



Our ref:

Your ref:

7 February 2013

Mr Trevor Ruthenberg MP
Chair
Health and Community Services Committee
hcsc@parliament.qld.gov.au

Dear Mr Ruthenberg

Speech Pathologists Board of Queensland submission to the Health and Community Services Committee regarding its inquiries into the *Health Practitioner and Other Legislation Amendment Bill 2012*

The Speech Pathologists Board of Queensland would like to comment on the *Health Practitioner and Other Legislation Amendment Bill 2012*, which was introduced in the Legislative Assembly on 27 November, 2012 by the Hon Lawrence Springborg MP, Minister for Health, and was referred to your Committee on the same date.

Introduction

The Speech Pathologists Board of Queensland submits the following comments on the proposed repeal of the state registration scheme for the speech pathology profession. The Speech Pathology Board which is responsible for the current legislative scheme of registration of speech pathologists in Queensland comprises four practising speech pathologists including university lecturers, two community representatives and a legal representative.

The regulation of speech pathologists under the current legislation is funded by registration fees paid by speech pathologists.

In summary, the Board's submission is that the repeal of the current legislative framework will allow increased risk to the vulnerable members of the Queensland community. It will adversely impact on the maintenance of consistent professional standards ensuring high quality services delivery to the public. It will remove an important avenue of complaint and redress which is presently available to the public in instances where registered speech pathologists fail to meet the standards required under the registration framework. Self-regulation proposed by the professional association nationally (Speech Pathology Australia) will not provide universal coverage and will lack the legislative framework which enables meaningful responses to ensure protection of the public.

Background

Speech pathologists are university qualified health professionals who are specialists in the assessment and management of disorders of communication and swallowing that may

present across a person's life span. Speech pathologists contribute significantly to the quality of life of individuals through the provision of services that maximise communication (speech, language, voice, fluency, social skills and behaviours, literacy and numeracy, problem solving and general learning) and swallowing (eating, drinking, managing saliva) whether this is through direct intervention, education, consultancy and collaboration, advocacy or a combination of these. Speech pathologists work in a variety of jurisdictions including health, community services, non-government organisations, disability, mental health, education, academia, research and private practice.

Speech pathologists work in a variety of ways including providing individual and group therapy, working within school and hospital settings, in home-based programs, providing resources and information, as well giving advice and direction to clients, carers and other professionals. They coordinate the management of clients, work as part of a disciplinary team, consult with other agencies, provide workshops and support family members and other caregivers.

Speech pathologists have been registered in Queensland since 1979. Registration was enacted in order to protect the public by ensuring health care is delivered by registrants in a professional, safe and competent way; that the standards of practice within the profession are upheld and that public confidence in the profession is maintained, through imposing obligations on persons in relation to the practice of the profession.

A National Registration and Accreditation Scheme became effective from 1 July, 2010. The Scheme brought a range of health professions requiring registration in all jurisdictions into a single national regulatory system under profession specific boards and a National Agency. Speech pathology has not been transitioned to the National Scheme.

The Speech Pathologist Registration Board in Queensland partnered with Speech Pathology Australia in the development of a national submission seeking inclusion of the speech pathology profession in the national regulation scheme. Speech pathology was not included in the National Registration and Accreditation Scheme and no formal feedback was provided stating reasons why this submission was not successful.

Currently there are 1654 Speech Pathologists registered (as at 15 January 2013) to practise in Queensland employed across a range of state government and non-government agencies and in private practice.

Case for Registration

Risks to members of the public

There is ongoing need to ensure protection of the public by ensuring that health care is delivered in a professional, safe and competent way. There are also emerging and current trends which indicate a need for ongoing vigilance in ensuring that speech pathology services are provided in this way; upholding the standards of practice within the profession and maintaining public confidence in the profession, including:

- speech pathologists seeking to re-join the workforce after significant breaks from the profession and without sufficient ongoing professional development and training;
- extensive recent developments in neuroscience in relation to communication disorders;
- expansion in the evidence in relation to effective treatments;
- rapidly expanding use of technology in assessment and treatment of communication disorders including usage of telehealth as a service delivery methodology;
- increasing university programs for the training of speech pathologists.

The Speech Pathologists Board of Queensland believes registration is the best means to address and manage the following concerns. Some of these may compromise the safety, well-being and confidence of Queenslanders requiring the services of a speech pathologist in an unregulated environment.

While Self-Regulation is an option now being considered nationally by Speech Pathology Australia, membership of a professional association such as this will remain optional and even for members, the legislative authority to address a number of the issues outlined below will not be integral to this kind of system of regulation. Prosecution of disciplinary matters by professional bodies also can be regarded as lacking the necessary independence from the profession. Current data indicates that of the currently registered speech pathologist in Queensland (1,654) only 54% (900) are members of the national professional association. Without a legislative framework, self-regulation will remain a voluntary system and therefore is unlikely to provide protection for members of the community with a communication disability.

Protection of Vulnerable Members of the Community

Protecting vulnerable people is key to health and education service delivery. Children, elderly and chronically ill people who struggle to speak and swallow are often poor at self-advocacy and are highly exposed to the risk of a speech pathologist working outside the standards of practice or who abuse their position of power and trust.

Queensland has created an environment where it has the ability to regulate and monitor those practitioners who could present an increased risk to an already vulnerable group. The following points and case studies illustrate this risk. The legislation gives the jurisdiction to the Board to:

- have speech pathologist self-disclosing or reported to have diagnosed mental health conditions appropriately assessed and monitored in order that they are in a fit state to provided speech pathology services and that they do not pose a risk to their clients;
- ensure that a speech pathologist seeking registration has up-to-date knowledge of recent and appropriate practices to respond to the range of presenting communication disorders in the sector in which they intend to work;
- put in place conditions which limit or give scope to the type of work the speech pathologist is trained and has knowledge to undertake if there are gaps in knowledge or experience. The conditions can include restricting speech pathologist to work in paediatric practice only; restricted to adult clients only; required to be supervised when treating adult clients; not registered for practice in dysphagia (swallowing) at all; additional training; and attending for treatment with a psychiatrist;
- monitor risks in practice, including speech pathologists returning to work after extended breaks, overseas training, geographic isolation, expectations of treating diverse and extensive client needs and cross-border practice;
- refer breaches with possible criminal implications to the appropriate judicial body. Members of the community with communication difficulties are often not empowered to pursue these kinds of processes themselves;
- ensure consistent evidence-based practice standards across workplaces, define professional activities and enable action against those who use inappropriate techniques and methodologies.

In 2009, the Board endorsed a continuing professional development program for speech pathologists, consistent with programs endorsed by the other 11 health practitioner registration Boards and in line with continuing professional development requirements of the

Australian Health Practitioner Regulation Agency. Failure to participate in continuing professional development can lead to issues such as practice techniques which are not effective or may in fact cause harm, professional isolation and workforce re-entry barriers.

The Speech Pathologists Board of Queensland determined a standard number of hours to be worked over five years as a minimum acceptable standard of recency of practice. In addition, other registered health professionals expect to work alongside and/or refer to colleagues who are working to a common set of standards and are maintaining their currency of knowledge and skills. Registration ensures minimum standard are being met.

In instances where a member of the public has made a report about the professional conduct of a speech pathologist, de-regulation will result in:

- a loss of independent and established complaints and investigation function staffed by experienced investigators and legal support. At an individual level, the investigation unit effectively steps into the shoes of the complainant in establishing the facts of the complaint. It has legislative backing for information gathering.
- a loss of the ultimate sanction to protect the public from a practitioner who does not meet the standards of competence or ethics required of a registrant.

A number of case studies which illustrate the risk posed to the public are detailed on Attachment 1.

Risks to the professional standards of speech pathologists

Speech pathologists are a well-defined professional group with consistent recognition of qualifications and a strong research base. In regulation of this profession, Queensland has provided leadership in Australia in line with practice in jurisdictions in the United Kingdom, South Africa, the United States of America, Canada, and Ireland. Currently in Queensland, speech pathologists must hold a qualification prescribed under the Speech Pathologists Registration Regulation 2001, from a recognised tertiary institution. This is consistent with other nationally regulated health practitioner professions. Prescription of qualifications under legislation ensures only practitioners with assessed, accredited qualifications can be registered.

The profession of speech pathology has an increasing practitioner base

The profession of speech pathology has a substantial practitioner base and is growing rapidly. Significant numbers of practitioners and growth of the profession increases the potential of risk to public safety arising from working in an unregulated environment. The number of universities offering courses in Speech Pathology has increased by 6 since 2003 – a 75% increase in 10 years. This has resulted in a significant increase in graduates at bachelor and masters level. As a result of the increases in the practitioner base there has been an increase of 44% in the number of speech pathologist registered in Queensland over the last five years.

Consistency in Expectations of Health Professions

A consistent multi-disciplinary environment across the health professions is essential so clients can expect all members of a health care team operate in the same regulatory environment, whether nurses, doctors, physiotherapists, occupational therapists or speech pathologists. This gives clients confidence in the credibility of the team and its service.

Criminal history screening of new applicants seeking registration to practise in Queensland was commenced on 1 July 2009 and as Queensland is the only jurisdiction requiring screening of new speech pathology applicants, annual disclosure by existing registrants and notification of convictable/indictable offences, it is the only jurisdiction with records and enforceable options relating to the criminal history status of speech pathologists.

Registration and associated title protection support establishment of an informed community so clients and their carers can easily distinguish speech pathologists from other fields (such as voice teachers, speech and drama teachers or allied health assistants) and have confidence that there is legislative backing prescribing qualifications, title and accountability for the service provided.

The Board's position is supported by the professional association and continuing professional development/overseas training assessment provider, Speech Pathology Australia. The best outcome for Queenslanders is for the profession of speech pathology to be regulated in Queensland.

Potentially as an un-regulated profession, in an increasingly competitive financial environment the research conducted in the area of communication disability may lose priority in application processes for funding for research and professional development. Regulated professions may become a priority for receipt of government grants.

Recommendations

The Board maintains the best outcome for Queensland health consumers regarding the management of risks to public safety that may arise from speech pathologists working in unregulated environments is for continued registration in Queensland.

By the nature of the disabilities treated, the client group is inherently vulnerable and so have a specific need for protection through the legislative framework regulating the environment in which health professionals operate.

Queensland has led the way in ensuring the minimisation of risk for health consumers. The Board recommends continued advocacy for inclusion of speech pathology in the national scheme. This should be achieved through Queensland Government representatives working with Ministers for Health and other key stakeholders nationally.

Should you require any further clarification, I would be pleased to assist.

Yours sincerely



Meredith Kilminster
Chairperson

Attachment 1

Case Studies

The following Queensland case studies illustrate the risk posed to the public:

- Case Study A: An employer notified the Board that a speech pathologist appeared to have physical disability issues which were affecting the registrant's practice and which were confirmed by subsequent investigation. The registrant surrendered registration in Queensland, precluding the Board from applying conditions of practice, but the former registrant could again practise unimpeded if registration is abolished in Queensland.

- Case Study B: The Board suspended the registration of a speech pathologist under section 59 of the *Health Practitioners Professional Standards Act 1999* as it reasonably believed the registrant posed an imminent risk to the wellbeing of vulnerable persons.

Specifically, the Board believed there were grounds to investigate whether the suspended registrant had demonstrated poor caseload management and clinical speech pathology skills, particularly in relation to dysphagia (difficulty in swallowing), which had the potential to compromise patient safety to a substantial degree; and had displayed disorientation and cognitive problems. Although subsequent health assessment determined the suspended registrant was not impaired, Qld Health terminated their employment.

The person surrendered registration and the file remains flagged in Queensland should they seek re-registration. But in the future without registration, the person could again practise in Queensland.

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- Case study D: The Board received a complaint concerning a flyer being distributed at schools advertising a non-registered speech pathologist, resulting in a warning to the person about breaching the Registration Act.

- Case Study E: The Board has required one unregistered person to cease using the restricted title 'speech therapist' on their website.