

## **Opening Statement by Ms. Deirdre Walsh, Principal Officer Department of Health to the Joint Committee on Health 24<sup>th</sup> October 2018**

### **Motions proposing that both Houses of the Oireachtas approve draft Regulations to be made by the Minister for Health**

Chairman and Members of the Committee

I want to begin by thanking the Chairman and the committee for inviting us here today to talk about the draft Regulations to be made by the Minister for Health to protect the title of physical therapist as a variant of physiotherapist. I would like to introduce myself and my colleague. I am Deirdre Walsh, Principal Officer, Professional Regulation Unit. The Unit forms part of the National HR Division of the Department of Health. I am joined by my colleague, Aidan Tumbleton, Assistant Principal Officer.

### **Regulations**

The Houses of the Oireachtas are being asked to approve the following Regulations in draft:

#### **Health and Social Care Professionals Act 2005 (Section 95(3)) (Variation of title: Physical Therapist) Regulations 2018**

### **Background**

These regulations are being made pursuant to the Health and Social Care Professionals Act 2005. The Act provides for the protection of the public by promoting high standards of professional conduct, education, training and competence through statutory registration of the health and social care professionals designated under the Act.

Regulation under the Act is primarily by way of registration of practitioners and the statutory protection of professional titles. The use of protected titles is restricted to practitioners granted registration under the Act. Registrants must comply with a code of professional conduct and ethics and are subject to “fitness to practice” rules similar to those applying to nurses, midwives and doctors. The structure of the system of statutory regulation comprises registration boards for the professions, a committee structure to deal with disciplinary matters, and the Health and Social Care Professionals Council with overall responsibility for the regulatory system. These bodies are collectively known as CORU.

The Act prohibits a person whose name is not on the register from using the title of a designated profession and provides that CORU may initiate a criminal prosecution summarily to enforce the prohibition on a designated title's misuse.

### **Prescription of title of physical therapist variant title of physiotherapist**

The title of physiotherapist is currently specified under Section 79 of the 2005 Act for the exclusive use of qualified professionals registered with the Physiotherapists Registration Board.

The Physiotherapists Registration Board first met in June 2014. One of the first items on its agenda was protection of title and how best to address the question of protecting the title of physical therapist. In other English-speaking countries, physiotherapists often use the title of physical therapist interchangeably with that of physiotherapist. However, in Ireland, in the absence of regulation and of title protection, the title of physical therapist has been used by other providers of musculoskeletal therapies practising in the private sector.

Those currently using the title of physical therapist are predominately members of the Irish Association of Physical Therapists. This association has approximately 300 members, most of whom are degree level graduates of the Institute of Physical Therapy and Applied Science in Dublin. Like physiotherapists, graduates of this Institute provide musculoskeletal therapies. Physiotherapists, however, are also trained to provide cardio/respiratory and neurological therapies.

In 2016 the then Minister for Health, Leo Varadkar, concluded extensive consultations with the registration board and other relevant organisations concerning the protection of title. He decided that protecting the title of physical therapist under the Act as a variant of the title of physiotherapist would be the best way to eliminate the risk of title confusion and the consequent risks to public safety.

The Physiotherapists Registration Board established its register on 30th September 2016. The two year transitional period ended in September 2018, at which time entitlement to use the title of physiotherapist was confined to members of the register.

### **Legal position**

The Health and Social Care Professionals (Amendment) Act 2017, provided for the registration in the register of physiotherapists, on a once off basis and for a limited period of time (ending December 2018) of certain qualified users of the title physical therapist and

facilitates the Minister in making Regulations to prescribe the title physical therapist as a variant title of physiotherapist.

Section 95(3) of the Health and Social Care Professionals Act 2005 Act provides that the Minister for Health, after consulting the Registration Board of a designated profession and any organisations that he or she considers appropriate, may, by regulation prescribe one or more than one title that is a variant of the title designated in the Act for the profession.

Section 95(7) provides that a regulation may be made under subsection (3) only if—

(a) draft of the proposed regulation has been laid before the Houses of the Oireachtas, and

(b) a resolution approving the draft has been passed by each House.”

The effect of prescribing the title of physical therapist as a variant of the title of physiotherapist will be to protect both titles under the Act by confining their use solely to registrants of the Physiotherapist Registration Board.

### **Next steps**

The Regulation was laid before both Houses of the Oireachtas in June this year. The motions to approve the regulation were moved in both houses on October 16<sup>th</sup>. It is proposed that the regulation will come into operation in December 2018.

I am happy to take questions.