



**Submission to
Australian Register
of
Naturopaths and Herbalists
Steering Committee
(ARONAH)**

National Herbalists Association of Australia

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Executive Summary

- This document has been prepared by the National Herbalists Association of Australia (NHAA), which has represented the interests of professional western herbal medicine (WHM) practitioners and naturopaths in Australia since 1920.
- The NHAA gives in principle support to the establishment of an independent register of naturopaths and herbalists
- The NHAA believes the establishment of a register is to protect the public by allowing choice of practitioners from a list of suitably trained and qualified practitioners.
- The NHAA considers that the register should be established along guidelines used to establish statutory registers of health professionals.
- The NHAA believes that the register must be established independent of, but in consultation with professional associations and all other stakeholders.
- The NHAA believes the standards set by the register must reflect not only current practice and legislation but also consider future aspirations of the professions.
- The NHAA believes the register should be administered by a board of suitably qualified persons i.e. professional herbalists and naturopaths supported by persons with expertise in other areas such as procedural fairness, law, government and consumers.
- The NHAA believes the registration board must work actively to protect and promote the practice, treatments and underlying philosophy used by naturopaths and herbalists.

The National Herbalists Association of Australia

Introduction and Background

The NHAHA is a peak professional Association representing appropriately qualified western herbalists and naturopaths using herbal medicines as their primary treatment modality. It is the oldest professional association of complementary therapists, founded in 1920, with a current full membership of 881 (our total membership is 1260 including student and companion members). This represents approximately one third of practising herbalists and naturopaths in Australia. The NHAHA is the only national professional association specifically concerned with the practice and education of western herbal medicine (WHM). Details of the Constitution and the Code of Ethics (including standards of practice) of the Association are detailed in Attachments 1 & 3.

The primary aims of the NHAHA are to:

- Promote, protect and encourage the study, practice and knowledge of medical herbalism.
- Disseminate such knowledge by talks, seminars and publications.
- Encourage the highest ideals of professional and ethical standards.
- Promote herbal medicine within the community as a safe and effective treatment option.

The Full Membership of the Association elects the Board of Directors of the NHAHA, with each member serving a two-year voluntary (unpaid) term after which they may stand for re-election.

Full members of the NHAHA have completed training in Western Herbal Medicine sufficient to meet the educational standards as determined by the Examiners of the Board in consultation with tertiary education institutions (standards based on but exceeding the requirements of the NSW Health Training Package), and must adhere to a comprehensive Code of Ethics and Continuing Professional Education (CPE) program.

Since its inception, the NHAHA and its members have been at the forefront of herbal medicine and have been influential in areas ranging from education and practice standards, to government regulation and industry standards. The NHAHA has a strong commitment to achieving high educational standards in herbal medicine practice and supports regulation of the profession.

Membership is mainly practitioners of western herbal medicine including naturopaths who choose to use herbal medicine as their major modality of practice.

Submission

The NHAHA gives in principle support to the establishment of an independent register of Australian herbalists and naturopaths. This support is contingent on the register meeting the requirements of the members of the NHAHA.

The NHAHA believes that for an independent register of naturopaths and herbalists to be viable it must have the support of the majority of professional associations and their members. To achieve this level of support the register and registration body must be independent of existing professional associations. All associations will need to be assured that clear and transparent processes are in place to avoid suspicion of bias in all its dealings. Members of the profession, professional associations, members of the public, and government departments must have total confidence in the ability of the register to deliver the promised benefits. Any lesser standard will lead to lack of confidence and eventual failure of the venture.

The discussion below details how the NHAHA believes a register of practitioners could be established and administered.

Role of the Register

The NHAHA sees the role of a register as a single point of reference for the public; other health professionals and governments to identify suitably trained and qualified herbalists and naturopaths.

The register would enable members of the public to select a practitioner with confidence that they are seeing a person suitably trained and able to effectively meet their needs.

Other health professionals could use the register as a point of referral for clients to a herbalist or naturopath if they deemed this to be advantageous to the client.

The NHAHA also believes the establishment of a register could give governments a single point of contact to enable a dialogue with a goal of working toward official recognition of the professions. Recognition will allow greater inclusion of the professions into the health system thereby allowing the skills and expertise of the Herbal and Naturopathic workforce to be utilised to assist the redirection of healthcare to a more wellness-based model. This move has the potential to save billions of dollars of government expenditure on healthcare. This is particularly important as the Australian population ages and the demand for health care services increases over the coming decades.

Administration of the Register

Any register needs to be administered by a registrar and if needed, support staff; overseen and directed by a duly constituted registration board.

The NHAHA believes the register needs to be totally independent of any professional association however, we recognise the need for professional

associations to be consulted and included in its formation. In fact, the NHAHA believes without the cooperation of the professional associations in recommending enrolment onto the register and over time, making enrolment a prerequisite to membership; the scheme is doomed to failure. Therefore garnering cooperation from professional associations and the professions at large is of paramount importance before moving forward and establishing a registration board.

Establishment of a Registration Board

As this is an independent register, it will need to be established in a company structure, most likely as a not for profit organisation.

The board of directors of this company will become the registration board for the register.

In the first instance, the steering committee of ARONAH will need to register a company with Australian Securities and Investment Commission (ASIC) appointing interim directors pending appointment of the first permanent registration board. As a company, ARONAH will be required to have a constitution defining terms used in the constitution and the objects of the company. An example of such a constitution is available at <http://www.aroh.com.au/documents/Constitution.pdf> and a copy of the constitution of the NHAHA is attached for your reference (attachment 1).

Membership of the Registration Board

Membership of statutory registration boards are made by governments but as this is an independent register appointments will, by necessity, be made in consultation with professional associations and the professions.

The NHAHA suggests either a nine or ten member registration board consisting of:

- Six or seven (6 or 7) practitioners of naturopathy and herbal medicine
- One (1) lawyer
- One (1) health department representative
- One (1) layperson

This structure allows for the professional view of herbalists and naturopaths to be considered with the lawyer overseeing procedural fairness and the legalities of the board's activities. A health department representative will add legitimacy to the determinations of the board and create a conduit for discussions with government agencies. The addition of a layperson to the board ensures the views of consumers are taken into considerations and adds transparency to the operations of the registration board.

The NHAHA suggests each appointee must be willing to serve on the registration board for a minimum of two years. The exception to this rule would apply after the first year where half of the board appointees will be replaced or reappointed for a further two years. This will ensure continuity of policies and procedures and prevent loss of expertise by losing all board members in subsequent terms.

Further the NHAHA suggests, the practitioners appointed to the board should be members of the professions with a minimum of five (5) years clinical experience. These members should be drawn from the register.

The practitioner members of the board are to appoint the lawyer member. This person must be well versed in medicolegal issues and preferably have a knowledge of the issues involved in the practice of complementary medicine.

A request to the Federal Health Minister will see the appointment of a public servant to the board with the advantages as mentioned in the previous paragraphs.

The practitioner members are to nominate the layperson. This person could be a representative from any consumer organisation including, but not limited to, Australian Consumers Association, Health Care Consumers of Australia, Choice, Australian Seniors or Council of the Ageing.

Office Bearers of the Registration Board

The office bearers of ARONAH will form the executive of the registration board. The executive positions will be:

- Chairperson
- Deputy chairperson
- Treasurer

These positions will be appointed by the board from the sitting board members and will be required to discharge their duties in accordance with the constitution of ARONAH.

Role of the Registration Board

Once established, ARONAH should work to become the single entity registering trained practitioners. To this end, ARONAH must work with all professional associations to develop a common standard for recognition of competency with the view to making registration with ARONAH a prerequisite for membership of an association.

The role of the registration board is to:

1. Regulate the standards and competencies for registration of the professions
2. Issue guidelines about appropriate practice standards
3. Approve courses of study providing qualifications for registration
4. Recognise postgraduate courses of study for registration purposes
5. Support the traditions and underlying philosophy of the practice of naturopathy and western herbal medicine.
6. Receive and deal with complaints regarding the conduct and behaviour of practitioners.

Powers of the Registration Board

The powers of a registration board need to be wide ranging with the ability to act as an independent authority to exercise power over members of the register. ARONAH should exercise the following powers.

1. Appointment of a registrar responsible for maintaining a register of suitably qualified persons or persons meeting suitable competency standards.

2. Set the standards for the training and education requirements of members of the register including the provision of appropriate grand parenting provisions for currently practising herbalists and naturopaths.
3. Set standards for practice and issue practice guidelines.
4. Set and conduct examinations if necessary to assess competencies of persons applying for registration.
5. Set minimum standards for continuing professional education for re-registration purposes
6. Receive and investigate complaints about registered person's conduct, ability and fitness to practice.
7. Issue binding orders and restrictions to members of the register as a consequence of the outcome of investigations on complaints received.

Standards of Educational Qualifications

The aspirational belief of the NHAA is that the minimum qualification desirable for admission to a register of practising health professionals is a bachelor degree in an appropriate field of study or postgraduate qualifications obtained from a recognised training course.

However, given the nature of the current practice of naturopathy and herbal medicine, where it is estimated only forty five percent of current practitioners hold tertiary qualifications, suitable mechanisms for the recognition of those already in practice holding diplomas and advanced diploma must be included during the establishment phase of the register. This will align with the health training package used as the current qualifications benchmark for naturopathy and herbal medicine.

The mechanism included in the establishment phase of the Chinese Medicine Registration Board of Victoria could be used as the template for the creation of the grand parenting provisions of ARONAH.

In the longer term the NHAA considers ARONAH should become the arbitrator of training standards for herbalists and naturopaths. The state training authorities will be required to consult with ARONAH for ratification of changes to standards before any amendments are published.

Recognition of Training Courses

ARONAH must recognise training courses to facilitate enrolment to the register. For this purpose, institutions wishing to have their courses recognised must submit documentary proof of compliance to the standards set by ARONAH.

This will necessitate the board, or an examiner appointed by the board, reviewing any course for content and academic rigour as well as appropriate levels of training in history, philosophy and clinical placements/practice.

Any training course must also prepare a graduate for the realities of clinical practice and include at least one module on business management and all that entails including legal, ethical and risk management provisions.

The NHAHA currently uses a Course Accreditation System (CAS) to review and accredit courses at the undergraduate and postgraduate levels in both private and public training institutions. This CAS is based on the NSW competency based Health Training Package for an Advanced Diploma level training course with modifications to include tertiary level undergraduate and postgraduate training.

Whilst acknowledging the value of the Health Training Package, the NHAHA believes this document to be deficient in some areas and has expanded some requirements to ensure full members of the NHAHA meet the high professional standards required of a primary contact health professional.

As the NHAHA believes a tertiary level qualification will be the standard for practising naturopaths and herbalists in the future, any course accreditation system must be based on material for a course at this level. The NHAHA CAS is attached for your information (attachment 2).

Recognition of the Current Workforce

As mentioned above it is imperative that members of the current naturopathic and herbal workforces are not disadvantaged or have their livelihoods endangered by radical changes to regulation mechanisms. To this end the NHAHA contends that suitably qualified practitioners and those with long years of experience must be admitted to the register so they may be allowed to continue to practice. To facilitate this, a grand parenting provision with clear guidelines must be implemented during the establishment phase of the register. The grand parenting provision must also have an inbuilt "sunset clause" to ensure the higher standard is achieved over time.

This situation was recognised by the Victorian legislation enacted to register Traditional Chinese Medicine Practitioners and suitable mechanisms were inserted into the regulations to make allowances for practitioners in these situations.

The NHAHA submits that similar mechanisms must be an integral part of the set up of the registration board with clear rules for fair and equitable access to enrolment on the register.

Codes of Ethics and Practice

The strength of any registration board lies within its codes of ethics and practice and the ability of the board to enforce and discipline the enrolled members of the register. The codes of ethics and practice must be clear and unambiguous and promulgated widely. Access to the codes for any interested party must be a simple and easy process with codes available on the website and as a printed document for those without internet access.

The codes must be inclusive and reflect any existing legislation such as the NSW Public Health Amendment compulsory code of conduct, advertising restrictions and other relevant acts. The codes must reflect social mores and the rights of consumers must be considered paramount at all times.

Proven breaches of the codes should be dealt with as swiftly as possible to allow the parties involved in the incidents to resume normal life as soon as possible. The threat of an impending investigation, for a practitioner and the wait for resolution by

a complainant leads to undue stress and matters are best resolved in a timely fashion.

For your information the NSW Public Health Amendment compulsory code of conduct is available at http://www.health.nsw.gov.au/mhcs/publication_pdfs/8285/DOH-8285-ENG.pdf . Attachment 3 is the NHAHA Code of Ethics and Practice which may inform the process of collating the necessary codes.

Complaints Mechanisms

A registration body must be equipped to deal with complaints concerning an enrolled practitioner or even the registration body. The mechanism and procedures for dealing with complaints of any nature should be fair and transparent at all times. Any person wishing to make a complaint should be able to easily access the complaints mechanisms of the registration board. At the same time the process must remain fair and transparent with natural justice available for all parties involved.

The following basic protocol is suggested as the basis for the complaint process of ARONAH. It is recognised that any such processes will need to be reviewed by appropriately trained legal personnel for flaws or inconsistencies and to ensure fairness and transparency of procedures.

All complaints received must be in writing, where possible, before any investigation or other processes deemed necessary are commenced.

Once a complaint has been received it must be examined for merit and severity and prioritised accordingly.

The complainant will receive an acknowledgement of receipt of the complaint with an outline of the processes involved.

Where complaints involve breaches of the law they may be referred to the appropriate authority for action.

If complaints are about perceived breaches of courtesy by a practitioner the best course of action is to act as a mediator and attempt to have the complaint dealt with by the parties involved.

Where a complaint is deemed serious enough to be investigated, the practitioner(s) involved must be notified in writing that a complaint has been received. This communication must disclose the nature of the complaint; outline the investigative processes involved and the rights and obligations of the practitioner(s).

Whilst membership of the register is based on a voluntary enrolment, the powers of the ARONAH will at best be limited. To ensure the registering body has appropriate powers to deal with complaints, ARONAH will need to ensure enrolment becomes a compulsory prerequisite before joining a professional association as discussed earlier in this submission.

Continuing Professional Education

In line with current practice, the NHAA believes it is imperative that all professional practitioners be required to meet continuing professional education (CPE) requirements to maintain membership of a registration list.

The NHAA presently requires practitioner members to accumulate a total of 50 CPE points per annum to maintain their full membership status. Each point is equivalent to ½ hour of face-to-face contact at a seminar or in a manner approved by the examiners of the association. A minimum of 20 points must be accrued in activities related to herbal medicine and the remaining 30 points may be gained by participating in educational endeavours relevant to professional practice of herbal medicine. These endeavours include medical sciences, lecturing, presenting papers at seminars or conferences and publishing articles. This is by no means a complete list of the activities attracting CPE points however it does illustrate the point that as a professional association we expect our members not only to be proficient as practitioners but also to maintain currency of knowledge and best practice for the profession.

The NHAA insists that a registration body also have these expectations of the professions. Attachment 4 is the NHAA Continuing Professional Education (CPE) program for your information.

Fees and Costs

The NHAA recognises that the establishment and operation of a registration board will require funding.

Whilst initial funding to establish the register may be sought from various sources including government, on-going running expenses will need to be recovered from the professions.

For this reason, the NHAA recommends that the registration board be established as a not-for-profit organisation. Expenses and running costs should be kept to a minimum and these savings passed on to practitioners enrolling to the register as lower fees.

A suggested fee structure is below.

Application fee	Charged on application for registration
Registration fee	Charged when approval for registration granted. Application fee could be refunded for first two years of operation if registration is approved.
Re-registration fees	Annual fee paid to maintain position on the register.
Examination application fee	Charged for application to sit board

	entry exam where qualifications need to be assessed.
Examination fee	Charged to sit examination if application approved. Examination application fee could be refunded for first two years where an applicant for examination is approved.

Conclusion

On balance, the NHAA considers the establishment of an independent register of naturopaths and herbalists as a timely initiative.

The creation of a register of naturopaths and herbalists can have some substantial advantages. These include:

- Ease of identifying suitably trained and qualified practitioners for members of the public. This will allow them to select a practitioner that is bound by both a code of ethics and practice.
- Recognition for practitioners by a body separate to, and arm's length from their professional association thus eliminating any hint of self-interest by the registering body
- Ability for other health professionals to identify suitably qualified Herbal and Naturopathic practitioners readily for referrals or to gather information on treatments being used by their clients.
- A registration board could become a single point of contact for government agencies to communicate to the professions thus eliminating the confusion generated by the current system where multiple associations consider themselves to be representing the professions.
- Provide the governments of Australia with a solution to a situation that has vexed successive administrations over several years.

For these reasons the NHAA will support the establishment of the register provided it meets the requirements discussed above and is of benefit to the public, the profession and governments across Australia.

Further consultation

The NHAA recognises that further consideration of the issues canvassed in this submission will be needed. The matter cannot be closed off without wide consultation between all stakeholders in the outcome of this enterprise. We stand ready to discuss any issue with all parties involved and move towards resolution to mutual satisfaction.

References Used in Compiling this Document

1. NHA, 1920, Constitution of the National Herbalists Association of Australia (as amended), NHA, Sydney
2. NHA, National Herbalists Association of Australia Code of Ethics, NHA, Sydney
3. NHA, 2002, National Herbalists Association of Australia Continuing Professional Education Program, NHA, Sydney
4. Deacons Lawyers, 2005, Constitution of the Australian Register of Homoeopaths, Deacons, Brisbane
5. Carlton A-L, 2003, Regulation of the Health Professions in Victoria, Victorian Government Department of Human Services, Melbourne
6. NSW Health, 2006, Code of Conduct from Public Health (General) Amendment Regulation 2008, NSW Health, Sydney
7. Chinese Medicine Registration Board website at <http://www.cmr.vic.gov.au/> accessed 14 July 2009

List of Attachments

Attachment 1

Constitution of the National Herbalists Association of Australia

Attachment 2

National Herbalists Association of Australia Course Accreditation System (CAS)

Attachment 3

National Herbalists Association of Australia Code of Ethics and Standards of Practice of the Association

Attachment 4

National Herbalists Association of Australia Continuing Professional Education (CPE) program