registration boards and vice versa.

The APA believes that the administrative problems surrounding the renewal process could have been avoided or diminished had AHPRA collectively engaged with the professions at an earlier stage than the 21 February 2011 meeting in Sydney. We recommend that AHPRA establishes this group as a formal advisory committee of the currently registered professions, and soon to be registered professions, to discuss issues related to the administration of the new scheme.

The PRG has been an effective consultation and communication forum for the registered professions and the continuation of the information exchange within a formal advisory committee to the staff of AHPRA would be valuable to all concerned. The APA believes that such a body would be particularly relevant with the new professions coming into the AHPRA scheme over the next year.

## **2. The implications on Medicare benefits, workers compensation and private health insurance claims**

Physiotherapists, who were unaware of their registration lapse due to the problems with the scheme, were in some cases still practicing in their profession. This was a particular problem in Queensland, where the final registration expiration was on New Year's Day. The APA is aware of several cases where physiotherapists were practicing, unaware of their registration status for several weeks.

Aside from the legal and professional risk implications (dealt with in section 3 below), the unregistered status of practitioners meant that any patients treated under workers' compensation schemes, motor vehicle accident insurance schemes, Medicare, Department of Veteran's Affairs (DVA) or private health insurance, were not eligible for rebates. The APA's research indicates that the funding methods constitute about 86% of all physiotherapy clients in a typical private practice. To date, Medicare and DVA (payments for DVA are administered by Medicare) are the only organisations that have refused to pay or requested repayment of rebates on the basis of lapsed registration, but physiotherapists with registration lapses risk demands for repayment from other authorities, unless registration status is backdated. AHPRA has addressed this issue through a statutory declaration process that gives practitioners a chance to appeal the date of registration – that is to request that the original date of registration be restored. AHPRA's response to this issue is discussed further in section 6 below.

The APA is aware of cases where the first notification that practitioners had of their registration lapsing, was a letter from Medicare telling them that they were no longer eligible to receive rebates for service. In at least one case, a practitioner received a letter of notification from Medicare, followed by a letter from AHPRA stating that her registration had lapsed. The letter from Medicare predated that from the AHPRA, indicating that AHPRA had informed Medicare of the practitioner's lapse prior to notifying the practitioner. The APA believes that it is imperative that AHPRA processes prioritise contact with the practitioner concerned, prior to contacting any other parties, and the APA recommends that AHPRA review its notification processes to ensure that this priority is entrenched within its systems.

## **3. Legal liability and risk for health practitioners**

The APA has been in contact with the main physiotherapy professional indemnity insurer to ascertain the legal risk faced by physiotherapists who unknowingly continued to practice whilst unregistered. They confirmed that physiotherapists unregistered during a period of practice would face significant risk should a complaint be made against them about treatment provided during a period of registration lapse and that professional indemnity policies are unlikely to cover practitioners during any such lapse. Physiotherapists face significant professional and financial risk as most professional indemnity insurance policies are voided if the policyholder becomes deregistered.

#### 4. Liability for financial and economic loss

Physiotherapy practitioners who could not contact AHPRA in time to renew their registration had to cancel patients, and the APA is aware of several instances where this affected three days worth of patients – each day for each practitioner is likely to constitute around 20 consultations, with an average fee for a standard physiotherapy consultation being \$62.72. The APA does not hold exact data on the number of practitioners who cancelled consultations, but for each practitioner who cancelled appointments, the APA's calculations show that the potential loss was around \$1,200 per practitioner per day.

#### 5. Response times to individual registration enquiries

Response time for individual registration queries varied widely depending on the jurisdiction and the day of query. In one case, the APA observed that a physiotherapist's registration was reinstated on the same day as her fast track application, and in another instance, a physiotherapist's online enquiry requesting a username and password was acknowledged only after three days (and the lapsing of her registration) and only with a message to say that a staff member would contact her soon.

The APA observed that the capacity of AHPRA to reply to individual enquiries within appropriate timeframes had an unacceptable level of variability. The APA believes that this was due to staffing shortages at critical times, and recommends that lessons learnt from the 2010 - 2011 renewal period be applied to improve staff capability and involve temporary or call centre staff in coming years.

#### 6. AHPRA's complaints handling processes – responses to the APA

Since January, AHPRA has worked to address the problems encountered by physiotherapists due to the transitional renewal process. Through the PRG, AHPRA has consulted with the professions affected, including the APA, around ways to ensure that physiotherapists are not disadvantaged by transitional problems. AHPRA has now sent correspondence to practitioners who were removed from the register of physiotherapists and subsequently made a fast track application. The letter outlines an appeals process for physiotherapists who feel that their lapse in registration occurred through no fault of their own, to allow registration to be effectively 'backdated' to their original date of registration.

While the APA believes that too many physiotherapists and their patients have had serious issues with the registration renewal process, the steps now taken by AHPRA will repair some of the damage caused to practitioners described above. Notwithstanding this work, physiotherapists have been left with the administrative burden of the appeals process, and resubmitting Medicare bills, as well as significant loss in income during registration lapses.