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Dear colleagues

### Recent queries on COVID-19 restrictions

I am writing to you all in relation to recent queries received from several professional associations seeking clarity on public health orders issued by state governments.

#### South Australia

Some of you may be aware that the South Australian government recently released *Emergency Management (COVID-19) (Healthcare Setting Workers Vaccination No. 2) Direction 2021* (the direction).

The direction lists 'allied health settings' in relation to mandatory vaccinations, which was contrary to previous advice where SA Health had used 'registered practitioners' when confirming rules around lockdowns. We have now clarified with SA Health that the definition used refers to those allied health professions currently employed by SA Health. SA Health have indicated that professions are to be added to this list, and that Chinese medicine practitioners should consider themselves as being included within the professions impacted by the direction.

#### Victoria

Queries in relation to Victoria related to the applicability of the eased restrictions to Chinese medicine, requirements in relation to unvaccinated people being on premises and whether practitioners could refuse treatment to unvaccinated people.

In July 2019 Vic Health, in response to a query from the Board, advised that Chinese medicine practitioners were subject to the same restriction levels as Allied Health private practice during the COVID-19 pandemic response. The Board confirmed this again with Vic Health following the meeting between the Board and the professional associations in September. Subsequent to confirmation from Vic Health in September that Chinese medicine professions were as Allied Health private practice during the COVID-19 pandemic response, Vic Health provided correspondence to the Board on Monday 18 September that Allied Health private practice services would be able to resume routine care from 11.59pm Thursday 21 October, with density quotients/COVID safe plans in place.

Ahpra and other National Boards have all received the question of whether a registered health practitioner can require vaccination of patients as a condition of attending their practice. A joint statement is being prepared to be issued by all Boards.

The issue is not straightforward and will depend on a range of factors, including the individual practice setting and patient presentation. It is likely the statement will provide a range of principles to be considered. Practitioners will then need to make their own decisions based on individual circumstances, local public health orders and, where applicable, in consultation with employers, professional indemnity insurers and legal advisors.

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There is guidance in the Code of Conduct's principles for good practice that may assist. These include guidance on the importance of keeping practitioners and staff safe when caring for patients and clients, and state that while action should be taken to protect practitioners and their staff, the patient or client should not be denied care if reasonable steps can be taken to keep practitioners and staff safe. The Code of Conduct also contains guidance on ending of professional relationships between practitioners and patients/clients and the importance of adequately informing patients/clients of this decision and facilitating continuity of care. Other principles that may provide guidance relate to respect, non-discriminatory practice, conflict of interest and conscientious objection.

Other considerations for practitioners may be relevant state or territory legislative requirements, such as anti-discrimination, public health orders, and workplace health and safety laws.

### **Western Australia**

We are still awaiting clarification from WA Health in relation to their recent announcement of a plan to introduce mandatory vaccinations for workers in private provider facilities, including 'allied health facilities'.

Whilst WA Health do not include 'Chinese medicine' among the list of allied health professions they employ, the announcement by the WA government referenced the recent [announcement](#) by the Australian Health Protection Principal Council, which recommends the adoption of a definition of health care settings intended to capture all health professions in the National Registration and Accreditation Scheme. It is likely, we believe, that WA Health intended then to capture Chinese medicine in the definition of 'allied health facilities'.

If we receive confirmation from WA Health, we will make this available to all professional associations as is our usual practice.

### **Requests for clarification or interpretation of public health orders**

As previously advised, the Chinese Medicine Board of Australia will seek clarification, where forthcoming, from state and territory governments where a public health order using broad definitions such as 'allied health' is unclear in its application to the Chinese medicine profession.

Other clarifications and/or interpretation of orders, such as requirements for COVID safe business plans, or restrictions for unvaccinated people should be sought directly from the local state or territory government and/or your own legal advisors.

Yours sincerely



**Professor Danforn Lim**

Chair, Chinese Medicine Board of Australia