

## **Chinese Medicine Council (Scopes of Practice and Prescribed Qualifications) Notice 2023**

### **Commencement**

This notice is given pursuant to sections 11 and 12 of the Health Practitioners Competence Assurance Act 2003 (“HPCA Act”) and comes into effect on 29 May 2023.

### **Introduction**

The Chinese Medicine Council of New Zealand (“Council”) is responsible under the HPCA Act for the registration of Chinese Medicine practitioners. Defining and regulating the scopes of practice for Chinese medicine services is an important foundation of the Council’s operating framework.

### **Background and Definition of the Practice of Chinese Medicine**

Chinese medicine is a system of primary health care, encompassing a range of therapeutic interventions (or treatment modalities). Chinese medicine practitioners provide an evidence-informed service, drawing on the Chinese medicine framework to assess, improve, protect, and manage the physical and/or mental health and well-being of tangata whai ora. In this document the term ‘tangata whai ora’ (which means ‘a person/s seeking health’) has been used instead of patient/client/health consumer/service user. This is to encompass persons who may be engaging with Chinese medicine in both clinical and/or non-clinical settings.

An evidence-informed approach to practice can be defined as the integration of research evidence, alongside practitioner expertise and clinical experience, and the experience of the tangata whai ora who are using the health care service. This type of approach allows for innovation and adaptation based on factors and context at individual, organisational, and service levels, while reducing inherent biases.

Chinese medicine practitioners predominantly work in the private sector, including practising with other healthcare professionals in multidisciplinary centres. The nature of Chinese medicine practice, and the way practitioners’ work may change as health workforce roles evolve and new roles emerge. Chinese medicine practice therefore is any role in which the practitioner uses their skills and knowledge as a Chinese medicine practitioner and as such, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with the public, working in management, administration, education, research, advisory, regulatory or policy development roles and any other roles that have an impact on safe, effective delivery of Chinese medicine.

### **Scopes of Practice and Prescribed Qualifications**

The HPCA Act requires the Council to describe ‘scopes of practice’ to define the areas of Chinese medicine and specialties that make up the practice of Chinese medicine services in New Zealand. Under the HPCA Act, every practitioner is registered within one or more scopes of practice. The services a Chinese medicine practitioner can perform in New Zealand is defined by the scope/s of practice in which they are registered.

The Council identifies what each scope of practice covers and determines the qualifications a practitioner must have to be eligible to attain registration in each of these scopes. This means practitioners are registered within one or more defined scopes of practice within the Chinese medicine profession.

Regardless of seniority, all individuals applying to be registered as a Chinese medicine practitioner must:

- hold a prescribed qualification for registration in the relevant scope of practice; and
- be considered fit for registration; and
- be competent to practise in their designated scope of practice (clinically, ethically, and culturally).

Under section 11 of the HPCA Act, the Council has specified the following scopes of practice for Chinese medicine services:

- Scope of practice – Chinese medicine practitioner (acupuncturist)
- Scope of practice – Chinese herbal medicine practitioner
- Scope of practice – Chinese massage (tuina) practitioner
- Scope of practice – Chinese medicine specialist
- Scope of practice – Chinese medicine special purpose

The content of each scope of practice is set out below.

#### **Scope of Practice – Chinese Medicine Practitioner (Acupuncturist)**

Chinese medicine practitioners have majored in acupuncture and associated techniques. They have the knowledge, skills and attributes a competent registered practitioner requires to practise acupuncture and associated techniques. They utilise the principles and theories of Chinese medicine to provide a variety of services to individuals and populations to develop, maintain, restore, and optimise health and function throughout their lifespan. This includes

providing services to those who are compromised by ageing, injury (including mental injury), disease, or environmental factors. A Chinese medicine practitioner provides tangata whai ora with a range of preventive and intervention methods using the principles of evidence-informed practice and empirical research. Chinese medicine supports quality of life and health promotion through illness and disease prevention and treatment/intervention. This encompasses physical, psychological, emotional, and social well-being.

Chinese medicine practitioners work within the limits of their own professional expertise and competence and ensure that all health services they provide are consistent with their education and skill level.

**Scope of Practice - Chinese Herbal Medicine Practitioner**

Chinese herbal medicine practitioners have majored in herbal medicine and have the knowledge, skills and attributes a competent registered practitioner requires to practise Chinese herbal medicine. A practitioner trained in Chinese herbal medicine takes a history, diagnoses, and treats by prescribing, compounding or formulating, dispensing, and administering individualised Chinese herbal formulae or medicines in accordance with the theory and philosophy of Chinese medicine. A Chinese herbal medicine practitioner provides tangata whai ora with a range of preventive and intervention methods using the principles of evidence-informed practice and empirical research.

Chinese herbal medicine practitioners work within the limits of their own professional expertise and competence and ensure that all health services they provide are consistent with their education and skill level.

**Scope of Practice - Chinese Massage (Tuina) Practitioner**

Chinese massage practitioners have majored in tuina and have the knowledge, skills and attributes a competent registered practitioner requires to practise tuina. Tuina practitioners use the theory and philosophy of Chinese medicine to diagnose conditions and treat tangata whai ora. Tuina is an external treatment method suitable for use on people of all ages and includes the practice of specific Chinese medical manipulations and bone setting techniques. Practitioners performing Chinese medical manipulation and bone setting techniques must work within the limits of their own professional expertise and competence and are accountable for ensuring that all health services they provide are consistent with their education and skill level.

**Scope of Practice - Chinese Medicine Practitioner - Specialist**

Specialist registration is an additional registration held in conjunction with another CM scope. It recognises CM practitioners with Council approved post-graduate qualifications, or clinical expertise, in a specific practice area recognised as a specialty area by the Council. The practitioner will demonstrate competence in a relevant area of academic achievement and/or clinical practice above the level of an undergraduate qualification and is recognised as a specialist in their designated field of expertise. The Council has recognised the following specialist areas of Chinese medicine practice:

- women’s health;
- mental health;
- paediatrics;
- dermatology;
- musculoskeletal;
- pain;
- neurology;
- oncology;
- education; and
- research.

The Council can use its discretion on a case-by-case basis if an applicant wants to apply to be a Chinese medicine specialist in a defined field of practice that is not on this list.

A practitioner registered in the specialist scope of practice will have their recognised specialty area(s) recorded in their scope of practice (e.g., “Chinese Medicine Practitioner – Specialist (women’s health)”).

**Scope of Practice - Chinese Medicine Special Purpose**

Special purpose registration is a time-limited registration for a specific purpose approved by the Council. Temporary time-limited registration for a specific purpose may include short term teaching contracts; clinical supervision; post-graduate training; research; short term locum work; or working in an emergency or other short-term situation to provide essential Chinese medicine services e.g., pandemic, or national disaster.

The purpose of this scope is to create a mechanism to allow competent Chinese medicine practitioners and academics to carry out specific tasks without requiring full registration with the Council. This scope does not apply to visiting presenters whose training is aimed at registered practitioners. Special purpose registration will restrict the activities of the applicant solely to those activities defined and approved by the Council. The approved activities, and the time-limit on the special purpose registration, will be recorded in each special purpose practitioner’s scope of practice. Special purpose practitioners cannot practise outside of their approved activities and must inform the Council as soon

as practicable if their special purpose activities cease or change in any way.

Special purpose registration is **not** a pathway to permanent general or specialist registration. Entry on the Register is cancelled after the fixed time-period determined by the Council on a case-by-case basis.

### **Prescribed Qualifications**

The Council is responsible for prescribing the qualifications required for registration in the scopes of practice within the Chinese medicine profession.

One of the Council's functions includes accrediting and monitoring degrees, courses of studies, or programmes and the educational institutions that provide them (section 118(a) of the HPCA Act). The Council is yet to accredit any New Zealand-based Chinese medicine qualifications. It has, however, prescribed certain New Zealand qualifications until such time as the Council accreditation processes have been formalised. It is anticipated that accreditation may take up to two years.

The Council has made provision for individuals currently practising Chinese medicine in New Zealand via a grand-parenting pathway detailed within the Council's *Policy on Grand-parenting*. This is a transitional pathway that allows some Chinese medicine practitioners to register with a regulator and continue to practise their profession before implementation of new rules and regulations take full effect. Registration via the Council's Grand-parenting pathway and *Policy on Grand-parenting* will be available for a period of 12 months only following the opening of registration unless this period is extended by the Council.

Under Section 12 of the HPCA Act, the Council has prescribed the following qualifications for registration in the following scopes of practice:

#### **Chinese Medicine Practitioner (Acupuncturist)**

All applicants must:

- a) Hold a Bachelor of Health Science majoring in Acupuncture (Level 7) from the New Zealand School of Acupuncture and TCM or the New Zealand College of Chinese Medicine.

OR

- b) Hold a 4-year Bachelor of Health Science in Acupuncture and Chinese Herbal Medicine (level 7) from the New Zealand College of Chinese Medicine.

OR

- c) Have their qualification assessed by the Council for persons holding a Chinese medicine qualification gained overseas and, at the Council's discretion, obtain a pass in a competency-based assessment set by the Council.

OR

- d) Qualify for registration via the grand-parenting pathway as outlined in the Council's Policy on Grand-parenting.

#### **Chinese Herbal Medicine Practitioner**

All applicants must:

- a) Hold a 3-year Bachelor of Health Science majoring in Chinese herbal medicine (Level 7) from the New Zealand College of Chinese Medicine.

OR

- b) Hold a 4-year Bachelor of Health Science in Acupuncture and Chinese Herbal Medicine (level 7) from the New Zealand College of Chinese Medicine.

OR

- c) Hold a Graduate Diploma in Health Science (Chinese Herbal Medicine) (Level 7) from the New Zealand School of Acupuncture and TCM.

OR

- d) Hold a Master of Chinese Medicine from the New Zealand College of Chinese Medicine.

OR

- e) Have their qualification assessed by the Council for persons holding a Chinese medicine qualification gained overseas and, at the Council's discretion, obtain a pass in a competency-based assessment set by the Council.

OR

- f) Qualify for registration via the grand-parenting pathway as outlined in the Council's Policy on Grand-parenting.

#### **Chinese Massage (Tuina) Practitioner**

All applicants must:

- a) Hold a 2-year Diploma in Tuina (Level 7) from the from the New Zealand School of Acupuncture and TCM or the New Zealand College of Chinese Medicine.

OR

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b) Hold a Graduate Certificate in Health Sciences (Tuina Massage Therapy) (Level 7) from the New Zealand School of Acupuncture and TCM.

OR

c) Have their qualification assessed by the Council for persons holding a Chinese medicine qualification gained overseas and, at the Council's discretion, obtain a pass in a competency-based assessment set by the Council.

OR

d) Qualify for registration via the grand-parenting pathway as outlined in the Council's Policy on Grand-parenting.

### **Chinese Medicine Practitioner: Specialist**

All applicants must hold registration within one or more of the following scopes of practice:

- i. Scope of practice - Chinese medicine practitioner (acupuncturist)
- ii. Scope of practice - Chinese herbal medicine practitioner
- iii. Scope of practice - Chinese massage (tuina) practitioner

AND

a) Have at least five years of post-qualification clinical and/or research experience with at least three years of experience relevant to the nominated area of specialist Chinese medicine practice;

AND

b) Hold a Council approved postgraduate qualification in a specific practice area recognised as a specialty area by the Council that is relevant to clinical and/or non-clinical Chinese medicine practice;

OR

c) Have demonstrated competence and education beyond the level of a general scope Chinese medicine practitioner in a specific practice area recognised as a specialty area by the Council that is relevant to clinical and/or non-clinical Chinese medicine practice.

### **Chinese Medicine: Special Purpose**

All applicants must:

Provide evidence of the special purpose activity (for example an invitation to teach or research proposal with sufficient information to detail the tasks or activities to be performed; where they are to be performed; and the time-frame); and details of any anticipated patient contact, and an appropriate risk assessment and management plan.

AND

a) Be registered, and in good standing, with an overseas Chinese medicine regulatory authority (where such arrangements are in place);

OR

b) Hold a Chinese medicine qualification which is assessed by Council to be applicable to the Chinese medicine scopes of practice, and relevant to the special purpose registration application;

OR

c) Be able to provide evidence assessed by Council to be relevant to the Chinese medicine scopes of practice, of achievements in research/scholarship or teaching either by publication or educational experience.

### **Explanatory Note**

The Council was established as a Responsible Authority (RA) under the HPCA Act on 1 November 2021 to regulate Chinese medicine services in New Zealand. This is the first Scopes of Practice and Prescribed Qualifications Notice issued by the Chinese Medicine Council in preparation for the opening of registration for Chinese medicine practitioners.

On 3 February 2023, the Council consulted publicly on proposed scopes of practice and prescribed qualifications with practitioners, practitioner representative bodies, members of the public, and other relevant stakeholders.

54 submissions were received by the consultation deadline of 17 March 2023, from individual practitioners, practitioner representative bodies, the Ministry of Health, the Health and Disability Commissioner, the Accident Compensation Corporation, and other relevant stakeholders. Feedback received was largely positive and offered constructive and industry relevant feedback that the Council was able to consider, and respond to, prior to publication.

The Council considered submissions at its meeting of 4 April 2023 and resolved to approve the Scopes of Practice and associated prescribed qualifications subject to minor modifications. A full summary of the feedback received, and the decisions reached is available on the Council's website.

Dated at Wellington this 14th day of April 2023.

LINDSEY PINE, Acting Registrar, Chinese Medicine Council.

