

1990 - No. 432

PODIATRISTS ACT 1989 - REGULATION

(Podiatrists Regulation 1990)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Podiatrists Act 1989, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS,
Minister for Health.

PART 1 - PRELIMINARY

Citation

1. This Regulation may be cited as the Podiatrists Regulation 1990.

Commencement

2. This Regulation commences on 1 August 1990.

Definitions

3. In this Regulation:

"**approved**" means approved for the time being by the Director-General of the Department of Health;

"the Act" means the Podiatrists Act 1989.

PART 2 - REGISTRATION AND THE REGISTER

Application for registration

4. (1) An application for registration under the Act must be in the approved form and be accompanied by a fee of \$126.

(2) The fee, or such part of the fee as the secretary determines, is to be refunded to the applicant if the application is refused.

Certificate of registration

5. (1) On the registration of a person as a podiatrist, the secretary is to issue to the person a certificate of registration in the approved form.

(2) The secretary may, if satisfied that a certificate of registration has been lost, destroyed or defaced, issue a duplicate, clearly marked as such, on payment of a fee of \$16.

Certificate of provisional registration

6. A certificate of provisional registration referred to in section 8 (1) of the Act is to be in the approved form.

Change of name

7. If satisfied that a registered podiatrist has changed her or his name, the Board may:

- (a) enter the particulars of the changed name in the register; and
- (b) issue a certificate in the approved form certifying as to the change.

Fee for additional qualifications etc.

8. The fee payable in respect of the entry in the register of any particulars under section 9 (2) of the Act is \$11.

Restoration of name to register

9. The fee payable for restoration of a person's name to the register under section 10 (5) of the Act is \$126.

Change of address

10. A registered podiatrist who has changed her or his address must, within 30 days after the change, inform the Board in writing of the particulars of the new address.

Maximum penalty: 1 penalty unit.

Surrender of certificate of registration

11. If the name of a registered podiatrist is removed from the register or the registration. of a registered podiatrist is suspended, the podiatrist must surrender her or his certificate of registration to the secretary within 14 days after the removal or suspension takes effect.

Maximum penalty: 5 penalty units.

Fee for extract from register

12. The fee to be paid for supplying a person with an extract from the register under section 9 (3) of the Act is \$6.

Annual roll fee

13. (1) For the purposes of section 10 (1) of the Act, the prescribed roll fee is \$64 and the prescribed date (on or before which it must be paid) is 1 April.

(2) For the purposes of section 10 (3) of the Act, the prescribed date is 1 July.

PART 3 - COMPLAINTS

Lodgment and consideration of complaint

14. (1) A person making a complaint under section 14 of the Act must lodge the complaint with the secretary.

(2) On receipt of a complaint, the secretary is to forward the complaint to the President who must:

(a) call a special meeting of the Board to consider the complaint;
or

(b) place the complaint before the next ordinary meeting of the Board for consideration.

(3) A copy of the complaint is to be served with the notice of any such meeting on each member of the Board.

Conduct of complaint inquiry

15. (1) An inquiry under section 15 of the Act is to be open to the public unless the Board or the Professional Standards Committee conducting the inquiry otherwise determines.

(2) An inquiry under section 15 of the Act may be held in the absence of the registered podiatrist concerned if the Board or the Professional Standards Committee conducting the inquiry is satisfied that the person was duly served with notice of the inquiry.

Notice of inquiry

- 16.** A notice given under section 15 (3) of the Act is to state that:
- (a) the inquiry may be conducted in the absence of the registered podiatrist concerned if she or he fails to appear; and
 - (b) the Board can take action against the registered podiatrist as a result of the inquiry even if the registered podiatrist does not appear; and
 - (c) the registered podiatrist concerned is entitled to be represented by a barrister or solicitor.

PART 4 - ADVERTISING

General restriction on advertising

17. (1) A podiatrist or a corporation engaged or associated in the practice of podiatry must not advertise except in the manner and to the extent authorised by this Part.

Maximum penalty 5 penalty units.

(2) A reference in the other clauses in this Part to a podiatrist includes a reference to a corporation engaged or associated in the practice of podiatry and to each registered podiatrist employed by the corporation.

Advertising in general

- 18.** Any advertisement by a podiatrist must not:
- (a) be false, misleading or deceptive; or
 - (b) create an unjustified expectation of beneficial treatment; or
 - (c) promote the unnecessary or inappropriate use of the services of a podiatrist; or

- (d) claim prominence for a podiatrist in the practice of podiatry; or
- (e) compare a podiatrist's practice with that of any other podiatrist.

Newspaper advertisements

19. An advertisement may be inserted in any newspaper announcing the commencement of a podiatry practice, the relocation of a podiatry practice, the resumption of a podiatry practice or the sale or purchase of a podiatry practice subject to the following conditions:

- (a) the wording of the advertisement must be limited to an announcement of the relevant occurrence, together with details of the name, business name and address of the podiatrist, her or his professional qualifications, other languages spoken, hours of attendance and telephone number;
- (b) the size of the advertisement must not exceed 8 centimetres by 10 centimetres;
- (c) the advertisement must not be inserted so as to appear later than 3 months after the occurrence to which it relates.

Announcement by letter

20. A podiatrist may announce the sale or purchase of a practice, or the commencement of, absence from or the return to a practice by means of a letter subject to the following conditions:

- (a) the letter must be on ordinary sized professional letterhead;
- (b) the letter must be sent or delivered only to the podiatrist's actual patients or other health professionals;
- (c) the wording of the letter must be limited to the announcement to be made, together with details of the name, business name and address of the podiatrist, her or his professional qualifications, other languages spoken, hours of attendance and telephone number;
- (d) not more than one letter may be sent to each patient or other health professional in relation to any one announcement.

Signs on buildings

21. A podiatrist may, in accordance with the following conditions, display a notice or notices on the outside of the premises or portion of a building or commercial centre where the podiatrist is in regular attendance for the purpose of carrying on the practice of podiatry

- (a) there must be no more than 3 separate static notices, the total area of each of which does not exceed 1 square metre;
- (b) the notice or notices may only display the podiatrist's name, registered business name and professional qualifications, other languages spoken, hours of attendance and telephone number;
- (c) the notice or notices may only display lettering, or lettering and a graphic display or design which is professional in appearance.

Stationery, directories etc.

22. (1) An appointment card or referral notice given by a podiatrist to an actual patient of the podiatrist can have printed on it the podiatrist's name, registered business name, address and professional qualifications, other languages spoken and telephone number.

(2) A letterhead or memorandum of account form used by a podiatrist for or in connection with the practice of podiatry can have printed on it the podiatrist's name, registered business name, address and professional qualifications, other languages spoken and telephone number.

(3) A podiatrist can have her or his name listed in the official telephone directory or official classified telephone directory, or both, so long as the listing is professional in manner and does not exceed 8 point capitals in bold type.

**PART 5 - PRACTICE OF PODIATRY AND
PROVISION OF BASIC FOOT CARE**

Cleanliness of premises

23. A registered podiatrist must not practise podiatry in any premises unless they comply with the following requirements:

- (a) the working environment must have adequate lighting and ventilation for the practice of podiatry,
- (b) the premises must be provided with handwashing facilities (including hot and cold running water, drainage, soap or other hand cleansing agent and clean paper towels or other hand drying equipment) in the immediate vicinity of the part of the premises where the practice of podiatry is conducted;
- (c) the premises must be provided with sufficient separate receptacles constructed of smooth material impervious to moisture with close-fitting lids for the reception of all soiled

materials, contaminated and procedural waste, and sharps, all such receptacles to be maintained in good repair and in clean condition at all times;

- (d) if provided, all shelves, benches and tables on which instruments or other articles which may be used in the practice of podiatry may be placed, must be constructed of or covered with material that is durable, smooth, impervious to moisture and capable of being easily cleaned;
- (e) the premises must, in every respect, be adequately protected against the identified occupational health risks associated with the practice of podiatry.

Home practice

24. A registered podiatrist who carries out podiatric practices at the home of the person on whom the podiatric practices are carried out must ensure that all contaminated and procedural waste and sharps resulting from the carrying out of those practices at the person's home is or are safely and adequately disposed of.

Basic foot care

25. (1) In this clause:

"basic foot care" means the fundamental attention given to normal toe nails and skin surfaces of the foot, including the cutting of toe nails, the removal of superficial dead skin material interdigitally and the application to the skin of emollients or rehydrating agents when indicated.

- (2)** A person may provide basic foot care to another person if she or he:
- (a) has completed a course of training recognised by the Board for the purposes of this clause; and
 - (b) has, in the opinion of the Board, demonstrated skills in identifying basic symptomology or abnormality in the foot that requires referral to a medical practitioner or health care professional; and
 - (c) is employed in a hospital, nursing home or community health centre and provides the service as part of her or his normal duties.

- (3) This clause does not prevent the provision of basic foot care to another person by
- (a) a registered podiatrist; or
 - (b) a medical practitioner.

PART 6 - PROCEDURE OF THE BOARD

Ordinary meetings of the Board

- 26. (1)** An ordinary meeting of the Board is to be held in each named month unless otherwise determined by the Board.
- (2)** At least 8 ordinary meetings of the Board are to be held during each period of 12 successive named months.
- (3)** At least 3 clear days' notice in writing of the time and place of an ordinary meeting is to be given by the secretary to each member.

Special and urgent meetings of the Board

- 27. (1)** A special meeting of the Board may be called on written requisition given to the secretary by the President or any 3 members and is to be held within 7 days of the receipt of the requisition by the secretary.
- (2)** An urgent meeting of the Board may be called by the President for any purpose at any time.
- (3)** At least 24 hours' notice of the time and place of any special or urgent meeting is to be given by the secretary to each member.

Lack of quorum

- 28. (1)** If at the expiration of 30 minutes after the time appointed for any meeting there is not a quorum present, the meeting of the Board and all business stand adjourned to the next meeting, or such other date as may be fixed by the members present.
- (2)** Any meeting at which a quorum is not present and which is not adjourned lapses.

Notice of motion

- 29.** Notice of every motion or resolution intended to be proposed at any ordinary meeting is to be given to the secretary in writing at least

14 days before the next meeting and a copy of the notice must be embodied in the agenda papers to be sent to each member.

Notice to be seconded

30. Every motion before a meeting of the Board is to be seconded before being discussed.

Method of voting at meetings

31. Every question submitted to any meeting of the Board is to be decided on the voices unless a show of hands is demanded by any member, in which case the show of hands is to be taken without further discussion.

PART 7 - MISCELLANEOUS

Service of documents

32. Any document required by the Act or this Regulation to be served on a person (whether the word "serve", "give" or "send" or any other word is used) may be served in person or by post.

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EXPLANATORY NOTE

The object of this Regulation is:

- (a) to provide for the fees to be paid and the forms to be used in connection with the registration of podiatrists; and
 - (b) to provide for certain procedural matters relating to the hearing of complaints against registered podiatrists by the Podiatrists Registration Board; and
 - (c) to provide for advertising by podiatrists, the conduct of podiatry and the provision of basic foot care; and
 - (d) to outline certain procedures to be adopted by the Board.
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