

Policy on English Language Requirements for Registration

Policy statement This policy sets out the Chinese Medicine Council of New Zealand's (the Council's) requirements for communicating in and comprehending English for the purposes of registration as a Chinese medicine practitioner in New Zealand. The ability to communicate effectively, and to communicate and comprehend English, is relevant to the Council's obligation to protect the health and safety of the public. This policy should be read in conjunction with the Council's registration application documentation.

Legal context **Health Practitioners Competence Assurance Act 2003 (the HPCA Act)**

The Council is charged with the responsibility under the HPCA Act to protect the health and safety of members of the public by ensuring Chinese medicine practitioners are fit and competent to practise. This responsibility includes the ability to communicate effectively as outlined in section 16 of the HPCA Act which states that no applicant for registration may be registered if:

- a) They do not satisfy the Council that they are able to communicate effectively for the purpose of working within their prescribed scope of practise; or
- b) They do not satisfy the Council that their ability to communicate in and comprehend English is sufficient to protect the health and safety of the public.

While the Council acknowledges that some Chinese medicine practitioners may have a non-English-speaking tangata whai ora¹ base, the HPCA Act recognises English as the main language of communication in the New Zealand health care setting. Therefore, the HPCA Act requires the Council to ensure that any registrant is able to communicate effectively in English and can also comprehend English sufficiently to protect the health and safety of the public. This is not optional for the Council.

How the Council satisfies itself of someone's ability to communicate in and comprehend English *is* at the Council's discretion. Set out below are a number of options practitioners can utilise to demonstrate their competency to communicate in and comprehend the English language.

The Council will consider each application on a case-by-case basis and there may be rare circumstances when its decision is at variance with this policy.

¹ In this document the term 'tangata whai ora' (which means 'a person/s seeking health') has been used instead of the term's patient/client/health consumer/service user. This is to encompass persons who may be engaging with CM in both clinical and/or non-clinical settings.

General context English language proficiency is inclusive of speaking, reading, listening, and writing.

The level of English proficiency required in a healthcare setting is higher than every-day use of the English language, as the consequences associated with miscommunication can jeopardise patient health and safety. For example, without these communication skills the informed consent and active participation of tangata whai ora in their care may be compromised. Language barriers can also interfere with treatment adherence and the use of referral (within and outside of health care), preventative and screening services, further delaying access to timely care, potentially causing poor chronic disease management, which may result in poor health outcomes. Communication in health care also includes the ability to communicate sufficiently for the effective transfer of relevant clinical information between providers, within and outside of the health care setting. Such information transfers are likely to be predominantly in English.

English language proficiency is just one element of the registration application process. Satisfying the Council's English language requirements does not guarantee registration. An application will only be approved once the Council is satisfied that all elements of the application have successfully been met.

Requirements The Council has identified six pathways for registration that applicants can use to demonstrate their proficiency in English.

Pathway 1

The applicant's first/native² language is English.

Pathway 2

The applicant has a higher-level qualification³ from a New Zealand education provider.

Pathway 3

The applicant has a higher-level qualification from an overseas institution where English is the sole language of instruction.

Pathway 4

The applicant has completed at least 12 months full-time equivalent of a postgraduate qualification (certificate, diploma,

²First language (native language/mother tongue) – refers to the language a person learns first, usually from their family.

³ Higher-level qualification: a qualification achieved post-secondary education, generally awarded after a minimum of three- or four-years' study at a tertiary institution, e.g. Polytechnic, University, Private Training Establishment.

masters, or PhD) with a New Zealand tertiary education provider within the five years prior to application.

Pathway 5

The applicant has worked in New Zealand as a Chinese medicine practitioner and ACC Treatment Provider for a minimum of three years cumulatively within the last five years prior to application⁴;

and

The applicant has provided care to some English-speaking tangata whai ora during this five-year period and can provide satisfactory evidence⁵ of these consultations.

Pathway 6

The applicant has achieved the required minimum scores in one of the following English language tests and can meet the requirements for test results specified below:

International English Language Testing System (IELTS) (Academic module):

- Speaking 6.5
- Listening 6.5
- Writing 6.5
- Reading 6.5

Occupational English Test (OET) (any of the health practitioner modules)

A minimum C+ score in each of the four bands (listening, reading, writing and speaking).

Pearson English Language Test (PTE) Academic
Pass the test with a minimum of 58 in each section.

⁴ Three years cumulative practise within the last five years prior to application – those who are unable to meet this requirement due to parental leave, illness, or covid-related hardships may still apply via this pathway. An explanatory note should be included with their application. The Council's Registrar will advise the applicant whether their explanation is satisfactory for the purposes of qualifying via this pathway.

⁵ Satisfactory evidence – please see Appendix 1 to this document.

Test of English as a Foreign Language internet-based test (TOEFL iBT)

- Speaking 22
- Listening 23
- Writing 26
- Reading 23

New Zealand Certificate in English Language (Level 5)(Academic)

Test result requirements:

- Results must be obtained within the three years prior to application and must still be valid at the date registration is approved unless submitted under the Council's *Policy on Grand-parenting*. This is important for applicants to note as some registration processes can take time to conclude.
- Results may be achieved within more than one sitting, but all results must be obtained within the three years prior to application and must still be valid at the date registration is approved unless submitted under the Council's *Policy on Grand-parenting*.
- A certified copy of test results must be provided with the applicant's application.

Further information The Council retains the discretionary power to require any applicant or registered practitioner⁶ to provide proof of English language competence at any time.

The Council will not approve registration where there is any doubt about an individual's ability to communicate clearly in English (writing, speaking, comprehension, reading). Applicants or registrants in this situation will be managed on a case-by-case basis.

The Council reserves the right to make further enquiries by:

- a) Seeking additional information from sources such as educators/employers/nominated colleagues; and/or
 - b) Requiring the applicant to attend an interview with a Council nominated assessor, either remotely (e.g. Microsoft Teams or Zoom) or in person (travel would be at the applicant's expense); and/or
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⁶ Registered practitioner – this policy applies not only to applicants for registration but to current registrants. The Council can require a currently registered practitioner to provide further information concerning their communication abilities and/or to undergo a competence review at any time in accordance with section 36 of the HPCA Act if concerns are raised regarding their ability to communicate to the required standard.

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- c) Requiring the applicant to pass a Council-approved English test (see above test examples).
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Exemption

Applicants may apply to the Council for an exemption from sitting a Council-approved English language test. All exemption requests will be considered on a case-by-case basis and may require an interview with a Council-appointed representative at the applicant's own expense.

An exemption will be considered when the Council is satisfied that all of the following requirements have been met:

1. The applicant is unable to meet the requirements of any of the other pathways to demonstrate English proficiency; and
2. The applicant can provide a genuine explanation as to why they are unable to sit one of the Council-approved English language tests; and
3. The applicant has provided satisfactory references from three senior members of the profession who have observed, and are familiar with, the applicant's English language competency in a clinical setting; and
4. All three referees are registered with the Council and have adequately addressed the applicant's competence in reading, writing, speaking and comprehension in a clinical setting.

Conditions may apply to exemptions granted, such as a period of supervision or review of patient/client records and/or the use of an interpreter.

The Council reserves the right at any time to revoke an exemption and/or require an applicant/registrant to undertake a specified English language test.

Review

It is the Council's intention to review this policy and the associated pathways for demonstrating proficiency of English in two years' time or sooner as needed.

References

Registration application documentation

Policy Approved: May 2023

Date of next review: May 2025

Appendix 1 –

Information for applicants: Providing evidence of your English language skills

The Chinese Medicine Council of New Zealand's (the Council's) *Policy on English Language Requirements* offers six pathways for applicants to demonstrate that they have the necessary English language skills for communicating in and comprehending English sufficiently for the purposes of registration as a Chinese medicine practitioner and to protect the health and safety of the public.

This guide sets out the evidence requirements for each of the pathways.

It is important that you provide accurate information with your application. You will be required to sign a declaration on the application form that the information you have provided is true and correct, including the information you provide about your English language skills. Making a false or misleading declaration may be grounds for the Council to deny registration or to cancel a registrant's registration.

Evidence requirements for each pathway

1. English as a first language

The Council requires that you submit a certified copy of the personal details' page of your passport or a certified copy of your birth certificate.

2. Higher-level qualification from NZ education provider

The Council requires that you submit a certified copy of your qualification and academic transcript. If your qualification was issued in another name, a certified copy of your change of name documentation will also be required.

3. Accepted overseas qualification taught in English

The Council requires that you submit a certified copy of your qualification and academic transcript. If your transcript does not show that the programme of study was taught and assessed solely in English, you will need to arrange a letter to be sent directly to the Council by your education provider confirming this. If your qualification was issued in another name, a certified copy of your change of name documentation will also be required.

4. 12 months FTE of a postgraduate qualification

Postgraduate qualification: The Council requires that you submit a certified copy of your academic transcript. If your transcript was issued in another name, a certified copy of your change of name documentation will also be required.

5. Continuous work + English-speaking tangata whai ora

Cumulative work: The Council requires that you submit two separate pieces of evidence for each claimed year of practice. Evidence can include:

- Copies of taxation records
- Copies of ACC levy invoices
- Copies of APCs issued, or annual membership confirmation issued by Acupuncture New Zealand or the New Zealand Acupuncture Standards Authority
- Copies of professional indemnity insurance cover confirmation/invoices

- Copies of attendance confirmation from continuing professional development events specific to Chinese medicine
- Written statement from employer confirming period of employment and capacity.

English-speaking tangata whai ora: The Council requires that you submit 5 de-identified⁷, certified⁸ copies of real clinical records. Each record/file must be in English and contain at least the following information:

- Date/s of consultation
- First name of tangata whai ora only
- Ethnicity
- Presenting condition
- Treatment provided.

6. Satisfactory pass in an approved English language test

The Council requires that an applicant submit a certified copy of their test result/certificate (as applies) or that test results be submitted directly to the Council by the test provider. Results must be obtained within the three years prior to application and must still be valid at the date registration is approved unless submitted under the Council's *Policy on Grand-parenting*. Results may be achieved within more than one sitting, but all results must be obtained within the three years prior to application and must still be valid at the date registration is approved unless submitted under the Council's *Policy on Grand-parenting*.

Exemption pathway

References: The Council requires that an applicant's three referees submit their references attesting to the applicant's abilities directly to the Council using the Council's approved reference template available on the Council's website.

⁷ De-identified: Identified data contains personal identifiers such as names, exact dates of birth, and specific addresses etc. De-identified data has had personal identifiers removed. Practitioners need to de-identify the data before having it certified to ensure they do not breach the Privacy Act 2020.

⁸ Certified: A certified copy is a copy of a primary document, that has on it an endorsement or certification that it is a true copy of that primary document. It does not certify that the primary document is genuine, only that it is a true copy of the primary document. The Council accepts copies certified by a Justice of the Peace, a Commissioner of Oaths, a Notary Public, a person enrolled as a solicitor or barrister of the New Zealand High Court or a District Court, a Registrar or Deputy Registrar of the Supreme Court, a NZ Police Officer (Snr Sergeant or above), a Registrar or a Deputy Registrar of the Court of Appeal, or the Registrar of the Chinese Medicine Council of New Zealand. Please ensure that any certification (including any certification stamp content) is in English, to avoid having to get the certification officially translated.