

CONSULTATION ON SCOPES OF PRACTICE – POSSIBLE NEW STRUCTURE

Released: 6 December 2023

Closes: 29 February 2024 (extended to 31 May 2024)

What is the consultation about?

1. This consultation is intended to canvass the profession on a possible solution to the current issues with scopes of practice. This is a preliminary consultation on the general framework we propose – with further work to be undertaken on the details if the proposal is adopted after this consultation. Please note that this paper does not discuss intern and trainee scopes of practice.
2. Because this is just the first stage of our consultation, we may not have specific answers to all of your questions yet – but we encourage questions to help us ensure that we cover every angle. At this stage, our questions to you are broad to assist us in gathering information and identifying whether the proposed model can work.

Recent statements by the Board

3. On 13 November 2023 the Board published the following statement on its website.

On 20 September 2023 the Board published a newsletter addressing issues relating to scopes of practice. Since publishing that newsletter the Board has continued to hear of confusion, particularly regarding the 'Psychologist' scope of practice. The purpose of this notification is to provide a further update to stakeholders and to confirm the Board's current position.

The Board confirms, again, that there have been no changes to any of the scopes of practice. However, as discussed during the recent Board Roadshow, it is time for the Board to review all its scopes of practice. The Board will shortly be releasing a consultation document seeking the views of the profession and other stakeholders on proposed changes to the scopes of practice. The profession and other stakeholders will have a full and proper opportunity to make submissions. No changes (if any) will be made until the Board has received submissions on the proposed changes, considered those submissions, and made a final decision.

In the meantime, the Board notes some key points:

- *The Board's guidance regarding scopes of practice can be found [here](#).*
- *A particular area of confusion appears to be around the extent to which those registered in the Psychologist scope of practice can or cannot undertake complex mental health assessments and make mental health diagnoses. This is something that will be closely considered as part of the consultation process. However, in the meantime, the Board's*



position remains that this requires a case-by-case assessment as to the particular psychologist's qualifications, training and experience.

- *The Board's secretariat is often contacted about whether certain qualifications satisfy the educational requirements for particular scopes of practice. Where it can, the secretariat will provide guidance. However, it will always require a case-by-case assessment of the particular practitioner's qualification, training and experience.*

What are the issues?

4. As discussed during the roadshow, there are several issues with the scopes of practice, as follows:

- They have not been updated since the Health Practitioners Competence Assurance Act 2003 (the Act) came into force in September 2004). They are out of date.
- Historically, the Board made comments about scopes of practice that risked being construed as contradicting the fundamental principle that health practitioners must not practise outside their scope of practice. The Board had stated on its website that scopes of practice protect title but do not limit tasks, provided the individual psychologist is competent to perform those tasks. We removed this statement from our website in 2018 and have not promulgated it since. The legal position is set out in section 8 of the Act and is that:

no health practitioner may perform part of a health service that forms part of a scope of practice of the profession in which they are registered unless they are permitted to perform that service by the scope of practice in which they are registered.

- Although it is some years since the Board has made such comments, we know that – based on that historical position - many psychologists, in good faith, have developed and expanded their practice beyond the scope of practice in which they are registered. This means that some psychologists may possibly have been practising outside their scope of practice. The Board is committed to taking steps to rectify the matter. We need to do this without restricting the livelihoods, or punishing those psychologists who have competently developed their practice over the years.
5. The Board acknowledges that comments that have been made by or on behalf of the Board have caused confusion and/or concern amongst practitioners – the Board apologises for this.
6. Our key considerations in searching for a solution have been;
- Most importantly - public protection (including our competence assurance obligations under the HPCAA, and workforce enablement);
 - Recognising the 20-year history of the current scopes of practice - harnessing the benefits of this history in terms of workforce knowledge, while solving any problems it has created;
 - Finding a future-proof framework that can flex more readily as the profession changes.

7. The framework we have come up with can achieve these. We are keen to hear your views on the proposal before we decide whether to take it to the next stage.

Proposed approach

8. It is important to note that the proposed approach will take some time (i.e. at least two years) to develop and implement fully.
9. First, we propose to introduce the following additional scopes of practice:
 - Applied Behavioural Analysis psychology
 - Child and Family psychology
 - Forensic psychology
 - Health psychology
 - Industrial/organisational psychology
10. Second, we propose to introduce a transition pathway for existing, experienced registrants to apply for recognition of prior learning (RPL), in order to be given an endorsement on their scope of practice. Current thinking on possible endorsements (subject to feedback) are:
 - Assessment;
 - Therapy; and
 - Diagnosis.
11. Third, the transitional RPL pathway will close after a finite period (perhaps two years from its introduction). At that point, all psychologists already on the register will be registered in a scope of practice, and, if applicable, will have endorsements added to their scopes of practice. From that point forward:
 - All psychologists must practise only within the bounds of their scope of practice and any endorsement they hold; and
 - All psychologists wishing to obtain an endorsement (i.e., extend their scope of practice) will need to complete a more formalised training pathway recognised by the Board. The only pathway to formally change from one scope of practice to another will (for now) be through Board-accredited post-graduate qualifications. Once the legal enablement of the existing workforce has been completed, there will be opportunity to consider alternative ways to change scopes of practice.
12. Please refer to the flowchart at the end of this document for a visual representation of the RPL pathway we envisage at this stage.

The details

Proposed framework

13. We propose that there are two “clusters” of scopes of practice. The clusters will have separate sets of core competencies to reflect the different pathways that psychology training takes at an early stage. Each scope of practice within the relevant cluster will also have additional

competencies specific to the scope of practice. We will work with the relevant interest groups to develop the core competencies for each cluster, and the individual competencies for each scope of practice.

14. The first cluster would comprise scopes of practice that focus on mental health and addiction and therapy:
 - Psychology
 - Child and Family Psychology
 - Clinical Psychology
 - Counselling Psychology
 - Forensic Psychology
 - Health Psychology.
15. The second cluster would comprise the scopes of practice that focus on intellectual disability, cognition, learning difficulties, and behaviour:
 - Neuropsychology
 - Educational psychology
 - Community psychology
 - Applied Behavioural Analysis psychology; and
 - Industrial/organisational psychology.
16. We are also holding a space for consideration of a kaupapa Māori scope of practice, depending on views about this.
17. Individuals may be registered in more than one scope of practice, and in one or both clusters (eg, clinical psychologist/neuropsychologist).
18. Psychologists will only be authorised to practise within the scope/s of practice in which they are registered. Scopes of practice will be re-drafted and updated to reflect current training and to be crystal clear what is in, and what is out of scope. The wording of existing scopes of practice will be reviewed at the same time that new scopes of practice are developed. The intent is to ensure a flexible, future-proofed framework.

Proposed transition to the new framework

19. Once the new scopes of practice (and their related prescribed qualifications) have been developed and gazetted, and the RPL pathways have been created, we will be ready to open the RPL transition process.
20. To ensure that all psychologists are practising lawfully, the proposed RPL transition pathway will require psychologists who practise in areas and techniques that were not part of their foundational training to submit a portfolio of evidence to demonstrate that they have grown their practice in a safe, competent and ethical way. Examples of evidence might include (subject to feedback):

- A letter or statement from the applicant setting out their approach to expanding their practice;
 - Records of supervision and/or a reference from a supervisor or former supervisor endorsing the applicant's letter or statement;
 - Learning plans from past CCPs demonstrating a considered approach to new learning;
 - Professional development activities, including short courses; and
 - Formal training delivered by an educational institution.
21. We know there will be senior psychologists who may feel it is unfair that they should be required to demonstrate their competence in this way, if it has been part of their practice for many years. We absolutely acknowledge this, but our first obligation under the Act is to the public. We think this is the best way to “set to rights” the current situation in a way that provides all psychologists with:
- Clarity on what they can and cannot do within their scope of practice and their individual competence; and
 - Legal validity to and backing for their current range of practice, where that practice has expanded in a safe way.
22. Finally, after we have ensured all psychologists are practising within their scope of practice, we need to create ways to support the profession to continue growing beyond foundational training. There is still some thinking to be done about how this could be achieved. It may mean that we ask the training programmes to consider changes to core competencies to better share knowledge within each cluster of scopes of practice. We could also potentially develop a programme that individuals can enrol in and complete (under supervision) to obtain endorsements. We need to put more thinking into the future enablement of the profession, post-qualification.

In the meantime

23. Pending the conclusion of the consultation process and formal Board decisions, the status quo remains, this means that individual practitioners need to take responsibility for determining whether they are competent to undertake specific psychology services. This is not intended to restrict the discretion of ACC or other funders or employers as to contractual arrangements with individual psychologists. If in any doubt, practitioners should seek the Board's guidance on the work that they are doing.

Have your say

24. We appreciate this is a busy time of year and the issues in this paper are important for the future shape of the profession. The consultation will be open until the end of May 2024 to allow plenty of time for you to consider and provide your feedback. You can provide your feedback by completing our survey online, or, if you are a registered psychologist, through the link emailed to you from consultation@nzpb.org.nz.

Overview of proposed application pathway for endorsement on scope of practice (for illustrative purposes)

