

INQUIRY INTO THE NATIONAL REGULATORY SCHEME FOR THE HEALTH PROFESSIONS

Input from the Australian Psychological Society's College of Organisational Psychologists

LEGAL AND LEGISLATIVE ISSUES AND DILEMMAS IN THE REGULATION OF "BEYOND HEALTH CARE" PSYCHOLOGISTS

Definitional Problems:

The legislative definition of all psychologists as "health professionals" providing "health care services" is, in our view, most confusing to the public (turning back the public education clock to reinforce the old misperception of Psychology as akin to psychiatry), unacceptable to us (including on ethical grounds), meaningless to our clients, and quite dysfunctional for registration, course accreditation and workforce planning purposes in our areas.

Thus we have major concerns about being regulated under the rubric of "health professional".

There are multiple legal definitions of the terms "health professional", "health care" and "health service", depending on the relevant pieces of legislation and their purposes. But whatever they may be, none sensibly applies to "beyond health care" psychologists and their services. Even the new Act (the Health Practitioner Regulation (Administrative Arrangements) National Law Bill 2008) does not remedy this ambiguity. It refers frequently to "health practitioners" and "health services", without defining them usefully. "Psychology" is designated as a "health profession", but this does not necessarily mean that all of Psychology is so defined, or (more significantly) that all psychological services will be interpreted by the Health Care Complaints Commissioners or external tribunals as "health care".

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At least one Health Care Complaints Commissioner (Tasmania) has reportedly rejected a complaint about grief counselling on the valid grounds that grief is a normal human experience, not a health defect requiring "health care". This was so despite the relatively broad approach taken there to "health" matters.

What would be a Health Care Complaints Commissioner's view (or an external health practitioner tribunal's view) about the acceptability of a complaint concerning (for example) the redesign of work systems using Socio-Technical System concepts and methods, if an individual service to a bereaved person is not considered a "health service"?

Given the apparent legal ambiguities concerning what is a health service, this company adopts the best advice available as at July 2010, namely that of the Queensland Health Quality and Complaints Commission Act 2006 which, in the opinion of the College of Organisational Psychologists of the Australian Psychological Society is the 'most careful and recent attempt at definition and listing of "health service", "health service provider"

¹The term Organisational Psychology also encompasses Industrial and Occupational Psychology.