



Federation of Chinese Medicine &
Acupuncture Societies of Australia Ltd.
澳洲全國中醫藥針灸學會聯合會 (National Body)

FCMA

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Newsletter

December 2012

1. President's Message

Seasons greeting to everyone!

Towards the end of 2012, the Federation of Chinese Medicine & Acupuncture Societies of Australia (FCMA) has a new development under the strong support of our fellow Board Directors and members. Our number of members is growing. The Board of Directors made a lot of progress in maintenance of the rights and interest of our members.

The FCMA has applied for recognition as a national professional association for the purpose of insurance rebates for its members from private health funds since 2008. We have achieved both success and failure during the process. Our members mainly are practitioners with Chinese background. Compared to those associations which are composed of local people, our members are not the big difference in academic standards, but language is a disadvantage. Even though, we have never given up any opportunity to get the maximum benefits in terms of rebate status for our members in many years. The FCMA has been recognised by most private health funds including Medibank Private, AHM, Australian Unity and ARHG. From August of this year, we have appointed a former federal senior senator Mr. Bob Sercombe, serving as a special affairs consultant to the FCMA. Bob and I reopen the discussion of eligibility of rebate status for our members with some private health funds such as Bupa and HCF. We have also updated the FCMA's official website, FCMA Constitution, membership application form and other documents. We submitted the application materials to Bupa again on 13 November 2012. Mr. Sercombe informed me that "the FCMA discussion with Bupa is going positively and we are optimistic about a positive outcome early in 2013". Bob also meet an officer of HCF in Sydney, September this year and related documents are being drafted.

Once the Chinese medicine profession began being regulated under the National Registration and Accreditation Scheme (NRAS) in 1 July 2012, we focused on enhancing areas such as improving the members' professional skills, protecting the members' rights, lobbying the government for acupuncture and Chinese medicine rebates from Medicare and Department of Veteran Affairs (DVA). Our secretariat,

other Board Directors and I have performed the jobs step by step. A seminar was held by the FCMA-Vic branch last month. It included how to comply with the law, code of practice conduct, guidelines of patient's record. We submitted a feedback to the Chinese Medicine Board of Australia (CMBA) about acupuncture infection prevention and control. The proposal prepared by the Secretariat on the registered Chinese medicine practitioners in the Medicare system will be submitted to the appropriate department or officials at the appropriate time. (I have on behalf of the FCMA submitted 13 submissions or letters to relevant departments or officers up to this newsletter.)

I wish our members to unite as one; please do not blindly listen to irresponsible gossip. We should analyses what we have heard with our professional judgment. Our newsletters, emails and other communication information are the result of our careful consideration. If members have any questions, please directly contact with me, branch president, Federation Secretariat or branch secretariat. We will open a hotline from January of next year. FCMA never advocated engaging in confrontation with governments. We adhere to argue in accordance with the law. "To promote Australian public health and protect members" is our starting point and destination.

I wish you a Merry Christmas and Happy New Year.

Professor Tzi Chiang Lin PhD, J.P.
National President, FCMA
10 December 2012

2. Professional Indemnity Insurance (PII)

Professional Indemnity Insurance (PII) contains much Insurance Professional knowledge. The officer of FCMA secretariat consulted the professionals in the insurance sector and the Executive officer of CMBA. Here is the information for your reference when purchasing PII.

There are two most common methods utilised by insurance policies for determining whether coverage is triggered are the “claims-made” and “occurrence” approaches.

Claims-Made Policies

The claims-made approach is commonly used with professional liability insurance such as medical and legal malpractice insurance. In a claims-made policy, coverage is triggered by the date the insured (the practitioner) first became aware of the possibility of a claim and notified the insurer of such knowledge. The insurance policy in force on the date the insured gained such awareness is the one which responds to the claim. The policy period for a claims-made policy will extend backwards in time to a “retroactive date” years before the policy was purchased. Therefore, the policy will provide coverage for claims made today stemming from actions or events all the way back to that retroactive date. In addition, pursuant to the Registration standard for PII arrangements published by CMBA, the two requirements “run off cover” and “inclusion of product liability where the registrant uses, sells or dispenses therapeutic

goods” are those essential to fulfil the registration standards when you apply for or renew your registration.

Occurrence Policies

Most auto, homeowners, and general commercial liability insurance policies are written via the “occurrence” approach. In an occurrence policy, coverage is triggered based upon the date of the event giving rise to the claim. Occurrence policies do not provide coverage for events or acts occurring prior to the effective date of the policy. Because coverage is triggered based upon when the accident or injury occurred, the policy in force on the date of such event is the one which responds to the claim regardless of when the claim was presented to the insurance company.

Some insurance companies claim that there is no need to include “run off cover” nevertheless the CMBA required the “run off cover” in its registration standard. We queried the Executive Officer of CMBA to clarify this issue and replied as follows:

“1) To comply with the Standard, professional indemnity insurance policies must include run off cover.

2) Whether or not your policy includes run off cover, is up to you. You should take your own legal advice about any risks of not having run off cover.

It seems it would be useful for you to get some independent legal advice or perhaps require the insurer to provide you with a clearer explanation/details/claim regarding the policy's compliance with the CMBA Standard”.

The FCMA recommends its members to purchase your PII via Insurance House (IH) as the PII it provides has fulfilled the CMBA registration standards. It includes unlimited retroactive cover, run-off cover and product liability for Chinese herbal dispensary. Please find attached the information sheet from IH or visit <http://www.fcma.org.au/ch/joinfcma>

3. Informed consent and Treatment history record

The FCMA has repeatedly reminded its members the importance of Informed consent. The patient or guardian should sign the informed consent before treatment. The Patient’s record template developed by the Secretariat contains informed consent in the first page. The Patient's record is not only used for recording patient’s condition and treatment, but also provides powerful evidence for any health disputes in the possible future. The more detailed the Patient’s record, the more professional the practitioner appears. We remind every member - do not ignore writing up patient’s record even through you are very busy.

4. Registration number and Non-practising registration

From 1 January 2013, all FCMA practitioner members (registered acupuncturists and/or registered Chinese herbal medicine practitioners) must submit a digital copy of the CMBA registration certificate to the Secretariat. Insurance companies would delete

whose who failed to provide their registration numbers and we would shield the members name from the public search section on the FCMA official website. We hope every member pays attention to this issue, even if you are eligible for rebate status from other associations. The documents requested from the FCMA include copy of the CMBA registration certificate, copy of PII Currency of certificate, copy of Continuing Professional Development (CPD) score card and copy of valid First Aid certificate. According to the FCMA rules, you would become an Associate member if you do not provide with the above documents. Some members may not practice after applying for statutory registration. We suggest these members apply for "Non-practicing registration" from CMBA, especially for those members who did not graduate from a CMBA approved program in Australia. The main reason is that you must comply with the relevant provisions when you are registered practitioners. Such as 20 hours CPD each year and purchasing 5 million PII.

5. Continuing professional development (CPD)

The CMBA has changed to an hourly method to record registered Chinese medicine practitioners CPD activities since 2012. So Secretariat and FCMA-Vic branch modified the FCMA CPD score card. This record card has be posted by mail with membership certificate to each member. Some members did not receive the mail because they changed address or did not pay the membership fee etc. Actually, it is now time to submit the CPD record card. We have received most members' documents. The Secretariat reviewed and checked the record cards and found most members meet the requirements. Some members have not submitted the CPD record card yet. Please fill the CPD record card accordingly and submit it to the Secretariat as soon as possible. Email: contactus@fcma.org.au Fax: (03) 9887 9748

Annual CMBA registration certificate, the CPD Record card, PII Certificate and First Aid certificate are the 4 main documents required for audit from private health funds. Some members have double or multiple memberships in other associations and they did not use the FCMA rebate eligibility system. These members with double/multiple memberships will become an associate member if they do not provide the above documents to the FCMA. That means the FCMA will no longer report these members to the private health funds.

Wishing you all Merry Christmas and Happy New Year.

Complied by the Secretariat of FCMA

10 December 2012

Disclaimer:

Above the content on PII is designed to provide FCMA membership information, there is no promotion, selling or slandering any insurance product. It also does not imply any PII products do not meet CMBA register requirement. Members make decision to purchase PII product from the insurance companies by themselves. FCMA does not undertake any related potential and future legal responsibility.