Queensland

Regulatory Impact Statement for SL 2002 No. 98

Medical Radiation Technologists Registration Act 2001

MEDICAL RADIATION TECHNOLOGISTS REGISTRATION REGULATION 2002

TITLE

Medical Radiation Technologists Registration Regulation 2002.

BACKGROUND

The Legislative Assembly passed the *Medical Radiation Technologists Registration Act 2001* ('the Act') on 1 May 2001. The objectives of the Act are to:

- protect the public by ensuring health care is delivered by registered medical imaging technologists, nuclear medicine technologists and radiation therapists (collectively referred to as 'medical radiation technologists') in a professional, safe and competent way;
- uphold the standards of practice within the medical imaging technology, nuclear medicine technology and radiation therapy professions; and
- maintain public confidence in the medical imaging technology, nuclear medicine technology and radiation therapy professions.

The Act was developed in line with the model of occupational regulation that was deemed appropriate for a range of health professions. The model resulted from the Review of Medical and Health Practitioner Registration Acts (the Review) which commenced in 1993 and culminated in the passage of thirteen new Health Practitioner Registration Acts on 1 May 2001.

The first stage of this model was the enactment of the *Health Practitioners (Professional Standards) Act 1999* and the *Health*

Practitioner Registration Boards (Administration) Act 1999. The Review incorporated the registration of medical radiation technologists as a response to a 1993 decision of the Australian Health Ministers' Conference, which recommended that States and Territories should facilitate the operation of mutual recognition for medical radiation technologists to assist their movement from one jurisdiction to another. The Act forms part of the second stage of the model. The Review has resulted in the development of an efficient and effective registration system for the thirteen health professions (including medical radiation technologists) aimed at protecting the public and promoting quality health care standards, as well as a significantly reduced regulatory burden.

The Act provides for the registration of medical radiation technologists for the first time in Queensland. The key elements of this model of occupational regulation are the eligibility criteria for registration, and the reserving of certain professional titles for registrants. In order to give effect to the model of occupational regulation provided by the Act, certain aspects of the model must be prescribed by regulation.

The Act establishes two categories of registration (general and special purpose). General registration is a basic form of registration, which can be granted with or without conditions. Special purpose registration is a limited form of registration designed to extend the privileges and obligations of registration to persons undertaking a specified range of 'special activities'. This form of registration can also be granted with or without conditions.

The Act also provides for the imposition of probationary conditions on general registration (that is, compliance with a supervised practice program) under certain circumstances. An applicant for general registration may be registered as a general registrant on probationary conditions (ie. a "probationary registrant"), if the board decides that the applicant is qualified and fit to practise the profession but

- has not completed the supervised practice program for the profession; or
- does not have relevant practical experience in the profession.

The Act provides that where an applicant for registration has not, in the board's reasonable opinion, practised in the profession, the board must impose the following conditions:

- that the probationary registrant may practise the profession only in accordance with the prescribed supervised practice program for the profession; and
- that the probationary registrant must complete, to the board's satisfaction, the supervised practice program within the period prescribed under a regulation.

Where an applicant for registration has practised in the profession but does not, in the board's reasonable opinion, have relevant practical experience, the board must impose the following conditions:

- that the probationary registrant may practise the profession only in accordance with the part of the supervised practice program (the "partial program") decided by the board; and
- that the probationary registrant must complete, to the board's satisfaction, the partial program within the period decided by the board.

This Regulatory Impact Statement outlines the Government's proposals regarding the development of the *Medical Radiation Technologists Registration Regulation 2002* ('the Regulation') relating to medical radiation technologists. The Queensland Government invites you to participate in the development of the Regulation by commenting on any of the matters contained in the Regulatory Impact Statement.

AUTHORISING LAW

Section 231 of the Act provides the general head of power for the making of a regulation. More specific provisions regarding the matters to be covered by the Regulation are contained in sections 42, 44, 56, 57, 61, 62, 82, 94, 103, 132, 133, 134, 209, 231, and Schedule 3 of the Act.

POLICY OBJECTIVES

Medical radiation technology services are provided in the private and public sectors, in hospitals and private radiology practices. The services are provided under the direction, or on the prescription, of medical practitioners and medical specialists. There is significant market demand for medical radiation technology services due to both the rapid technological development of imaging equipment and the high incidence of

malignant conditions and diseases that involve medical radiation technology in diagnosis and treatment.

The rapidly changing environment in which medical radiation technologists operate requires practitioners to be fully qualified in their field, in order to deliver the best possible standards of service to the public. As outlined above, the policy objectives of the Act are to protect the public, uphold professional practice standards, and maintain public confidence in the medical radiation technology profession. It is necessary to make the Regulation in order to provide greater detail about, and give effect to, these policy objectives.

The Regulation will enhance the policy objectives in particular ways. For instance, it will prescribe details about the core elements of the legislation, such as the qualifications necessary for registration as a medical radiation technologist, as well as the supervised practice program to be undertaken by medical radiation technologists registered on probationary conditions. To ensure that the system of registration for medical radiation technologists is operational, the Regulation will also provide for incidental matters, such as the fees to be paid by registrants, and the requirements for notifying the Medical Radiation Technologists Board ("the board") about changes in a registrant's circumstances that are relevant to their registration.

HOW THE POLICY OBJECTIVES WILL BE ACHIEVED

The Regulation will provide greater detail about the registration of medical radiation technologists, in order to achieve the policy objectives of the Act. As mentioned above, the Regulation will address the proposed arrangements for supervised practice (including the professional practice settings at which supervised practice programs may be undertaken), qualifications for registration, and fees (including registration fees) for medical radiation technologists. Specific details about the provisions to be contained in the Regulation are covered in the Attachment to this Regulatory Impact Statement. The major points are discussed below.

The Act provides that a person will be qualified for general registration in one of three ways. Either, they will hold a qualification that has been prescribed by a regulation; or they will hold a qualification that is substantially equivalent to one of the prescribed qualifications; or they will have passed a qualifying examination set by the board. The Regulation will prescribe those qualifications that meet the requirements for registration in the profession under the first method.

Through the prescription of the qualifications required for general registration, the Regulation will also enable the practical application of the Act's requirement that only those persons registered under the Act may use a restricted professional title. The restriction of professional title for medical radiation technologists will ensure that consumers can identify qualified health providers who are accountable to an appropriate regulatory body. The right to use a protected title will strongly encourage registrants to uphold professional standards. Also, by ensuring that only those with appropriate training and experience are permitted to use certain professional titles, registration provides a greater guarantee to consumers that the practitioner will have the basic level of skill necessary for safe treatment. Only well known and widely used titles are to be restricted. These include 'medical imaging technologist', 'radiographer', 'nuclear medicine technologist' and 'radiation therapist'.

Currently, the key professional associations representing medical radiation technologists are the Australian Institute of Radiography (AIR) for medical imaging technologists and radiation therapists, and the Australian and New Zealand Society of Nuclear Medicine (ANZSNM) for nuclear medicine technologists. These professional associations provide accreditation for medical radiation technologists based upon possession of an accredited qualification and successful completion of a year of post-graduate clinical experience in an approved clinical setting. The registration qualification system established by the legislation builds upon the system that has already been established by industry, and accordingly it has the support of the key professional associations (ie. AIR and ANZSNM).

The Act also provides that, in certain circumstances, an applicant for general registration is to be registered on probationary conditions, even though they may qualify for registration and be fit to practise the profession. Probationary conditions must be imposed if the applicant has not completed the supervised practice program for, or does not have relevant practical experience in, the profession for which they are seeking registration. The Act stipulates that probationary conditions include practising the profession only in accordance with the supervised practice program that has been prescribed under a regulation. The Regulation will set minimum and maximum time periods for completion of the supervised practice program. This will ensure that probationary registrants complete the program in an appropriate period of time, and there is not an unnecessarily lengthy delay between graduation from a prescribed course of study and the commencement of practice as an independent medical

radiation technologist. The probationary registrant's skills will be cultivated and honed while they undertake the supervised practice program.

It is important to note that the National Office of Overseas Skills Recognition currently relies upon a statement of accreditation from AIR or ANZSNM, as appropriate, in assessing overseas qualifications of medical radiation technologists who apply for recognition of their skills and qualifications within Australia. This has provided the baseline for recognition by the Australian Health Ministers' Advisory Council (AHMAC) of uniform minimum requirements for licensing or registration in each State or Territory. Therefore, as the registration system established by the legislation will build upon the standards set by AIR and ANZSNM, it will also meet AHMAC requirements.

CONSISTENCY WITH AUTHORISING LAW AND OTHER LEGISLATION

The Regulation is consistent with the authorising law, as it has been developed in line with the objectives of the authorising law (ie. the Act). It will further develop those aspects of the Act that require prescription of relevant matters by a regulation in order to achieve operational effectiveness.

The Regulation is also consistent with other legislation such as the *Radiation Safety Act 1999*. Medical radiation technologists may be required to prepare, handle, and examine sources of radiation for diagnostic or therapeutic purposes. Their use of these radiation sources is regulated by the *Radiation Safety Act 1999*, which controls the possession, use, transport or disposal of radiation sources.

OPTIONS AND ALTERNATIVES

The policy objectives of the Act cannot be fulfilled without the making of supporting subordinate legislation. For this reason it is not appropriate to consider any alternative to making the Regulation. Options and alternatives to achieve the policy objectives of the Act were analysed during the course of its development. They included reliance on the licensing regime under the *Radiation Safety Act 1999*, as well as voluntary compliance with professional standards under a system of self-regulation in conjunction with professional organisations. These options were found to be less effective in achieving the policy objectives of the Act.

A system of self-regulation would have involved the development of professional codes of practice and reliance on voluntary compliance, with the system administered by the professional bodies. The effectiveness of this option would be dependent upon professional bodies having comprehensive policies on professional conduct, the power and resources to impose sanctions, and a high membership rate across the profession. As not all practitioners are members of one of the professional organisations, a system of self-regulation cannot impose the same requirements of training, expertise, continuing education or recency of practice as a registration system. Also, the professional bodies involved do not have sufficient powers to enforce codes of practice, and membership rates leave significant numbers of practitioners outside the scope of this measure.

The *Radiation Safety Act 1999* ensures greater control over who may practise medical radiation technology through its system of individual use licensing. However, it does not encompass an ability to set ethical and professional conduct standards. Nor does it provide any control over the professional practice of medical radiation technologists who may primarily undertake management or administrative functions, and are therefore not required to hold a use licence. In addition, licensing does not regulate the use of the full range of equipment and processes used in medical radiation technology practice, and therefore it is not an effective alternative for achieving the objectives of the Act.

The National Health and Medical Research Council (NHMRC) has based its recommendations for the management of radiation doses on the levels recommended by the International Commission on Radiological Protection (ICRP) in 1991.[1] As a precaution, the NHMRC assumes that all exposures to ionising radiation carry some risk of harm to health, and the risk increases each time a person is exposed to this form of radiation. There is concern that existing safeguards (such as standards and codes of practice) are unable to effectively protect those subject to radiation technology, particularly where there is a potential for use of medical radiation technology by persons with inadequate expertise and training. The International Atomic Energy Agency recommends that Governments should regulate the conduct of any practice involving sources of radiation.[2] Therefore, the system of registration established by the legislation will

1 ICRP Report No. 60—1991.

2 International Atomic Energy Agency (1996) *International Basic Safety Standards for Protection Against Ionizing Radiation and for the Safety of Radiation Sources.*

provide a greater degree of control over who may practice medical radiation technology and over the competency of such persons to practice.

In addition, clinical, auxiliary staff and patients rely on the competence and professional conduct of the medical radiation technologist to ensure that the risk of radiation exposure is minimised. Occupational registration will provide the best means of determining competency and professional conduct, and this will introduce a degree of accountability into the profession that does not currently exist.

COST-BENEFIT ANALYSIS

The Act and the Regulation impact on existing and potential practitioners and their employers, consumers of health services, the State Government, and tertiary education institutions. The costs are considered to be insignificant, with benefits outweighing costs in all areas. Benefits include:

- an increase in consumer protection and consumer confidence in the practice of medical radiation technologists through the requirement for registrants to hold adequate qualifications and demonstrate a fitness to practise and be accountable for their professional conduct;
- enhancement of the Government's ability to respond positively to public expectations about its role in protecting consumers from incompetent or substandard practitioners and delivering a better quality of life;
- greater clarity for employers about acceptable standards of practice;
- reinforcement of the need for tertiary education institutions to offer training in medical radiation technology, and to develop innovative research activities designed to further enhance the safe and competent practice of the medical radiation technology profession.

On balance, and with regard to the policy objectives of the Act, the benefits of registration of medical radiation technologists significantly outweigh the costs. In particular, the community will benefit from increased consumer protection and its flow-on social and economic impacts in the short and long term. An analysis of the costs and benefits of implementing the Regulation has been undertaken for community,

government and industry groups likely to be affected. The analysis is set out below.

Community

Benefits

The market for medical radiation technology services is significant in size and is spread across all sectors of the health industry. It is expanding in line with rapid developments in medical technology and the acquisition of sophisticated imaging equipment. The services affect consumers of the public and private health sectors and are not restricted to a specific age or health condition category. There is also a trend towards increasing levels of tertiary qualification for practitioners and specialisation of practice.

The practice of medical radiation technology involves the use of equipment, materials and processes that have the potential to cause a significant threat to public health and safety. Those who may be exposed to some risk of adverse health effects from the practices of medical radiation technologists include patients, other professional staff (such as medical practitioners and nurses), other hospital staff and the public generally. As mentioned above, there is concern that existing safeguards are unable to fully protect these groups from the detrimental effects of radiation exposure caused by radiation technology. This is especially so where there is a potential for use of medical radiation technology by persons with inadequate expertise and training. Therefore, the legislation will provide major benefits to consumers, including greater protection and increased community confidence in the practice of the medical radiation technology profession.

There is a degree of information asymmetry that exists between consumers and practitioners of health services, which impacts on consumers' ability to determine the need for a service or type of service, and to assess the competence of the practitioner or quality of the service. Registration will provide consumers with an assurance that registrants have met exacting standards regarding the qualifications required for registration. This measure, combined with the restriction of professional titles afforded by the legislation, will provide consumers with a statutory benchmark about who is entitled to offer their services as a medical radiation technologist.

In those cases where an applicant for registration has not practised the profession in accordance with the supervised practice program prescribed under the Regulation, or does not have relevant practical experience, the Act provides that they may be registered on probationary conditions. The Regulation will prescribe the supervised practice program to be undertaken by those persons who are registered on probationary conditions.

The Regulation will clarify that these probationary registrants will only be able to practise the profession while undertaking the supervised practice program. As a consequence, the probationary registrant will not be entitled to practise as, or hold himself or herself out as, a medical radiation technologist other than as part of the supervised practice program. In practice, this will mean that the probationary registrant must make it clear to a client or patient that the probationary registrant is not yet a general registrant and that he or she is working in accordance with a supervised practice program. This measure will further address the problem of information asymmetry between consumers and health practitioners, by ensuring that the consumer is provided with appropriate information concerning the degrees of competency to practise at various levels of the medical radiation technology profession.

Costs

Occupational registration of medical radiation technologists will entail the levying of fees on registrants and it is possible that these could be passed on to consumers through higher costs of services. However, this flow on effect is likely to be minimal, given that the registration fee would be spread across a high number (possibly thousands) of services. It is unlikely that any other costs will flow on to consumers, given that the legislation is building upon what is already taking place within the industry. For instance, medical radiation technologists currently incur costs associated with tertiary education and the requirements for post-graduate clinical experience prior to accreditation by the relevant professional association. Expenses such as these will be no different under the new legislation.

Any additional costs to the community will be outweighed by the increase in consumer protection and consumer confidence in the practice of medical radiation technologists, through the requirement for registrants to hold adequate qualifications and demonstrate a fitness to practise and be accountable for their professional conduct.

Government

Benefits

The Regulation will give effect to those provisions of the Act that seek to ensure that medical radiation technology health services are provided by appropriately qualified and registered practitioners. In this way, the legislation aims to address the market failure to adequately protect the public from the risks associated with incompetent or unsafe practitioners. This will enhance the Government's ability to protect consumers from incompetent or substandard practitioners, as well as promoting public confidence in the medical radiation technology profession.

Costs

The Health Practitioner Tribunal and Professional Conduct Review Panels were established under the *Health Practitioner (Professional Standards) Act 1999* as the disciplinary mechanism for registered health professions (except nurses). In accordance with this process, the occupational registration of medical radiation technologists will require the establishment of an independent panel of assessors to deal with any disciplinary proceedings that may arise, however costs associated with the establishment of the panel will be negligible.

Costs to the Government will be minimal, as the operation of the board will be self-funding from registration and other fees. Any additional costs will be offset by the Government's enhanced power to fulfil its obligations to protect the health and safety of the community.

Industry

Benefits

The field of medical radiation technology is characterised by an increasing level of tertiary qualification for entry into the market. It is expected that the prescription of qualifications for registration will provide greater clarity for tertiary education institutions, by setting a benchmark about those qualifications considered appropriate for registration. New graduates will be unable to use one of the restricted professional titles unless they become registered as general registrants under the Act. In

addition, only appropriately qualified, registered and experienced medical radiation technologists will be permitted to provide supervision to those undergoing the supervised practice program. These measures will establish a greater degree of public transparency about the training of medical radiation technologists.

Registration of medical radiation technologists will also provide a greater degree of confidence for health practitioners and other professionals who work with medical radiation technologists. Registration will be reflected in the use of one of the restricted titles, which will indicate that the person has achieved a recognised level of expertise in their field, thus engendering a greater degree of public confidence in the medical radiation technology profession than currently exists.

Clinical settings currently provide opportunities for persons holding a qualification from an accredited tertiary course in medical radiation technology, to undertake their year of post-graduate clinical experience in an approved clinical setting. It is expected that the provisions of the new legislation will have a neutral effect on this arrangement, and that clinical settings will continue to offer programs for clinical placement of graduates that meet the requirements for supervised practice to be prescribed in the Regulation. In addition, clinical settings that wish to use the services of a person holding one of the restricted titles under the Act will be obliged to engage only medical radiation technologists who are registered under the Act. However, the effect of this upon clinical settings will be neutral because they currently employ medical radiation technologists who have been accredited by one of the professional bodies (ie. AIR or ANZSNM). The legislation's transitional arrangements ensure that the majority of persons who hold such an accreditation will automatically be registered as medical radiation technologists under the new Act.

Costs

Supervisors have certain statutory obligations under the Act, for instance completing the supervised practice report for a probationary registrant at the conclusion of the supervised program or partial program. Supervisors will be required to assist probationary registrants to become aware of the relevant standards of conduct for the practice of their profession and assist them to apply these standards in their day to day practice of the profession. Supervisors will also be required to support the professional development of probationary registrants in ways that will increase their effectiveness and competence as a medical radiation technologist. Upon a probationary

registrant's completion of the supervised practice program (or partial program decided by the board), the supervisor will be required to assess whether the probationary registrant meets the core professional competencies for their profession.

These statutory obligations of supervisors may entail a slight increase in demands upon their time, however, in general the costs will be neutral because supervisors already undertake many of these functions in association with their oversight of new graduates. In addition, it has generally been demonstrated that the experience of undertaking professional supervision provides benefits for supervisors in the form of enhancing their own professional development. Also, the Regulation will clarify that the board will support supervisors in this role, for instance by encouraging the supervisor to contact the board at any time to discuss issues related to the progress and performance of a probationary registrant.

The Regulation will prescribe the qualifications required for general registration under the Act, and thereby indirectly indicate those persons who may use one of the restricted titles stipulated under the Act. The impact on competition through the restriction on the use of certain titles is considered to be very limited and outweighed by the benefits to the community. Registered practitioners will not have a significant competitive advantage, as there are no restrictions on the practice of non-registered providers. In this regard, it should be noted that non-registered practitioners who are appropriately licensed to use radioactive substances under the *Radiation Safety Act 1999* would be able to offer services in radiation technology. Any competitive advantage obtained by registrants through the ability to use defined titles is outweighed by the consequential increase in the protection of public health and safety, including the aversion of costs associated with productivity loss and health care resource use from incompetent practitioners.

The registration fee will impose a financial cost on practitioners, which will be additional to their current expenses (for example, costs of voluntary membership of professional associations or licensing fees under the *Radiation Safety Act 1999*). It should be noted that in the public sector, the additional cost of paying a registration fee is negated by the waiver of the use licence fee under the *Radiation Safety Act 1999* (in accordance with the principles of Enterprise Bargaining Agreement IV). Any additional costs (such as the registration fee) to be borne by registrants are significantly outweighed by the anticipated increase in public confidence in the medical radiation technology profession as a result of the registration requirements effected by the Regulation.

FUNDAMENTAL LEGISLATIVE PRINCIPLES

The proposed Regulation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

Attachment

MEDICAL RADIATION TECHNOLOGISTS REGISTRATION REGULATION 2002

LEGISLATIVE PROPOSAL

CONTENTS

BACKGROUND

The *Medical Radiation Technologists Registration Act* ("the Act")[3] was assented to on 11 May 2001.

The objects of the Act are to:

- protect the public by ensuring health care is delivered by registered medical imaging technologists, nuclear medicine technologists and radiation therapists in a professional, safe and competent way;
- uphold the standards of practice within the medical imaging technology, nuclear medicine technology and radiation therapy professions; and
- maintain public confidence in the medical imaging technology, nuclear medicine technology and radiation therapy professions.

These objects are achieved, in part, by regulating the entry of persons into the professions of medical imaging technology, nuclear medicine technology and radiation therapy.

The Act establishes two categories of registration – *general registration* and *special purpose registration*.

General registration is the basic form of registration for medical radiation technologists. If an applicant meets the eligibility criteria for general registration (see section 44 and 45 of the Act), the applicant may be registered with or without conditions.

Under the Act a distinction is made as to the type of conditions that may be imposed on an applicant's general registration – that is, probationary conditions and other conditions. Probationary conditions must be imposed on an applicant's general registration, if the applicant has not completed the supervised practice program for, or have relevant practical experience in, the profession for which they are seeking registration (see section 57). Other conditions may be imposed on an applicant's general registration to ensure that the applicant can competently and safely practise the profession for which they are seeking registration (see section 59).

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3 A copy of the Act can be accessed through the Office of the Queensland Parliamentary Counsel's website at http://www.legislation.qld.gov.au/LEGISLTN/ACTS/2001/01AC008.pdf. The professions of medical imaging technology, nuclear medicine technology and radiation therapy are collectively referred to as medical radiation technologists throughout this document.

Special purpose registration is a more limited form of registration, which extends the privileges and obligations of registration to persons undertaking a specified range of special activities relating to a medical radiation technology profession, for example studying or training at a postgraduate level; teaching; undertaking research; or giving clinical demonstrations (see section 114).

If an applicant meets the eligibility criteria for special purpose registration, the applicant for special purpose registration may be registered with or without conditions (see sections 117, 118 and 120). However, the conditions, which may be imposed on special purpose registration, are limited to those conditions considered necessary or desirable to ensure that the applicant can competently and safely undertake the special activity for which they are seeking registration. A special purpose registrant cannot be registered on probationary conditions (see section 120).

As detailed above, an applicant for general registration may be registered as a general registrant on *probationary conditions*, if the Medical Radiation Technologists Board of Queensland (the 'Board') decides that the applicant is qualified and fit to practise the profession for which they are seeking registration but

- has not completed the *supervised practice program* for that profession; or
- does not have *relevant practical experience* in that profession [4]

The Act defines:

- *"supervised practice program for a profession"* to mean the program prescribed under a regulation that provides experience, for probationary registrants, in the practice of the profession (see section 61).
- *"relevant practical experience"* to mean experience in the practice of the profession that is substantially equivalent to the nature and extent of the practice of the profession provided under the supervised practice program (see section 58).

The probationary conditions, which may be imposed on the general registration of a registrant who has not successfully completed the

4 See sections 57 and 97(1)(b)(ii) of the Act

supervised practice program for their profession (eg a graduate from a medical radiation science degree), are as follows:

- the registrant may practise the profession only in accordance with the supervised practice program for the profession prescribed under a regulation; and
- the registrant must complete, to the Board's satisfaction, the supervised practice program within a period prescribed under a regulation.

It is proposed that a supervised practice program will be prescribed for each of the professions registered under the Act. Consequently, comment is sought throughout this paper regarding details of the supervised practice program for medical imaging technologists, nuclear medicine technologists and radiation therapists respectively.

While it is envisaged that most graduates will apply for general registration once they have had their qualifications conferred or awarded, it is possible that some graduates may not do so. If an individual delays in applying for registration once they have had their qualifications conferred or awarded, they may not be eligible for general registration. Under section 45(1)(h) of the Act, the Board may determine that an applicant for general registration is not fit to practice the profession if the qualification they are relying upon to obtain registration was conferred or awarded *more than three years* prior to the date upon which they apply for registration.

The probationary conditions, which may be imposed on the general registration of a registrant who *does not have relevant practical experience in the profession* (eg a practitioner re-entering the workforce after a significant period of time), are as follows:

- the registrant may practise the profession only in accordance with the part of the supervised practice program decided by the Board for the person (the "partial program"); and
- the registrant must complete, to the Board's satisfaction, the part of the supervised practice program within the period decided by the Board.

Details regarding the probationary, or any other, conditions imposed on a person's general registration will be entered on the register, which is to be kept about all registrants (see section 208).

Once a registrant has completed the supervised practice program or partial program specified under the probationary conditions attached to

their general registration, the registrant can have these conditions reviewed under part 3, division 7 of the Act. If the Board is satisfied that the probationary registrant has satisfactorily completed the supervised practice program or partial program, the Board must make a decision to remove the probationary conditions. Otherwise, the Board can decide to extend the probationary conditions for a period of not more than one year, or cancel the registrant's registration in accordance with the procedures set out under part 3, division 6 of the Act. If the Board decides to extend the probationary conditions, it may also impose additional conditions about the requirements for the completion of the supervised practice program by the registrant.

DEFINITIONS AND KEY CONCEPTS

Partial Program

The term "partial program" refers to the program that must be undertaken by a general registrant, who has had probationary conditions imposed on their registration in accordance with section 57(2)(b)(i). This section specifies that probationary conditions may be imposed on the general registration of a registrant who does not have *relevant practical experience* in the profession. As provided for by section 57(2)(b)(i):

- the registrant may practise the profession only in accordance with the part of the supervised practice program decided by the Board for the person (the "partial program"); and
- the registrant must complete, to the Board's satisfaction, the part of the supervised practice program within the period decided by the Board.

This term "partial program" is defined in Schedule 3 of the Act.

Probationary Conditions

The term "probationary conditions" is defined in Schedule 3 of the Act to mean conditions mentioned in section 57 and includes those conditions applying where a period of probationary registration is extended under section 97(1)(b)(ii). As previously discussed, under section 57 the Board must impose probationary conditions on an applicant's general registration, if the applicant has not completed the supervised practice program for, or

have relevant practical experience in, the profession for which they are seeking registration.

Probationary Registrant

The term "probationary registrant" is defined in Schedule 3 of the Act to mean "a person registered as a general registrant on probationary conditions".

Profession

The Act does not define what is meant by the "profession", other than to say it means the medical imaging technology profession, or the nuclear medicine technology profession, or the radiation therapy profession (see Schedule 3). However, there is scope under section 61(2)(b) of the Act to make a regulation that sets out what constitutes practice of the profession for the purposes of a supervised practice program.

Registrant

The term registrant is defined in Schedule 3 of the Act to mean a person registered under Part 3 (Registration) of the Act. As such, this term covers technologists registered as general registrants, provisional general registrants, probationary registrants, special purpose registrants and provisional special purpose registrants.

Schedule 3 sets out the meaning of "registrant" as well as "general registrant", "provisional general registrant", "probationary registrant", "special purpose registrant" and "provisional special purpose registrant".

Relevant Practical Experience

Section 58 of the Act defines "relevant practical experience" to mean experience in the practice of the profession that is substantially equivalent to the nature and extent of the practice of the profession provided under the supervised practice program.

Supervised Practice Program

The Act does not explicitly define what constitutes the supervised practice program for a profession (see section 61). However, the Act does provide that the program to be prescribed under a regulation will provide experience, for probationary registrants, in the practise of medical imaging technology, nuclear medicine technology or radiation therapy.

A probationary registrant who has not practised in the profession will be required to undertake the supervised practice program in a clinical setting that meets the requirements to be prescribed under the regulation. A probationary registrant who has practised in the profession, but does not have relevant practical experience, will not be required to undertake the program in a clinical setting that meets the requirements to be prescribed under the regulation.

A probationary registrant undertaking the program will also be supervised in the practice of the profession by a general registrant who meets the eligibility criteria for supervisors to be prescribed under the regulation.

Supervised Practice Report

Once a probationary registrant has completed the supervised practice program for their profession, or the partial program decided by the Board, their supervisor would be required to complete a supervised practice report. This report will provide an assessment of the registrant's competence to practise in the profession as demonstrated while undertaking the supervised practice program or the partial program (see Schedule 3 of the Act).

Supervision

The Act does not define what constitutes "supervision". However, a core component of the supervised practice program is the requirement that a probationary registrant be supervised by general registrants, who are more experienced in the practice of the profession, during the course of the program.

Supervisor

The Act defines a "supervisor" as a general registrant who:

(a) is eligible under a regulation to be a supervisor; and

(b) has primary responsibility for the probationary registrant's supervision while undertaking the supervised practice program or partial program (see Schedule 3).

The provisions of the Act, as far as they relate to supervisors, are generally concerned with the general registrant who has primary responsibility for a probationary registrant (eg the supervisor is responsible for completing the supervised practice report upon the completion of the supervised practice program by a probationary registrant). The legislation also makes reference to "other persons who may supervise a probationary registrant" during the course of the supervised practice program (eg a technologist who supervises a probationary registrant while undertaking a particular procedure or working within a particular clinical area).

DETAILS OF THE PROPOSED REGULATION

QUALIFICATIONS FOR REGISTRATION

Section 44(1) of the Act specifies that there are three ways a person may be qualified for general registration as a medical imaging technologist, nuclear medicine technologist or radiation therapist. The primary method is to hold a qualification prescribed under a regulation made in accordance with section 44(1)(a) of the Act. It is intended that the qualifications prescribed will be current Australian and New Zealand qualifications in the profession. The qualifications to be prescribed for each of the professions are contained in the attached Schedule.

PERIOD OF REGISTRATION

The registration period for general registrants is to be a period of not more than 3 years, prescribed under a regulation made in accordance with section 56(1) of the Act. The period to be prescribed is to be 1 year, from 1 July in a year to 30 June of the following year.

NOTIFICATION OF CHANGE IN CIRCUMSTANCES

Section 134 of the Act creates an offence if a registrant does not, within 21 days after the happening of a change in the registrant's circumstances

prescribed under a regulation, advise the board of the change. The circumstances to be prescribed are as follows –

- Change of registrant's name.
- Change of registrant's address.
- If the registrant is a special purpose registrant, a change in circumstances upon which the special purpose registration was granted. For instance, the registrant has ceased -
  (a) to undertake the postgraduate study or training for which special purpose registration was granted;
  (b) the registrant has ceased to teach or engage in research.
- Withdrawal or cancellation of a registrant's qualification which was the basis for granting their registration.

TIMEFRAMES FOR COMPLETION OF THE SUPERVISED PRACTICE PROGRAM

Maximum completion period for supervised practice program

Section 57(2)(a)(ii) of the Act makes provision for a regulation to be made about the period within which a probationary registrant, *who has not practised the profession*, must complete the supervised practice program for the profession (the 'maximum completion period').

It is proposed that the regulation will specify the following maximum completion periods:

- A probationary registrant, who has not previously practised the profession of **medical imaging technology**, will be required to complete the supervised practice program for that profession within 2 years of being granted general registration on probationary conditions.
- A probationary registrant, who has not previously practised the profession of **nuclear medicine technology**, will be required to complete the supervised practice program for that profession within 2 years of being granted general registration on probationary conditions.

- A probationary registrant, who has not previously practised the profession of **radiation therapy**, will be required to complete the supervised practice program for that profession within 2 years of being granted general registration on probationary conditions.

It is not necessary for the regulation to specify a timeframe for the completion of the partial program to be undertaken by probationary registrants, *who do not have relevant practical experience in the profession*. As provided for by section 57(2)(b) of the Act, these registrants will be required to complete a part of the supervised practice program decided by the Board within a period decided by the Board.

The Act does not create a statutory offence for failing to complete the supervised practice program within the period prescribed under the regulation or for failing to complete the partial program within the period decided by the Board. However, under section 86 of the Act, the Board has the discretion to cancel a probationary registrant's general registration if the registrant has failed to complete the supervised practice program within the period prescribed under the regulation or decided by the Board.

Minimum period for completion of supervised practice program

In addition to setting a maximum completion period, section 61(2)(f) of the Act enables a minimum period to be set within which the supervised practice program for a profession may be completed (the 'minimum completion period'). It is intended that a minimum completion period be prescribed for each program to ensure that probationary registrants have a graded introduction to the profession. The minimum completion period needs to be of sufficient duration to enable a probationary registrant to develop the necessary competencies to practice the profession of medical imaging technology, nuclear medicine technology or radiation therapy.

It is proposed that the following minimum completion periods will apply for probationary registrants *who have not previously practised the profession* for which they hold registration:

- A probationary registrant undertaking the supervised practice program on a full-time basis and over a continuous period of time will not be able to complete the program in less than 48 weeks.

  A probationary registrant undertaking the program on this basis will not be able to claim that he or she has met the minimum completion period of 48 weeks based on the number of hours they have undertaken. For example, it will not be possible for a

probationary registrant to claim that they have undertaken the "equivalent" of 48 full-time weeks based on the total sum of their standard hours of work per week plus any additional hours undertaken through overtime or extra shift work.

- A probationary registrant undertaking the supervised practice program, other than on a full-time basis and over a continuous period of time (eg on a part-time or locum basis), will not be able to complete the program in less than the equivalent of 48 full-time weeks. The equivalent of a full-time week will be calculated on the basis of a 38-hour week.

  A probationary registrant undertaking the program on this basis will be required to undertake a total of 1,824 hours over a period of time that is proportional to a probationary registrant undertaking the program for 38 hours per week over a 48 week period. For example, a probationary registrant who undertakes the program on a part-time basis of 24 hours per week will be required to undertake the program for at least 76 weeks (approximately 1 1/2 years).

A probationary registrant, *who has not previously practised the profession*, will need to be mindful that they cannot complete the supervised practice program in less than the prescribed minimum completion period but they must complete the program within the maximum completion period. In effect this means that a probationary registrant, who has not practised the profession, will be required to undertake the program for a minimum of 48 full-time weeks (or the equivalent thereof) within 2 years of being registered.

A probationary registrant, *who does not have relevant practical experience*, will be required to complete the program within the timeframes decided by the Board.

PRACTICE OF THE PROFESSION

What constitutes practice of the profession

As provided for by section 61(2)(b) of the Act, a regulation is to be made about the practice of the profession for the purposes of the supervised practice program for medical imaging technology, nuclear medicine technology and radiation therapy.

The practice of **medical imaging technology** involves the production of images using sources of radiation and other modalities to facilitate the diagnosis and management of disease and injury in humans.

At the conclusion of the supervised practice program for medical imaging technology, a probationary registrant should be competent to perform general imaging techniques, including:

- general examinations of the skeletal system, respiratory system, alimentary tract and the genito-urinary system;
- contrast examinations of the gastro-intestinal, renal and reproductive systems;
- mobile radiography, including mobile image intensification;
- radiography within the context of an operating theatre; and
- trauma radiography.

In addition, it would be expected that during the program a probationary registrant would have the opportunity to observe and assist with one or more of the following advanced imaging techniques:

- paediatrics;
- computer tomography scanning;
- angiography and interventional procedures;
- digital subtraction angiography.

The practice of **nuclear medicine technology** involves the use of unsealed radioactive compounds and other modalities in the delivery and development of the following procedures:

- the imaging and measuring of physiological processes to facilitate the diagnosis of disease and injury in humans;
- the treatment or palliation of disease in humans.

At the conclusion of the supervised practice program for nuclear medicine technology, a probationary registrant should be competent to:

- undertake diagnostic radiopharmaceutical preparation, dose dispensing and administration;
- undertake therapeutic and palliative radiopharmaceutical dose dispensing;

- use aseptic laboratory skills for reconstituting radiopharmaceuticals and labelling blood products;
- perform radionuclide planar, single photon emission computed tomography (SPECT) and ECG-gated imaging in adults and children (including studies of the skeleton, heart, lungs, kidneys, thyroid, and tumours);
- undertake digital data analysis, processing and storage;
- use dose calibrators, radiation survey meters and probes;
- perform quality control and quality assurance procedures, including –
  - (i) routine quality control of gamma cameras, dose calibrators and other equipment; and
  - (ii) quality control of radiopharmaceuticals;
- manage patient case loads and meet associated administrative processes.

The practice of **radiation therapy** involves the development, implementation and verification of radiation therapy treatment plans to relieve, contain or cure disease in humans.

At the conclusion of the supervised practice program for radiation therapy, a probationary registrant should be competent to:

- perform routine and non-specialised procedures including external beam treatment (other than in the mould room);
- undertake treatment simulation processes;
- undertake treatment planning including the acquisition of all patient and imaging data to inform the planning process, provide advice as to the optimum radiation therapy procedure for a patient and develop the treatment plan for a patient;
- implement the treatment plan in collaboration with the prescribing medical specialist and other clinical staff; and
- verify the treatment delivery.

However, a probationary registrant would not be expected to have acquired the necessary expertise to perform the following without confirmation and assistance from a more experienced radiation therapist:

- the integration of all types of medical images to the treatment planning process;
- the application of three dimensional computer assisted treatment planning;
- advanced beam direction procedures;
- brachytherapy and artifact fabrication in the mould room.

PROFESSIONAL PRACTICE SETTINGS

In order to ensure that a probationary registrant undertakes the supervised practice program at a setting that can offer an appropriate range of clinical experiences under the guidance of appropriately qualified and experienced practitioners, the Act provides for a regulation to be made about:

- the requirements for the professional practice settings in which the practice of the profession must be undertaken (see section 61(2)(c));
- the grounds and processes for deciding that a professional practice setting is, or is not, a suitable place for probationary registrants to undertake a supervised practice program (see section 231(2)(a));
- the accreditation of professional practice settings for a supervised practice program (see section 231(2)(b)).

At this point in time, it is not proposed that an accreditation system for professional practice settings be established under the regulation. However, it is intended that the regulation will set out:

- the requirements for the professional practice settings at which probationary registrants, who have not practised the profession, will be required to undertake the supervised practice program; and
- the grounds and processes for deciding that a professional practice setting is, or is not, a suitable place for probationary registrants, who have not practised the profession, to undertake supervised practice programs.

Those matters to be prescribed under the regulation will provide the foundation upon which the Board can develop an accreditation system for professional practice settings, at a future date, if considered appropriate.

It should be noted that probationary registrants, who do not have relevant practical experience, will not be required to undertake their partial program at a professional practice setting which meets the above criteria. To do so could unnecessarily restrict the employment opportunities for these registrants, who may have experience in the practice of the profession but whose experience is limited (eg an overseas trained technologist who has limited work experience) or needs to be updated due to technological advancements (eg a technologist re-entering the workforce after a significant period of time).

However, if the Board considered it necessary to impose restrictions regarding the professional practice settings at which a probationary registrant could undertake the partial program, the Board could do so under section 59 of the Act. This section enables the Board to impose conditions, other than probationary conditions, on the registration of a general registrant in order to ensure that the registrant practises the profession in a competent and safe manner.

Requirements for Professional Practice Settings

As provided for by section 61(2)(c) of the Act, the regulation will set out the essential requirements for a professional practice setting in which the practice of the profession must be undertaken by a probationary registrant.

It is proposed that these requirements will not prevent a probationary registrant from obtaining additional experience at another professional practice setting, if this is necessary in order to achieve the level of competency required for registration in the relevant profession. For example, it will be necessary for nuclear medicine technologists to gain experience in imaging of children, however paediatric procedures will not be available at every professional practice setting.

It is intended that the regulation will specify that a probationary registrant, *who has not practised the profession* or *who does not have relevant practical experience*, will be prohibited from undertaking the supervised practice program at a professional practice setting, if the registrant is required to work as a sole practitioner.

Medical imaging technologists, *who have not previously practised the profession*, will be required to complete the supervised practice program

for medical imaging technology at a professional practice setting which meets the following requirements:

Staffing

- At least one medical imaging technologist, who meets the eligibility criteria for supervisors,[5] must be employed at the setting on a full-time basis and must be available to provide guidance throughout a working day, to each full-time probationary registrant employed at the setting; and
- At least one medical imaging technologist, who meets the eligibility criteria for other persons who may supervise probationary registrants, must be available to provide guidance to probationary registrants throughout a working day.

Equipment and Facilities

- The equipment necessary to undertake general imaging must be available at the setting, for example:
  (a) general X-ray units;
  (b) mobile X-ray units, including image intensifiers; and
  (c) fluoroscopy X-ray units.

Type and Frequency of Procedures

- The following diagnostic imaging examinations must be carried out by medical imaging technologists at the setting:
  (a) radiography of the skeletal system, including trauma radiography;
  (b) radiography of the chest and abdomen;
  (c) fluoroscopic procedures;
  (d) theatre radiography;
  (e) mobile radiography; and

5 These criteria are discussed later in this document.

(f) contrast procedures, including gastro-intestinal and renal tract procedures.

- In addition, it would be expected that the setting would provide a probationary registrant with the opportunity to observe and assist with diagnostic imaging examinations or procedures undertaken by medical imaging technologists using one or more of the following techniques or modalities:

  (a) paediatrics;

  (b) computed tomography scanning;

  (c) angiography and interventional procedures;

  (d) digital subtraction angiography.

Professional Development and Research

- Probationary registrants should have access to, and participate in, professional development activities pertinent to the practice of medical imaging technology undertaken at the setting.
- Probationary registrants should be provided with an opportunity to participate in the research and development of medical imaging technology.

Nuclear medicine technologists, *who have not previously practised the profession*, will be required to complete the supervised practice program for nuclear medicine technologists at a professional practice setting that meets the following requirements:

Staffing

- At least one nuclear medicine technologist, who meets the eligibility criteria for other persons who may supervise probationary registrants, must be available to provide guidance to, and monitor the performance of, probationary registrants throughout a working day; and
- A nuclear medicine technologist-in-charge[6] must be appointed at the setting on a full-time basis and must be available to provide

6 To use the title of nuclear medicine technologist the person must hold general registration for that profession.

guidance to, and monitor the performance of, probationary registrants throughout a working day; and

- A medical practitioner who is registered as a specialist in nuclear medicine must be appointed at the setting.

Equipment

- Equipment necessary for the delivery of nuclear medicine services must be routinely used by nuclear medicine technologists at the setting, for example:
  (a) SPECT-capable gamma camera;
  (b) dose calibrator;
  (c) radiation survey meter;
  (d) aerosol and/or fine aerosol ("Technegas") generator;
  (e) ECG monitor;
  (f) film processor and/or digital image archiving system;
  (g) radiation spill kit; and
  (h) biological hazard spill kit.
- Quality control procedures must be routinely carried out on the equipment used to undertake nuclear medicine procedures at the setting.
- Quality control procedures must be routinely carried out on the radiopharmaceuticals prepared for use in nuclear medicine procedures at the setting.
- Written protocols for the quality control procedures carried out on the equipment and radiopharmaceuticals used to undertake nuclear medicine procedures must be available to probationary registrants.

Type and Frequency of Procedures

- The following diagnostic imaging procedures must be carried out by nuclear medicine technologists at the setting:
  (a) bone scans, including 3-phase, whole body and SPECT imaging;

(b) cardiac studies, including myocardial perfusion and ECG-gated imaging;

(c) renal studies, including dynamic and static imaging;

(d) lung scans; and

(e) tumour imaging (eg. Gallium scans).

- In addition, it would be expected that the setting would provide a probationary registrant with the opportunity to observe and assist with the following procedures undertaken by nuclear medicine technologists:

  (a) positron emission tomography;

  (b) gamma probe;

  (c) bone mineral densitometry;

  (d) clean room procedures in a radiopharmacy; and

  (e) observe only, other imaging modalities (for example, general radiology, MRI and ultrasound), if possible.

- In addition, the setting would be expected to make arrangements to provide a probationary registrant with the opportunity to gain practical experience (either at the setting or at another setting) in diagnostic imaging procedures and therapeutic procedures, such as:

  (a) gastro-intestinal studies, such as biliary, liver, GI haemorrhage and gastric emptying;

  (b) cerebral perfusion imaging;

  (c) labelled WBC studies;

  (d) endocrine imaging, such as thyroid and parathyroid scans;

  (e) therapeutic procedures using Iodine-131 for thyrotoxicosis and thyroid cancer;

  (f) therapeutic and palliative procedures using beta-emitting radioisotopes.

- In addition, the setting would be expected to make arrangements to provide a probationary registrant with the opportunity to gain practical experience (either at the setting or at another setting) in radiopharmacy procedures, such as:

(a) elution of radioisotope generators;

(b) reconstitution of radiopharmaceuticals;

(c) quality control of radiopharmaceuticals;

(d) blood cell labelling.

- Written protocols for the diagnostic imaging procedures and therapy procedures undertaken by nuclear medicine technologists at the setting must be available to probationary registrants.

Professional Development and Research

- Probationary registrants should be provided with instructions on patient care and handling.
- Probationary registrants should have access to, and participate in, professional development activities pertinent to the practice of nuclear medicine undertaken at the setting.
- Probationary registrants should be provided with an opportunity to participate in the research and development of nuclear medicine procedures.

Radiation therapists, *who have not previously practised the profession*, will be required to complete the supervised practice program for radiation therapy at a professional practice setting which meets the following requirements:

Staffing

- At least two radiation therapists, who meet the eligibility criteria for supervisors, must be employed at the setting on a full-time basis and must be available to provide guidance throughout a working day, to each full-time probationary registrant employed at the setting; and
- At least one radiation therapist, who meets the eligibility criteria for other persons who may supervise probationary registrants, must be available to provide direct supervision and guidance to probationary registrants throughout a working day.

Equipment and Facilities

- The following equipment must be routinely used by radiation therapists at the setting:
  - (a) diagnostic equipment used for radiation therapy treatment planning, or virtual simulation;
  - (b) treatment planning system; and
  - (c) linear accelerators.

Type and Frequency of Procedures

- The following aspects of the practice of radiation therapy must be carried out by radiation therapists at the setting:
  - (a) daily calibration checks;
  - (b) routine and non-specialised procedures including external beam, treatment simulation and planning; and
  - (c) verification of treatment delivery.
- In addition, it would be expected that the setting would provide a probationary registrant with the opportunity to observe and assist with the following aspects of the practice of radiation therapy:
  - (a) specialised and non-routine treatment planning procedures; and
  - (b) brachytherapy procedures.

Professional Development and Research

- Probationary registrants should have access to, and participate in, professional development activities pertinent to the practice of radiation therapy undertaken at the setting.
- Probationary registrants should be provided with an opportunity to participate in the research and development of radiation therapy.

It should also be noted that in addition to the requirements to be specified under the regulation, the professional practice settings at which probationary registrants will be undertaking the supervised practice

program or a partial program may be bound by the requirements of the *Radiation Safety Act 1999*.

Declaration that a Professional Practice Setting is Unsuitable

As detailed above, it is intended that the Board will be able to declare that a professional practice setting is not a suitable place for a probationary registrant, who has not practised the profession, to undertake the supervised practice program. The Board will be able to do this only if the setting no longer meets the requirements to be specified under the regulation. However, prior to making any decision regarding the suitability of a professional practice setting, the Board must advise the person-in-charge of the setting as to the reasons why the Board considers that the setting no longer meets the requirements of the regulation. The person-in-charge will then have an opportunity to make a submission to the Board as to why the setting should not be declared as being unsuitable.

The Board will be required to consider the information submitted by the person-in-charge and, only then, decide whether the setting is a suitable or unsuitable place for probationary registrants to undertake the supervised practice program. As soon as practicable, after making a decision about the suitability of a setting, the Board will be required to give a notice to:

- the person-in-charge of the setting, about the Board's decision; and
- those probationary registrants who are undertaking the supervised practice program at the setting, about the Board's decision and the impact this decision will have on the registrants (eg being required to undertake the program at another setting which meets the requirements of the regulation)

It should be noted that a declaration that a professional practice setting is not a suitable place at which probationary registrants may practise the profession, does not necessarily infer that the services offered by the practitioners at the setting are of a lesser standard than might reasonably be expected of registered practitioners. For example, due to staff turnover, a setting may no longer be able to meet the requirements of the regulation regarding the ratio of experienced staff to probationary registrants.

PROBATIONARY REGISTRANTS

Restrictions on the Practice of the Profession by Probationary Registrants

The Act imposes restrictions on the practice of the profession by probationary registrants, for example:

- A probationary registrant, *who has not practised the profession*, may only practise the profession in accordance with the supervised practice program for the profession prescribed under the regulation (see section 57(2)(a)).
- A probationary registrant, *who does not have relevant practical experience*, may only practise the profession in accordance with the part of the supervised practice program decided by the board for the registrant (see section 57(2)(b)).

It is therefore intended that the regulation will clarify the following points:

- A general registrant, who has had probationary conditions imposed on their registration under section 57(2)(a), will only be able to practice the profession while undertaking the supervised practise program if they are practising the profession at a professional practice setting which meets the requirements to be specified under the regulation, and they are under the guidance of a supervisor who meets the requirements to be specified under the regulation.
- A general registrant, who has had probationary conditions imposed on their registration under section 57(2)(b), will only be able to practice the profession while undertaking the partial program if they are practising the profession under the guidance of a supervisor who meets the requirements to be specified under the regulation.

In effect this will mean that until such time as the probationary conditions are removed from a technologist's general registration, they will not be able to practise as a medical imaging technologist, nuclear medicine technologist or radiation therapist other than as part of the supervised practice program or partial program.

Failure to comply with this requirement could constitute a breach of the probationary conditions attached to their general registration. Under

section 60 of the Act, a maximum penalty of $7,500 could be imposed for such a contravention.

Responsibilities of Probationary Registrants

Section 61(3)(a) of the Act makes provision for the responsibilities of probationary registrants undertaking the supervised practice program for a profession to be detailed in the regulation. These responsibilities will be in addition to the statutory obligations of probationary registrants under the Act, the proposed regulation or other relevant Acts such as the *Health Practitioners (Professional Standards) Act 1999*, *Radiation Safety Act 1999*, the *Workplace Health and Safety Act 1995*, and, in the public sector, the *Public Sector Ethics Act 1994*.[7]

It is proposed that the regulation will list the following responsibilities for probationary registrants undertaking the supervised practice program for a profession or a partial program decided by the Board:

- A probationary registrant undertaking the supervised practice program for a profession or a partial program decided by the Board must, within 28 days of commencing the program, notify the Board of this effect. The notification must be made in a form approved by the Board.
- A probationary registrant undertaking the supervised practice program for a profession or a partial program decided by the Board must notify the Board if, they intend to change their supervisor. The notification must be made in a form approved by the Board and be made within 28 days of changing supervisors.

It should be noted, however, that a probationary registrant would not be able to change their supervisor, without the approval of the Board, if the Board has imposed:

(a) other conditions as to who may supervise the registrant under section 59;[8] or

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7 A copy of these Acts can also be accessed through the Office of the Queensland Parliamentary Counsel's website at www.legislation.qld.gov.au.

8 Section 59 specifies that in addition to probationary conditions, the Board can impose other conditions considered necessary or desirable to ensure that an applicant for general registration will competently and safely practise the profession.

(b) additional conditions as to who may supervise the registrant when deciding to extend the probationary conditions under section 97(3).

- A probationary registrant undertaking the supervised practice program for a profession must also notify the Board if, they intend to change the professional practice setting at which they are undertaking the supervised practice program. The notification must be made in a form approved by the Board and be made within 28 days of changing the professional practice setting.

  It should be noted, however, that a probationary registrant will not be able to change the professional practice setting at which they are undertaking the supervised practice program for a profession, without the approval of the Board, if the Board has imposed:

  (a) other conditions as to where the registrant can undertake the program under section 59 of the Act; or

  (b) additional conditions as to where the registrant can undertake the program when deciding to extend the probationary conditions under section 97(3).

  This requirement has been limited to registrants undertaking the supervised practice program for the profession, as registrants undertaking a partial program are not required to undertake this program at a professional practice setting which meets the requirements to be prescribed under the regulation.

It should be noted that where a probationary registrant is required to notify the Board about their intention to change their supervisor and/or change the professional practice setting at which they are undertaking the supervised practice program, these matters may be combined on a single form approved by the Board.

A probationary registrant, whether undertaking the supervised practice program or partial program, will be required to comply with the notification requirements specified above. Failure to do so could make the registrant liable for a maximum penalty of $750 (10 penalty units).

The regulation will also clarify that if, at any time, a probationary registrant is of the opinion that their supervisor is not complying with a provision of the Act or regulation, they may notify the Board of their concerns.

Records and Reports by Probationary Registrants

The Act makes provision for a regulation to be made about the different types of documents that are to be maintained, or submitted to the Board, by a probationary registrant (see sections 61(3)(b) and 61(3)(c) of the Act). Accordingly, it is proposed that a probationary registrant, who has had probationary conditions imposed on their general registration under section 57(2)(a)[9] will be required to submit a report as to their progress and performance in undertaking the program on a six monthly basis. The regulation will specify that:

- a probationary registrant will be responsible for submitting a report about their progress and performance in undertaking the supervised practice program to the Board;
- the report must be submitted in the form approved by the Board at six monthly intervals from the date upon which the registrant commenced the program (eg the approved form could require that both the probationary registrant and supervisor sign and date the report); and
- a maximum penalty of $750 (10 penalty units) may be imposed for failing to submit the report in accordance with the above requirements.

SUPERVISORS

In order to ensure that a probationary registrant undertakes the supervised practice program or partial program under the guidance of an appropriately trained and experienced practitioner, the Act makes provision for a regulation to be made about:

- the responsibilities of supervisors;
- the eligibility criteria for supervisors;
- the grounds and processes for declaring a person ineligible to be a supervisor; and
- the accreditation of supervisors.

9 Probationary conditions would be imposed due to the fact that they have not practised the profession.

At this stage, it is not proposed that an accreditation system for supervisors be established under the regulation. However, it is intended that the regulation set out:

- the responsibilities of supervisors;
- the eligibility criteria for supervisors; and
- the grounds and processes for declaring a person ineligible to be a supervisor.

These components of the regulation will provide the foundations upon which the Board can develop an accreditation system, at a future date, if considered appropriate.

Responsibilities of Supervisors

Section 61(3)(a) of the Act makes provision for a regulation to be made about the responsibilities of supervisors of probationary registrants undertaking the supervised practice program for a profession. These responsibilities will be in addition to the statutory obligations of supervisors under the Act, or other relevant Acts.

It is intended that the regulation will list the following responsibilities for supervisors:

- to make probationary registrants aware of the applicable standards of conduct for the practice of their profession and assist them to apply these standards in their day to day practice of the profession;
- assist probationary registrants to apply their professional knowledge and skills when undertaking the practice of the profession;
- support the professional development of probationary registrants in ways that will increase their effectiveness and competence as a medical radiation technologist;
- monitor and provide feedback to a probationary registrant about their progress and performance in undertaking the program;
- assess whether registrants meet the core professional competencies upon completion of the supervised practice program for a profession, or the partial program decided by the Board.

The regulation will also clarify that a supervisor of a probationary registrant can:

- notify the Board if, at any time, the supervisor considers the probationary registrant may not be complying with a provision of the Act or regulation; and
- contact the Board at any time to discuss issues related to the progress and performance of a probationary registrant.

Eligibility Criteria for Supervisors

As provided for by section 231(2)(c)(ii) of the Act, the following criteria for supervisors are to be specified under the regulation:

- A person may be the supervisor of a probationary registrant, if they are registered as a general registrant under the Act in the same profession as the probationary registrant. Furthermore, the person must have:
  - (a) held general registration under the Act in the profession for a period of at least one year; or
  - (b) been registered (or the equivalent thereof) in the profession in another jurisdiction of Australia for a period of at least one year; or
  - (c) been granted general registration in the profession under the transitional arrangements set out in section 233 of the Act.[10]
- The person is not a member of the probationary registrant's immediate family or household.
- The person's general registration has not been cancelled or suspended under the *Health Practitioners (Professional Standards) Act 1999* or an equivalent interstate or foreign law.
- The person's registration is not subject to an order under the *Health Practitioners (Professional Standards) Act 1999* or an

10 It should be noted that this aspect of the criteria will become redundant, as technologists will meet the requirement that they be registered under the Act for a period of at least one year. However, upon commencement of the Act and regulation, it is necessary to ensure that there is a body of general registrants who can fulfil the role of supervisor.

equivalent interstate or foreign law prohibiting the registrant from being a supervisor.

- The Board has not declared the person ineligible to supervise probationary registrants under the regulation.

Ineligibility to be a Supervisor

As discussed above, it is intended that the regulation will also set out the grounds and processes for declaring a person ineligible to be a supervisor of probationary registrants.

The regulation will set out the Board's ability to declare a registrant ineligible to supervise – either generally or in respect of a particular probationary registrant – where the Board considers the registrant is "unsuitable to supervise". In practice, the process could be initiated where:

- disciplinary action or other action is taken against the supervisor;
- the Board receives complaints about the supervisor from probationary registrants and/or other supervisors;
- the Board's contact with the supervisor indicates the person is not appropriate to supervise;
- the supervisor has not fulfilled their responsibilities in respect of a probationary registrant.

Prior to the Board declaring that a general registrant is no longer suitable to be a supervisor, the Board must advise the person as to the reasons why it considers this to be the case. The general registrant will then have an opportunity to make a submission to the Board as to why they should not be declared as being unsuitable. The Board will be required to consider the information submitted by the person and, only then, decide whether the person is suitable or unsuitable to supervise probationary registrants.

If the Board declares a general registrant is unsuitable to supervise, it will also be required to give a notice to:

- the general registrant, about the Board's decision; and
- those probationary registrants being supervised by the general registrant. This notice must advise the probationary registrants of the Board's decision and request that the probationary registrant nominates another supervisor.

The Board's power under the regulation to declare a general registrant ineligible to supervise will concern only supervision in the context of the supervised practice program. That is, such a decision by the Board will not apply to the supervision that a general registrant might otherwise provide to practitioners in the workplace.

OTHER PERSONS WHO SUPERVISE

The Act not only makes provision for a regulation to be made in relation to "supervisors" but to "other persons who supervise" probationary registrants. Accordingly, it is proposed that the regulation will set out:

- the eligibility criteria for other persons who supervise; and
- the grounds and processes for declaring a person ineligible to be another person who supervises (see section 231(2)(c)).

Eligibility Criteria for Other Persons Who Supervise

It is proposed that the regulation specify that a supervisor of a probationary registrant, may enlist the assistance of another person in the supervision of the registrant, only if that individual meets the following criteria:

- The person is registered as a general registrant in Queensland, in the same profession as the probationary registrant, and is under the direction and control of the supervisor.
- For probationary registrants in the nuclear medicine technology profession, when administering radiopharmaceuticals or performing radiopharmacy procedures, an other person who supervises may be a registered specialist in nuclear medicine or a radiochemist or radiopharmacist.
- The person is not a member of the probationary registrant's immediate family or household.
- The person's general registration has not been cancelled or suspended under the *Health Practitioners (Professional Standards) Act 1999* or an equivalent interstate or foreign law.
- The person's general registration is not subject to an order under the *Health Practitioners (Professional Standards) Act 1999* or an

equivalent interstate or foreign law prohibiting the registrant from being a supervisor.

- The Board has not declared them to be ineligible to supervise or otherwise supervise probationary registrants under the regulation.

Ineligibility to be an Other Person Who Supervises

The regulation will set out the Board's ability to declare a general registrant ineligible to assist with supervision and the processes that must be followed by the Board in order to declare that a general registrant is unsuitable to assist with supervision. The grounds and processes will be the same as those previously outlined for supervisors.

REPORTS AND OTHER INFORMATION

Division 7, Part 3 of the Act sets out the process by which a registrant may have the probationary conditions attached to their general registration reviewed. The process can only commence once a probationary registrant has completed the supervised practice program or partial program. A probationary registrant must give a notice to the Board advising that they have completed the supervised practice program or partial program within 7 days of doing so (see section 93).[11] The Board will then require the probationary registrant's supervisor to submit a supervised practice report for the registrant (see section 94). The Board, or an entity nominated by the Board, will review the supervised practice report to determine whether the probationary registrant has satisfactorily completed the supervised practice program (see section 95). The supervised practice report may be in a form that has been approved by the Board, or if a form has not been approved, must include the details prescribed under a regulation.

While it is envisaged that the majority of probationary registrants will undertake the supervised practice program under the supervision of one person, this may not always be the case. Consequently, section 62 of the Act makes provision for a person, who ceases to be a probationary registrant's supervisor, to submit a report about the registrant within 28 days of ceasing to be the registrant's supervisor (the 'supervisor's report').

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11 This notice must be in the approved form and be accompanied by the fee prescribed under a regulation.

This report may be in a form that has been approved by the Board, or if a form has not been approved, must include the details prescribed under a regulation.

It is intended that the layout and content of the supervised practice report and a report by a previous supervisor be approved by the Board, rather than a regulation being made as to what information should be included in the reports. This will ensure that the Board will have the necessary flexibility to amend or revise the information that is provided through these reports, for example, information about:

- the probationary registrant;
- the supervisor and other persons who may have supervised the registrant;
- the professional practice setting(s) at which the program was undertaken by the registrant;
- whether the supervisor completing the report has cited and had regard to reports (oral or written) about the probationary registrant by other persons who have supervised the registrant;
- the registrant's competency to practice the profession.

Reports by Previous Supervisors

Section 62 of the Act also provides for a person, who ceases to be a probationary registrant's supervisor, to submit a report to an entity[12] prescribed under the regulation or otherwise to the Board. As these reports will provide information as to the progress and performance of the probationary registrant while undertaking the program, it is intended that the regulation will specify that a person, who ceases to be a probationary registrant's supervisor, must give a report about the registrant to the probationary registrant's new supervisor.

Entities to Consider Supervised Practice Reports

Section 94 of the Act makes provision for a supervisor to give a supervised practice report about a probationary registrant to an entity or

12 The term entity is defined under the *Acts Interpretation Act 1954* to include a person and an unincorporated body. The term person is defined under the *Acts Interpretation Act 1954* to include an individual and a corporation.

entities nominated by the Board. The entity, must within 30 days of receiving the report, give the Board a written assessment as to whether the probationary registrant has satisfactorily completed the supervised practice program.

It is proposed that the following entities be listed under the regulation as an appropriate body to receive supervised practice reports, that is:

- for **medical imaging technologists**, the Professional Accreditation and Education Committee of the Queensland Branch of the Australian Institute of Radiography;
- for **nuclear medicine technologists**, the Accreditation Board of the Australian and New Zealand Society of Nuclear Medicine;
- for **radiation therapists**, the Professional Accreditation and Education Committee of the Queensland Branch of the Australian Institute of Radiography.

Board's Ability to Compel Information

Section 61(3)(c) of the Act also provides for a regulation to be made about the Board's ability to require the provision of information or documents, or the preparation of reports about the probationary registrant's progress and performance in undertaking the supervised practice program.

It is proposed that the Board should have a pro-active power to ensure compliance with the supervised practice program (or partial program). To this end, it is proposed that the regulation should prescribe that the Board can require a probationary registrant, a supervisor, or another person who supervises to provide it with specified information (or documents) when requested to do so.

Non-compliance with such a request from the Board would constitute an offence that could attract a maximum penalty of $1,500 (20 penalty units).

FEES

The Act makes provision for fees to be charged for various matters relating to registration as a medical radiation technologist (eg. application and registration fees); as well as for incidental matters such as replacement of a certificate of registration (if it had been lost, stolen, destroyed or damaged), or obtaining a copy of the register (or part of it). The proposed fees, subject to audit, are set out below.

Application Fee

The fees associated with applications for registration are to be set in accordance with the provisions of section 42(1)(c)(ii) of the Act. The application fee for general or for special purpose registration is to be set at $100.00.

Registration Fee

Section 42(1)(c)(iii) of the Act makes provision for the setting of registration fees. The registration fee for general or for special purpose registration is to be $170.00.

Please note that the fee payable upon renewal of registration (either general or special purpose) is the registration fee.

Pro-rata Registration Fees

It is proposed that the regulation will make provision for registration fees (ie. general and special purpose) to be charged on a pro-rata basis in the following circumstances:

- For a period of registration up to 90 days in length, the registrant must pay one quarter of the annual registration fee (ie. $42.50).
- For a period of registration that is between 90 and 180 days in length, the registrant must pay one half of the annual registration fee (ie. $85.00).
- For a period of registration over 180 days, the registrant must pay the full annual registration fee (ie. $170.00).

Restoration Fee

Under section 81 of the Act, if a person's general registration has expired, they may apply to the board for restoration of their registration within 3 months after the expiry. Their application must be accompanied by a restoration fee, in accordance with the provisions of section 82(1)(b)(i) of the Act.

The application fee for restoration of general registration will be $245.00. This is made up of the registration fee of $170.00 plus a "late payment penalty" of $75.00.

Notice of Completion of Supervised Practice Program

Under the provisions of section 93 of the Act, a probationary registrant must, within 7 days after completing the supervised practice program, or the partial program, give notice of the completion to the board. The notice must be in the approved form and must be accompanied by the fee prescribed under a regulation. However, it is not proposed to prescribe a fee at this time.

Review of Conditions on General Registration

Where conditions, other than probationary conditions, have been imposed on a general registration, the applicant may apply (under the provisions of section 103 of the Act) for a review of the conditions. The application must be accompanied by the fee prescribed by a regulation made under section 103(3)(b) of the Act.

The application fee for review of conditions is to be set at $100.00.

Replacement of Certificate of Registration

Section 132(4) of the Act permits the board to replace a lost, stolen, destroyed or damaged certificate of registration, upon payment of the prescribed fee. A fee of $25.00 will be charged for this service.

Certified copy of Certificate of Registration

Section 133 of the Act permits a registrant to obtain a certified copy of their certificate of registration from the board, upon payment of the prescribed fee. $25.00 is the fee that will be set for this service.

Copy of the Register

The board is obliged, under the provisions of section 209 of the Act, to keep the register of medical radiation technologists open for inspection, and to permit any person to obtain a copy of the register, or a part of it, upon payment of the prescribed fee. The fee for a copy of the register will be 50 cents per page.

Waiver of Fees

The regulation will provide that the board may waive, wholly or partly, payment of any fee if the board is satisfied that payment of the fee would cause the person financial hardship.

Refund of Registration Fees

While application fees will not be refundable, the regulation will provide that the board must refund the registration fee where:

- the board refuses to grant the application for registration; or
- the applicant withdraws the application before it is decided; or
- the registrant surrenders their registration within the first 3 months following its issue (ie. from either initial registration, renewal of registration or restoration of registration).

In addition, it is proposed that the board must refund the registration component of the restoration fee where:

- the board refuses to grant the application for restoration of registration; or
- the applicant withdraws the application before it is decided

(Note that the registration component of the restoration fee is the restoration fee less $75.00.)

SCHEDULE OF QUALIFICATIONS

Australia

Medical Imaging Technologists

Institute	Qualifications	Comments
Queensland University of Technology	Bachelor of Applied Science (Medical Radiation Technology)	
	BAppSc (MedRadTech)	
University of Newcastle	Bachelor of Medical Radiation Science in Diagnositc Radiography	
	BMedRadSc	
University of Sydney	Bachelor of Applied Science (Medical Radiation Sciences) Diagnostic Radiography	Current course commenced intake in 1999.
	BAppSc	
	Bachelor of Applied Science (Medical Radiation Technology) Diagnostic Radiography	Last intake for previous course-1998. Last graduation from this course likely to be 2002.
	BAppSc	
Charles Sturt University (Wagga Wagga)	Bachelor of Applied Science (Medical Imaging)	
	BAppSc (MedImaging)	
University of South Australia	Bachelor of Medical Radiation	
	BMedRad	
Royal Melbourne Institute of Technology	Bachelor of Applied Science in Medical Radiations	
	BAppSc (MedRad)	

SCHEDULE OF QUALIFICATIONS (continued)

Institute	Qualifications	Comments
Monash University	Bachelor of Radiography and Medical Imaging	
	BRadMedImag	
Curtin University of Technology	Bachelor of Science (Medical Imaging Science)	
	BSc (Curtin)	

Nuclear Medicine Technologists

Institute	Qualifications	Comments
University of Newcastle	Bachelor of Medical Radiation Science in Nuclear Medicine	
	BMedRadSc	
University of Sydney	Bachelor of Applied Science (Medical Radiation Sciences) Nuclear Medicine	Current course commenced intake in 1999.
	BAppSc	
	Bachelor of Applied Science (Medical Radiation Technology) Nuclear Medicine	Last intake for previous course-1998. Last graduation from this course likely to be 2002.
	BAppSc	
Charles Sturt University (Wagga Wagga)	Bachelor of Applied Science (Nuclear Medicine Technology)	
	BAppSc (NucMedTech)	
University of South Australia	Bachelor of Medical Radiation	
	BMedRad	

SCHEDULE OF QUALIFICATIONS (continued)

Institute	Qualifications	Comments
Royal Melbourne Institute of Technology	Bachelor of Applied Science in Medical Radiations	
	BAppSc (MedRad)	

Radiation Therapists

Institute	Qualifications	Comments
Queensland University of Technology	Bachelor of Applied Science (Medical Radiation Technology)	
	BAppSc (MedRadTech)	
University of Newcastle	Bachelor of Medical Radiation Science in Radiation Therapy	
	BMedRadSc	
University of Sydney	Bachelor of Applied Science (Medical Radiation Sciences) Radiation Therapy	Current course commenced intake in 1999.
	BAppSc	
	Bachelor of Applied Science (Medical Radiation Technology) Radiation Therapy	Last intake for previous course - 1998. Last graduation from this course likely to be 2002.
	BAppSc	
University of South Australia	Bachelor of Medical Radiation	
	BMedRad	

SCHEDULE OF QUALIFICATIONS (continued)

Institute	Qualifications	Comments
Royal Melbourne Institute of Technology	Bachelor of Applied Science in Medical Radiations BAppSc (MedRad)	

New Zealand

Medical Imaging Technologists

Institute	Qualifications	Comments
Central Institute of Technology	Bachelor of Health Science (Conversion Program)	This course is offered to Medical Radiation Technologists who wish to upgrade their qualification from a national training program that meets the requirements for registration in New Zealand. (eg. Diploma)
Unitec Institute of Technology	Bachelor of Health Science (Medical Imaging) BHSc (Medical Imaging)	

SCHEDULE OF QUALIFICATIONS (continued)

Institute	Qualifications	Comments
Christchurch Polytechnic Institute of Technology, Christchurch	Bachelor of Medical Imaging	
Manawatu Polytechnic (trading as Universal College of Learning), Palmerston North	Bachelor of Applied Science (Medical Imaging Technology)	

Nuclear Medicine Technologists

Institute	Qualifications	Comments
Central Institute of Technology	Bachelor of Health Science (Conversion Program)	This course is offered to Medical Radiation Technologists who wish to upgrade their qualification from a national training program that meets the requirements for registration in New Zealand.

SCHEDULE OF QUALIFICATIONS (continued)

Radiation Therapists

Institute	Qualifications	Comment
Central Institute of Technology	Bachelor of Health Science (Radiation Therapy)	
Central Institute of Technology	Bachelor of Health Science (Conversion Program)	This course is offered to Medical Radiation Technologists who wish to upgrade their qualification from a national training program that meets the requirements for registration in New Zealand.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Health.