



## Policy on Recency of Practice

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<b>Purpose</b>	<p>The purpose of this policy is to protect the health and safety of the public by ensuring that Chinese medicine practitioners who have not practised recently are safe to practice.</p>
<b>Legal context</b>	<p><b>Health Practitioners Competence Assurance Act 2003 (the HPCA Act)</b></p> <p>Section 27 of the HPCA Act requires that if a Chinese medicine practitioner has not held an annual practising certificate (APC) of a kind sought by the applicant, or has not lawfully practised the profession within the three years immediately preceding the date of application, the Registrar of the Council must submit the application to the Council for its consideration. This includes situations where a Chinese medicine practitioner:</p> <ul style="list-style-type: none"><li>• Has continued to reside in New Zealand but has not practised in the previous three or more years, or</li><li>• Has been practising in a jurisdiction that does not regulate the practice of Chinese medicine in the previous three or more years.</li></ul> <p>Under sections 28 and 29 of the HPCA Act, the Council may include conditions in the Chinese medicine practitioner’s scope of practice in order to be satisfied that the practitioner meets the required standard of competence. If the Council is not satisfied of their competence, the Council can decline the application.</p> <p>This policy outlines, in general terms, how the Council will apply the above sections of the HPCA Act.</p> <p>Conditions applied under section 29 may vary according to the time the practitioner has been out of practice. The practitioner must be able to supply the Council with a declaration advising of the last period of work within the scope of practice applied for.</p>
<b>General context</b>	<p>The Council is required to determine the minimum level of competence required for a Chinese medicine practitioner to practise safely within a specified scope of practice.</p> <p>This level of competence is defined within the minimum standards set by the Council in its:</p> <ul style="list-style-type: none"><li>• <i>Standards of Clinical Competence for Chinese Medicine Practitioners</i></li><li>• <i>Standards of Cultural Safety and Cultural Competency for Chinese Medicine Education and Practice</i></li><li>• <i>Standards of Professional Conduct for Chinese Medicine Practitioners.</i></li></ul>

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**Who does this policy apply to?** This policy applies to:

1. All applicants for an APC who have not practised in three years, and/or held an APC within the three years immediately preceding the date of the application.

This includes situations where a Chinese medicine practitioner:

- Has continued to reside in New Zealand but has not practised Chinese medicine in the past three or more years, or
  - Has been practising outside of New Zealand in a jurisdiction that does not regulate the practice of Chinese medicine, in the previous three or more years.
2. Graduates from New Zealand or overseas who apply for their first APC 12 months or more after graduating. Graduates who apply for their first APC within 12 months of graduating will not need to meet the requirements of this policy.

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**Requirements**

1. 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.
  2. When determining whether an applicant meets the required standard of competence, the Council will take the following into consideration:
    - a) The applicant's training, experience and any formal qualifications (including when the applicant undertook their relevant qualifications);
    - b) The length of time away from practice;
    - c) The appropriateness and extent of any continuing professional development (CPD) undertaken by the applicant, including any evidence the applicant has kept up to date with contemporary practice and advances in the scope of practice concerned;
    - d) The nature and extent of any practise outside New Zealand of the applicable scope of practice by the applicant;
    - e) The nature and extent of any research, study or teaching relating to the applicable scope of practice, undertaken by the applicant;
    - f) The nature and extent of any managerial, advisory and administrative work, relating to the applicable scope of practice performed by the applicant;
    - g) The extent of prior experience, by the applicant, in a Chinese medicine scope of practice other than which they are applying for;
    - h) Whether the applicant meets the fitness to practise requirements as specified in the HPCA Act;
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- i) Any declared health condition(s), disciplinary or competency issues or civil or criminal proceedings which may affect the applicant's fitness or competence to practise;
  - j) Any other relevant factors.

Applicants will be asked to provide relevant documentation to support their application when submitting the application online. Relevant documentation could include but is not limited to:

- A declaration advising the Council of the last period of work within the scope of practice applied for;
- Explanation regarding what they have been doing during the period since they last practised (i.e. recovering from illness, travel, parental leave etc.);
- A copy of their up-to-date CV;
- Information regarding any CPD undertaken since they last practised
- A plan regarding how the applicant intends to reacclimatise to practise, CPD they intend to undertake, conferences they may have registered to attend, peer review with colleagues etc;
- Any other documentation or explanations that may provide the Council with assurance of the applicant's competence to return to practise.

Recent graduates, who apply for registration and their first APC beyond 12 months of graduating will have their applications considered on a case-by-case basis by the Council and will be required to submit the following with their registration application:

(a) Details of participation in activities undertaken to update and enhance professional skills, including details of whether they have participated in a graduate recertification programme;

(b) A detailed history of employment, including places and dates of employment, responsibilities, and working hours per week;

(c) Details of any practice of the applicable scope of practice overseas (if applicable);

(d) When determining whether the applicant meets the required standard of competence the Council shall take into consideration activities detailed in 2.

The Council may request additional documentation or clarification from the applicant in order to reach a decision on their application.

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## Outcomes

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<b>Conditions on scope of practice</b>	In order to satisfy itself that an applicant is competent to be issued with an APC, the Council may propose to include one or more new conditions in
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the applicant's scope of practice or may vary existing conditions in their scope of practice.

If the Council proposes to include new or varied conditions in a practitioner's scope of practice, the applicant will be advised of the proposal and provided with a notice containing enough information to clearly understand the grounds on which the Council is making the proposal. The practitioner will also be provided with a copy of the information the Council has relied upon in making the proposal. A reasonable opportunity to make submissions and be heard on the proposal, either personally or by their representative, will be provided before a final decision is made.

Examples of possible conditions may include:

- A requirement to practise under supervision for a period of time.
- A requirement to undertake certain specified CPD or a certain amount of CPD within a specified period.
- A requirement to undergo a clinical record audit after a period of time in practice.
- A requirement to enter into a collegial relationship<sup>1</sup> with a senior member of the profession<sup>2</sup> for a period of time.

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**Removal of conditions on scope of practice**

Conditions may be removed from a practitioner's scope of practice if the Council is satisfied that the purpose for which they were imposed has been satisfied and/or the Council is satisfied that the practitioner is able to practise competently and safely without conditions.

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**Proposal to decline application**

Where the Council considers that no conditions will ensure the competent practise of the applicant, a proposal to decline the application will be made.

The practitioner will be advised of the proposal and provided with a notice containing enough particulars to inform the applicant clearly of the substance of the grounds on which the Council is making the proposal. The practitioner will also be provided with a copy of the information the Council has relied upon in making the proposal. A reasonable opportunity to make submissions and be heard on the proposal, either personally or by their representative, will be provided before a final decision is made.

Following consideration of any submissions from the practitioner, if a final decision is made to decline the application, the Council will advise the practitioner of the decision, including its reasons for it and any

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<sup>1</sup> A collegial relationship is a peer mentoring relationship whereby a peer supports you as you return to practise and helps guide and facilitate your planning for continuing learning and reflective practise. Your peer will act as a role model, a sounding board, a resource in times of difficulty, and help you in any way they can to transition back to practice and enhance your professional skills and personal development.

<sup>2</sup> A senior member of the profession is someone who has been a member of an approved New Zealand Chinese Medicine organisation for at least 5 years.

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recommended steps the practitioner can take in order to have an application approved in the future.

The Council will also advise the practitioner of their right to appeal the decision to the District Court in accordance with section 106 of the HPCA Act, and the time within which an appeal must be lodged.

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**Transition back to practice**

After an extended time out of practice, it can take time to reacclimatise. Irrespective of any conditions that may be imposed on a practitioner in accordance with this policy, the Council may make one or more recommendations to each practitioner of ways that they can smooth their transition back to practice. This may include:

- Attending Council-approved or nominated refresher courses
- Undertaking specific continuing professional development activities or attending certain events
- A period of mentoring
- A period of supervised practice
- Other recommendations as may be appropriate based on the circumstances of the practitioner.

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**Policy approved**

July 2023

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**Review**

It is the Council's intention to review this policy in three years' time or sooner as needed.

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**References**

*Standards of Clinical Competence for Chinese Medicine Practitioners*

*Standards of Cultural Safety and Cultural Competency for Chinese Medicine Education and Practice*

*Standards of Professional Conduct for Chinese Medicine Practitioners*

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**Acknowledgments**

The Council would like to thank its fellow health regulators for their assistance in developing this policy.

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