

PHYSIOTHERAPISTS REGISTRATION BOARD
OF WESTERN AUSTRALIA

ANNUAL REPORT

AND

FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31ST DECEMBER 2004

PHYSIOTHERAPISTS REGISTRATION BOARD
OF WESTERN AUSTRALIA

ANNUAL REPORT

FOR THE YEAR ENDED 31ST DECEMBER 2004

The Physiotherapists Registration Board is established under the provisions of the Physiotherapists Act 1950 to provide for the training, qualifications and registration of persons as physiotherapists and the practice of physiotherapy and other matters incidental to those purposes.

1. STRUCTURE OF THE BOARD

Section 6 of the Act provides for the Board to consist of five (5) members and the following is a list of the members of the Board and the terms under which they were appointed as at the 31st December 2004.

The Permanent Head or a legally qualified medical practitioner employed within the Public Health Department of Western Australia of the Public Service of the State nominated by the Permanent Head.

Dr. D Jones

A medical practitioner appointed by the Governor

Vacant

Two physiotherapists appointed by the Governor

Ms. G. Parry (replaced Mrs C. Blaxill – retired 12 Oct 04)
Ms. K. Gibson

A person nominated by the Council of the Curtin University of Technology and approved by the Minister

Prof. A. Wright

The Members of the Board hold office for a period of three years

2. **MEETINGS HELD**

During the 2004 year the Board met on eleven (11) occasions. Two of those occasions were special meetings dedicated to discussing complaints.

The following is a table of the attendance of the Board Members:

<u>Board Member</u>	<u>Meetings attended</u>
Ms K. Gibson (Chairperson)	11
Mrs C. Blaxill	8
Ms G. Parry.	2
Dr D. Jones	6
Prof A. Wright	11

The Registrar of the Board is Mr. K.I. Bradbury

The office of the Board is located at 6 Charles Street, South Perth, the hours of business are 8.30 am to 5.00 pm Monday to Friday, telephone number (08) 9368 2644, facsimile (08) 9368 2677, website www.prbwa.com.au, email enquiries@prbwa.com.au.

3. **REGISTER**

(a) **General Register**

Total on Register at 1st January 2004		1848
New applications	110	
Mutual Recognition	59	
Transfer from Temporary	2	
Restorations	44	
	_____	215
		<u>2063</u>
Less: Removals		
- non-payment	71	
- Deceased	0	
- voluntary	54	
	_____	125

Total on Register at 31st December 2004		<u><u>1938</u></u>

(b) Temporary Register

Total on Register at 1 January 2004	23
New applications	31
	<hr/> 54
Removals	48
Transfer to General	<u>2</u>
	<hr/> <u>50</u>
Total on Register at 31st December 2004	<hr/> <hr/> 4

4. GENERAL

(a) Record Keeping Plan

The Board established a record keeping plan that complied with the provisions of State Records Act 2000.

(b) Board Policies

The following policies have been adopted by the Board:

i) Additional qualifications

The following policy was adopted relating to registration of additional qualifications:

“Registered physiotherapists holding recognised postgraduate Diplomas, Masters Degrees and Doctorates in physiotherapy will be eligible to register those qualifications subject to the content of the course work and production of satisfactory documentation establishing that the holder has in fact been awarded either the postgraduate Diploma, Degree or Doctorate”.

ii) Use of Non-physiotherapy qualifications

The Board adopted the policy that non-physiotherapy qualifications, approved by the Board, would be permitted to be noted on stationery, providing they are stated in full and not abbreviated, to distinguish that they are not qualifications in physiotherapy.

iii) Practice Names

The Board adopted the following policy in relation to appropriate practice names:

“A Physiotherapy Practice name must:

- (a) include the word “physiotherapy” in the title
- (b) not be misleading or deceptive or likely to mislead or deceive
- (c) not be vulgar or sensational such as would be likely to adversely affect the standing of the physiotherapy profession
- (d) not include descriptive words such as “back”, “children” “ergonomic” and the like
- (e) not be linked to a product
- (f) not make the physiotherapists appear to have physiotherapy qualifications they do not possess”

The Board has also resolved that it will grant approval for the use of one practice name to be used at multiple locations.

iv) Duplicate Registration Certificates

The Board agreed that it would not be appropriate to issue duplicate registration certificates, and resolved to forward future certificates by certified mail with a return receipt, to maintain a record that certificates have been received.

v) Acupuncture

The Board sought legal advice on the appropriateness of physiotherapists providing acupuncture treatment as a physiotherapy modality and has adopted the policy that as the definition of “physiotherapy” in the Act states that physiotherapists can only provide external treatment, this would prohibit them from providing acupuncture as a physiotherapy modality, as it involves penetration of the body.

vi) Criminal screening

To assist in the protection of members of the public, the screening of criminal records will apply to:

- ... all currently registered physiotherapists
- ... physiotherapists applying for restoration to the Register
- ... new applicants for registration

vii) AECOP Supervised Clinical Practice

1. Overseas-trained physiotherapists, who hold un-registerable qualifications, must be assessed by the AECOP before being eligible for registration. Refer www.acopra.com.au

2. Once the applicant has successfully completed the Screening Examination, the candidate can arrange for a period of supervised clinical practice.
3. At this stage, the applicant will need to make application for temporary registration with the Board for the 6-week period of supervised clinical practice.
4. The Board will require a letter from the applicant stating: **specific dates, the location and name of the registered physiotherapist who will be supervising the clinical practice.**
5. In addition, the Board requires a letter from the supervising physiotherapist acknowledging their responsibilities and the conditions of the temporary registration.
6. The temporary registration will be for the purpose of clinical practice only and will be restricted to the dates and location as requested in the written application.
7. The cost for temporary registration will be \$125.00, being registration fee of \$50.00 and the current year practicing fee of \$75.00.

viii) Conversion from Temporary to Full Registration

1. Subject to successfully completing the examinations and being awarded a final certificate by AECOP, the Final Certificate must be presented to the Board when you apply for full unconditional registration.
2. The Board will require a successful criminal record screening to comply with the full, unconditional registration requirement at this stage.
3. The registration fee would be \$50.00 and the current year practicing fee of \$75.00.

(c) **Therapeutic Massage**

The Board continues to be concerned that medical practitioners have been issuing referrals to patients for treatment by untrained and unqualified persons who often describe themselves as “Therapeutic Masseurs” or alternatively, offer therapeutic massage services. Members of the public have also responded directly to advertisements placed by masseurs who provide these services.

The Board has previously expressed concern to the Hon. Minister for Health regarding the following:

- (1) The potential risk to the public with untrained and unqualified persons providing treatment restricted to registered physiotherapists, such as manipulative therapy.
- (2) The inappropriateness of medical practitioners providing referrals for such services, which may provide a basis for unqualified persons being recognised for the purpose of treating patients who claim reimbursement from organisations, such as insurance companies.
- (3) The increase in short term courses in “Massage”, resulting in the probability that large numbers of untrained and unqualified persons may be providing treatment restricted to registered physiotherapists.
- (4) The limitations in the existing legislation which is making it difficult for the Board to ensure that one of the objectives of the Act is met, i.e. to prevent untrained and unqualified people from practising physiotherapy.

The Board understands that its concerns will be addressed in the continuing review of the Act.

The Board has previously circularised all registered medical practitioners, drawing their attention to the Board’s concerns and seeking their assistance by ensuring that referrals are provided only for treatment by suitably trained and qualified persons.

(d) Unqualified persons

The Board has previously had communications with a number of separate groups which appear to be promoting the use of unqualified and unregistered persons to provide physiotherapy services, including the use of restricted electrophysical agents.

The Board has noted with concern the developing trend to:

- i) utilise unqualified care providers to provide physiotherapy services,
- ii) the proliferation of “courses” which will purportedly qualify the student to treat patients who have a range of “conditions”. Those students graduate from the courses with the belief that because these procedures formed part of the course curriculum they are entitled to practise those skills regardless of the restrictions contained in the Physiotherapists Act, and
- iii) the use of nurses and administrative staff to apply electrophysical agents to patients.

The provision of physiotherapy services is legally restricted to qualified persons for the simple reason that significant, potentially debilitating injuries to members of the public can occur if the provider has not been properly trained and injuries can also be sustained where electrophysical agents are used incorrectly. It is the opinion of the Board that the foregoing trends should be actively discouraged.

(e) Board Prize

The 2004 Physiotherapists Registration Board Prize was awarded to Ms Holly Breheny as the most outstanding physiotherapy student throughout the Curtin University of Technology course.

(f) Complaints and prosecutions against unregistered persons

The Board investigated no complaints concerning the alleged provision of physiotherapy treatment by unregistered persons.

(g) Complaints against registered physiotherapists

Three (3) new complaints against a registered physiotherapist were received during the year, in addition to one (1) complaint that had been initiated in 2003 and one (1) complaint initiated in 2002, later withdrawn and then recommenced this year.

In relation to two (2) complaints, the Board resolved that in each case, the practitioner concerned had either not committed a breach of the Act or that there was insufficient evidence to warrant charges being made against the physiotherapists concerned.

In relation to two (2) complaints, the following disciplinary proceedings took place:

GRAHAM LAYCOCK

In September 2004, the Board conducted an inquiry to consider the allegations that Mr Graham Laycock was guilty of:

- 1.1 Improper practices or misconduct (but not “misconduct in a professional respect”) pursuant to Regulation 21 of the Physiotherapists Regulations 1951 insofar as he caused advertisements for his services to be published in the Fremantle Gazette on 20 February and 8 April 2003 in which he claimed that more than 90% of his patients were symptom free within 2 to 4 visits when there was no sufficient basis for making that claim; or alternatively
- 1.2 Breaches of Regulation 26 (a) and/or (b) and/or (d) and/or (e) insofar as he caused advertisements for his services to be published in the Fremantle Gazette on 20 February and 8 April 2003 in which he claimed

that more than 90% of his patients were symptom free within 2 to 4 visits when the advertisements:

- a) were false in breach of regulation 26(a) because there was no basis for the assertion that 90% of his patients were symptom free within 2 to 4 visits because they did not return for further treatment after 2 to 4 visits;
- b) were misleading and deceptive, or likely to mislead or deceive in breach of regulation 26(b) because there was no basis for the assertion that 90% of his patients were symptom free within 2 to 4 visits because they did not return for further treatment after 2 to 4 visits;
- c) consisted of self-laudatory statements in total or in part in breach of regulation 26(d) insofar as they contained the assertion that 90% of his patients were symptom free within 2 to 4 visits;
- d) implied superiority of himself over other practitioners in breach of regulation 26(e) because they implied that other practitioners could not achieve comparable results ie that 90% of their patients were symptom free within 2 to 4 visits.

The Board found as follows:

- 1. Charge 1.1 would not proceed,
- 2. Charges 1.2(a) and (b) were withdrawn,
- 3. The Board found Mr Laycock guilty of charges 1.2 (c) and (d),
- 4. The Board accepted the submission in mitigation and acknowledged the lack of intent on behalf of Mr Laycock,
- 5. The Board accepted Mr Laycock's offer to provide a written undertaking to comply with the advertising Regulations in the future,
- 6. The Board cautioned Mr Laycock to exercise extreme care in future advertising, including advertising the provision of free assessments.

The Board resolved, on this occasion, not to impose any penalty.

ALAN STACEY

The Board held an Inquiry on 14th June, 15th June, 10th August and 11th October 2004 into allegations that ALAN STACEY was guilty of:

- (a) Misconduct in a professional respect in that he engaged in a sexual relationship with a female patient (Mrs "X") while she was his patient from approximately February 1994 until October or November 1996 contrary to Regulation 20(c) of the Physiotherapists Regulations 1951, or alternatively
- (b) Improper practices or misconduct (but not misconduct in a professional respect) in that he engaged in a sexual relationship with Mrs X whilst she was his patient from approximately February 1994

until October or November 1996 contrary to Regulation 21 of the Physiotherapists Regulations 1951.

- (c) Misconduct in a professional respect in that he engaged in sexual contact with Mrs X whilst she was his patient in September 1995 contrary to Regulation 20(c) of the Physiotherapists Regulations 1951, or alternatively
- (d) Improper practices or misconduct (but not misconduct in a professional respect) in that he engaged in a sexual contact with Mrs X whilst she was his patient in September 1995 contrary to Regulation 21 of the Physiotherapists Regulations 1951.

The Board found ALAN STACEY guilty on allegations (a) and (c). Pursuant to Regulation 20(c) of the Physiotherapists Regulations 1951, the Board ordered that the name of ALAN STACEY be struck from the register with immediate effect.

There was one (1) unresolved complaint as at 31 December 2004.

(h) Ultrasound

The Board continues to express concern regarding the activities of organisations utilising ultrasound equipment for treatment of conditions such as Cellulite. The Board has previously advised the Hon. Minister that to assist in its investigations, the Board had sought advice from other State and Territory Registration Boards, the Consumer Affairs Department and experts from Curtin University and the University of Melbourne. All advice received indicated that the use of ultrasound equipment by untrained and unqualified persons constituted a potential risk to the public.

(i) Police Clearances

The Board has continued with an arrangement with the Health Department of Western Australia to conduct criminal record screening of physiotherapists in accordance with its policy detailed in 4(c)(iv).

(j) Conference attendance

Prof Wright represented the Board at the ACOPRA Inc. conference in March 2004.

(k) Code of Conduct

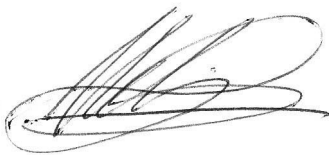
The Board has in place a Code of Conduct to be utilised by Members of the Board.

(l) Section 175ZE of the Electoral Act 1907

The Board made no expenditure in relation to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations.

(m) University of Notre Dame

Mrs Clare Blaxill represented the Board on the University of Notre Dame School of Physiotherapy External Advisory Committee until her retirement from the Board. Ms Gwen Parry replaced Mrs Blaxill in October 2004.

A handwritten signature in black ink, appearing to be 'KG', with a large, sweeping loop at the end.

Ms Kim Gibson
CHAIRPERSON

PHYSIOTHERAPISTS REGISTRATION BOARD OF W.A.

**FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2004**



SHAKESPEARE PARTNERS
chartered accountants

Offices
47 Outram Street
West Perth WA 6005

Postal Address
PO Box 1257
West Perth WA 6872

Telephone
(08) 9321 2111

Facsimile
(08) 9321 2050

Email
shakes@iinet.net.au

**INDEPENDENT AUDITOR'S REPORT
TO THE PHYSIOTHERAPISTS REGISTRATION BOARD
OF WESTERN AUSTRALIA**

Scope

We have audited the financial statements of the Physiotherapists Registration Board of Western Australia for the year ended 31 December 2004. The board is responsible for the preparation and presentation of the accounts and the information they contain. We have performed an audit of these accounts in order to express an opinion on them to the Board.

Our audit has been planned and performed in accordance with Australian Auditing Standards to provide a reasonable level of assurance as to whether the accounts are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the accounts, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the accounts are presented fairly in accordance with the historic cost basis of accounting so as to present a view of the Board which is consistent with our understanding of its operations.

The accounts have not been prepared as a general purpose financial report in accordance with Statements of Accounting Standards.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion the financial statements of the Physiotherapists Registration Board of Western Australia present fairly the financial position at 31 December 2004 and the results of its operations for the year then ended, in accordance with the basis of preparation outlined above.

We also certify that the Board complied with the provisions of the Physiotherapists Registration Act as amended.

SHAKESPEARE PARTNERS
Chartered Accountants

SR THOMPSON - Partner

Dated : 18/8/07

Partners
A Shakespeare CA
S R Thompson CA
L A Meyerowitz CA

ABN 99 858 551 508

PHYSIOTHERAPISTS REGISTRATION BOARD OF W.A.

**BALANCE SHEET
FOR THE YEAR ENDED 31 DECEMBER 2004**

	31/12/04	31/12/03
	\$	\$
ACCUMULATED FUNDS		
Accumulated Funds - Beginning of Period	229,876	193,386
Excess of Income Over Expenditure	42,568	36,490
TOTAL ACCUMULATED FUNDS	<u>\$272,444</u>	<u>\$229,876</u>
 Represented by:		
CURRENT ASSETS		
Cash Float	100	100
Other Debtors	2,435	2,790
Cash at Bank	24,671	46,292
Investment - Challenge Bank	31,336	-
Investment - Challenge Bank No 16-1354	139,171	131,897
Investment - Challenge Bank No 52-3068	124,459	117,659
	<u>322,172</u>	<u>298,738</u>
TOTAL ASSETS	<u>322,172</u>	<u>298,738</u>
 CURRENT LIABILITIES		
Fees Paid in Advance	24,055	39,345
Sundry Creditors & Accrued Charges	25,673	29,517
TOTAL LIABILITIES	<u>49,728</u>	<u>68,862</u>
 NET ASSETS	<u>\$272,444</u>	<u>\$229,876</u>

PHYSIOTHERAPISTS REGISTRATION BOARD OF W.A.

**PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 DECEMBER 2004**

	31/12/04	31/12/03
	\$	\$
INCOME		
Practising Fees	148,350	141,150
Registration Fees	7,050	5,650
Restoration Fees	2,500	3,235
Change of Name	405	385
Additional Qualifications	416	448
Certificates of Good Standing	285	180
	<hr/>	<hr/>
	159,006	151,048
EXPENDITURE		
Audit Fees	1,100	940
A.C.O.P.R.A Contribution	6,237	14,994
APA - Rosen Foundation	-	2,500
Bank Charges	887	1,104
Board Members Fees	5,085	3,669
Board Prize	300	300
Bpay	732	3,188
Catering	480	600
Conference Expenses	2,529	4,389
Eftpos Costs	218	195
Interest Paid	14	-
Inquiry Costs	11,221	-
Legal Costs	9,732	1,717
Merchant Fees	1,027	310
Postage	2,698	3,092
Printing & Stationery	6,308	6,402
Record Keeping Plan	1,800	-
Research Grant	-	2,000
Secretarial & Administration Costs	80,701	79,992
Website Costs	735	518
Telephone	1,417	1,174
	<hr/>	<hr/>
	133,221	127,084
	<hr/>	<hr/>
	25,785	23,964
OTHER INCOME		
Interest Received	16,714	12,325
Sundry Income	69	201
	<hr/>	<hr/>
	16,783	12,526
	<hr/>	<hr/>
EXCESS OF INCOME OVER EXPENDITURE	\$42,568	\$36,490