

## **Continuing Professional Development (CPD) Policy for Chinese Medicine Practitioners**

### **Overview**

The Chinese Medicine Council of New Zealand (The Council) is charged under the Health Practitioners Competence Assurance Act 2003 (The Act) to protect the health and safety of the public by ensuring that Chinese Medicine (CM) practitioners are fit and competent to practise their profession.

Among other responsibilities set out in section 118 of the Act, the Council must recognise, accredit, and approve prescribed programmes to ensure the ongoing competence of CM practitioners. To meet this obligation, the Council has set a CPD Policy under section 41(3)(f) of the Act. Completing CPD is one part of recertification. Recertification is the annual process of ensuring each practitioner meets the required standard of competence as a prerequisite to the granting of an Annual Practising Certificate (APC).

CPD includes, and is not limited to, learning, and developing new skills in clinical, managerial, social, ethical, cultural, and personal fields, that are used in the safe practice of Chinese medicine in New Zealand. It is up to each individual CM practitioner to meet the Council's requirements and determine those activities which best enhance their knowledge and skills for the benefit of themselves and their practice.

### **Core requirements**

A CM practitioner is required to maintain their competency in CM practice. Consequently, participation in CPD is mandatory for all registered CM Practitioners who hold an APC, regardless of their practice setting, employment status, or number of hours worked. All registrants are encouraged to undertake more comprehensive CPD than the mandatory requirements set out in this Policy.

This Policy is designed to accommodate registrants working in all fields of practice including education, research, management, and clinical practice. The objective is to ensure registrants engage in CPD activities which will influence and enhance their practice, and its requirements run in conjunction with the Practising Year, from 1 April to 31 March of the following year.

**All registrants must engage in a minimum of 22 hours/points of CPD each year of registration which includes a minimum of 2 hours of cultural safety/cultural competence (1-point equates to 1 hour of learning).** CPD should align with a registrant's self-assessment as measured against the Council's competencies, standards, and policies. The CPD undertaken by registrants with more than one scope of practice must include some content relevant to each scope in which they are registered. Registrants must also adhere to the clinical competency 'Maintain currency in first aid certification relevant to safety in clinical practice', and as such, hours spent completing mandatory first aid certification may be included as CPD.

Recording of CPD activities may be through the Council provided templates, or any other Council approved means, such as a word document or excel spreadsheet. The Council requires that all

registrants keep their supporting evidence for a minimum of three years, so it is available during a CPD Audit which forms part of the recertification process.

A declaration relating to completion of CPD requirements will form part of the annual APC application process. If the registrant is unable to meet the CPD requirements, then they must provide an explanation to the Registrar, including how the requirement will be met, and the time frame. Failure to satisfy the Programme requirements may result in the Council altering a practitioner's scopes of practice or imposing conditions on their scope/s. In cases, where a practitioner continually fails to comply, suspension of their registration may occur. This is further detailed below. Under section 172 of the Health Practitioners Competence Assurance Act 2003; it is an offence for any registrant to make a false declaration, such as relating to the completion of their yearly CPD cycle.

## CPD Audit for Recertification

The Council will monitor compliance through an annual audit of a random sample of 20% of CM registrants and their CPD evidence. The selected registrants will be notified by the Council, by email. In response to the Audit, selected registrants will submit their record of CPD activities and supporting evidence for the previous three practising years.

For the first three years of statutory regulation under the Act (2023-2025), only the previous 12 months of CPD activities will be audited.

## CPD Activity Record

Any completed CPD activity requires a registrant to produce evidence of participation in the activity with the details of content and hours, a written reflection on the topic, its benefit to practice, and the learning gained. It is acceptable for the presenter of the activity to provide the registrant with written confirmation (such as an email) of attendance. A reflection can also act as evidence that the registrant has completed the activity if no other form of evidence is possible, as with the case with some self-directed learning.

## Non-practising registrants, exemptions, and pro-rata requirements

A CM practitioner on the **non-practising register**, is not required to participate in CPD and is ineligible for the Recertification Audit. If, however, a non-registrant intends to return to practice then it is recommended that they maintain some level of CPD activity during their non-practising period. When a former registrant returns to practice, after three or more years absence from the profession, then their relevant CPD activities (undertaken during non-registration) will be assessed as part of the APC application process.

Under exceptional circumstances that limit the registrant's ability to meet requirements (including planned or parental leave), the Council may consider an exemption request from some or all CPD requirements. Any request for an exemption should be made as soon as the individual registrant becomes aware that they may have difficulty meeting these requirements. The 22-point requirement will be calculated pro rata for new registrants who join within an APC cycle.

## Failure To Complete the required CPD

When a registrant cannot produce adequate CPD evidence when requested, the Council will treat this as non-compliance.

Failure may occur on one or more levels:

- I. The registrant is unable to provide evidence to support the minimum number of formally required CPD hours; and
- II. The registrant has not recorded sufficient participation in relevant CPD activities, relating to their role as a CM registrant.

Registrants who do not meet their CPD obligations for recertification purposes will be assisted to comply through a graduated series of responses, that are proportionate to the degree of non-compliance:

- If the registrant declares that they have not met a requirement, they will be offered the opportunity to explain their circumstances and provide the steps required to achieve compliance;
- If the Council is not satisfied with the registrant's explanation, or the steps proposed to remedy noncompliance, the registrant may be contacted to provide more information to the Council or may be directed to undertake a CPD audit. In either of those situations the Council may require the registrant to take further compliance steps, such as participating in specific or additional CPD; and
- If these further steps are not completed voluntarily, the Council can make them mandatory by setting an individual CPD/recertification programme under section 41 of the Health Practitioners Competence Assurance Act 2003, that requires the registrant to complete specified CPD activities.

If necessary, the Council can use their powers under section 43 of the Health Practitioners Competence Assurance Act 2003 to limit a practitioner's practice, in the interests of public safety, until they are satisfied that the registrant has met the recertification programme requirements and is competent to work within their scope of practice:

- I. The Council can place a condition/s on a registrant's scope of practice until CPD/recertification requirements are addressed, including supervision by another appointed practitioner of the Council's choosing;
- II. If the condition/s do not achieve the required outcome, the Council can restrict the health services that the practitioner is permitted to perform; and
- III. If all else fails, the Council can suspend the practitioner's registration.

## Relevant Legislation

### **Health Practitioners Competence Assurance Act 2003: Section 43 Unsatisfactory results of Recertification programme**

- (1)** **If a health practitioner who** is required to complete a competence programme or a recertification programme does not satisfy the requirements of the programme, the responsible authority may make either of the following orders:
- (a) that the health practitioner's scope of practice be altered—
    - (i) by changing any health services that the practitioner is permitted to perform; or
    - (ii) by including any condition or conditions that the authority considers appropriate:
  - (b) that the practitioner's registration be suspended.
- (2) If the authority proposes to make an order under subsection (1), it must give to the health practitioner concerned—
- (a) a notice stating—
    - (i) why the authority proposes to make the order; and
    - (ii) that he or she has a reasonable opportunity to make written submissions and to be heard on the matter, either personally or by his or her representative; and
  - (b) a copy of any information on which the authority is relying in proposing to make the order.
- (3) The notice under subsection (2)(a)(i) must contain sufficient detail to inform the person clearly of the particular grounds for the proposal to make the order.
- (4) Any order made under subsection (1) remains in effect until the health practitioner concerned has satisfied all the requirements of the competence programme or, as the case requires, the recertification programme, and for that purpose the authority may, on the application of the practitioner, extend the period within which the practitioner is required to satisfy those requirements.
- (5) The failure of a health practitioner to satisfy the requirements of any competence programme or recertification programme that applies to the health practitioner is not, of itself, a ground for taking disciplinary action under Part 4 against that health practitioner.
- (6) Subsection (2)(b) is subject to section 154.

### **Section 172 False declarations and representations**

Every person commits an offence and is liable on conviction to a fine not exceeding \$10,000 who, for any purpose relating to this Act, either on his or her own behalf or on behalf of any other person, —

- (a) either orally or in writing, makes any declaration or representation that, to his or her knowledge, is false or misleading in any material particular; or

- (b) produces to an authority, the Tribunal, or a professional conduct committee, or makes use of, any document knowing it to contain any declaration or representation of that kind; or
- (c) produces to an authority, the Tribunal, or a professional conduct committee, or makes use of, a document knowing that it is not genuine.