

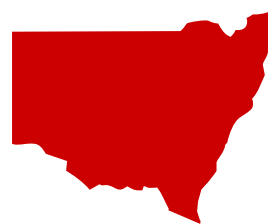


# Chinese Medicine Council of NSW

Annual Report 2018-19

**JOINT ANNUAL REPORTS OF THE 15 NEW SOUTH WALES HEALTH PROFESSIONAL COUNCILS**  
ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH PRACTICE COUNCIL **CHINESE MEDICINE COUNCIL**  
CHIROPRACTIC COUNCIL **DENTAL COUNCIL** MEDICAL COUNCIL **MEDICAL RADIATION PRACTICE COUNCIL** NURSING  
AND MIDWIFERY COUNCIL **OCCUPATIONAL THERAPY COUNCIL** OPTOMETRY COUNCIL **OSTEOPATHY COUNCIL**  
**PARAMEDICINE COUNCIL** PHARMACY COUNCIL **PHYSIOTHERAPY COUNCIL** PODIATRY COUNCIL **PSYCHOLOGY COUNCIL**

# President's Message



**Chinese  
Medicine  
Council**  
of NSW

I am pleased to submit the 2019 Annual Report for the Chinese Medicine Council of New South Wales (Council). The Council continues to strive to protect the public by ensuring safe practice and compliance with standards and guidelines amongst the Chinese medicine profession in NSW.

The Chinese Medicine Council of NSW is a statutory body established under the Health Practitioner Regulation National Law (NSW). The Council focuses on protecting the health and safety of the public and promotes the Guidelines and Standards that have been developed for the profession.

The number of complaints about Chinese medicine practitioners in New South Wales increased significantly compared to last year's figures with almost double the number of complaints received. A summary of the cases managed by the Council during 2018/19 is included in this Annual Report.

The majority of complaints received this year have related to conduct, particularly breaches of the National Law and boundary violations. However, complaints about clinical care have more than doubled. An increased number of immediate action hearings and inquiries have been conducted this year compared to the same time last year.

The Council is developing education resources, such as an online education video for the profession, and is working closely with the Chinese Medicine Board of Australia to provide these resources to the profession so that all Chinese medicine practitioners in Australia can gain access.

The Council and the Health Care Complaints Commission (HCCC) continue to work very effectively in a co-regulatory environment. We also continue to work with key stakeholders including the Chinese Medicine Board of Australia, Universities, NSW Health, and Chinese medicine practitioners' associations to promote and educate the profession.

The Council has been active this year and met with stakeholders to raise the profile of the Council. In order to continue to efficiently manage the increasing volume and complexity of its regulatory activities, the Council decided to organise its first Roadshow of educational events since the inception of the Council in 2012. These events for NSW practitioners will be held in August and November 2019 at Western Sydney University and the University of Technology Sydney respectively. The Roadshow events are aimed to educate our NSW practitioners on various regulation issues including obtaining informed consent from a patient; understanding National Law requirements; communicating with patients; and complaints / notifications processes. The Council also has plans to collaborate with local research institutes or universities about conducting profession based community research to promote public safety and improve the effectiveness of practitioners' regulation. Other plans include production of further newsletters to promote the Council's activities to members of the profession in the upcoming months.

During the year the Council welcomed the following new members to assist with its regulatory work – Dr Li Meikin Rees PhD and Dr Wenbo Peng PhD, both practitioner members and Ms Christina Lam, Legal Member.

**Part 2:** Reports from Health Professional Councils

I extend my thanks to the other continuing members of the Council Ms Christine Berle (Deputy President) and Mr Stephen Woods (Community Member) for their work during the year. I would also like to acknowledge the dedication, industry and endeavour of my fellow Council members in the discharge of their duties.

The Council is ably assisted in its work by Authorised Persons who conduct inspections on behalf of the Council and Panel members who are appointed to undertake hearings and I extend my thanks to them for their continuing assistance.

I would also like to sincerely thank the HPCA staff for providing an excellent administrative and legal support to the Council, in particular to the Executive Officer Ms Farina Bains, Acting Executive Officer Ms Heather Comino, and Program Officer Ms Melissa Virtu.



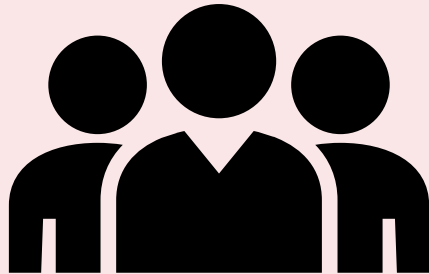
**Adjunct Professor Chi Eung Danforn Lim**

President

Chinese Medicine Council of NSW

# 2018-19 Summary

## CHINESE MEDICINE PRACTITIONERS



**2,003**

Registered Chinese medicine practitioners in NSW

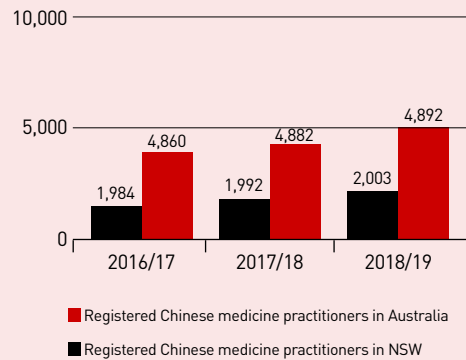
**41%**

of Australian Chinese medicine practitioners practise in NSW

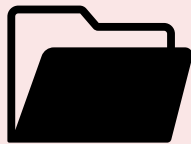
**3%**

of NSW Chinese medicine practitioners had complaints made about them

3 year trend in number of registered Chinese medicine practitioners

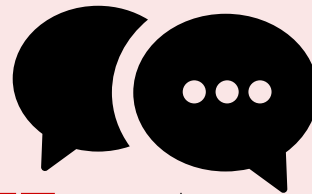


## COMPLAINTS ABOUT CHINESE MEDICINE PRACTITIONERS



**5**

cases were open at the beginning of the year



**57**

complaints were received about 51 Chinese medicine practitioners in 2018/19

**2**

of the complaints received were mandatory notifications about 2 practitioners



**31**

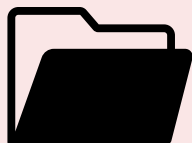
cases were closed during the year

Complaints were mainly from:

- AHPRA - **17**
- Member of the public - **11**
- Patient - **8**

Complaints were mainly about:

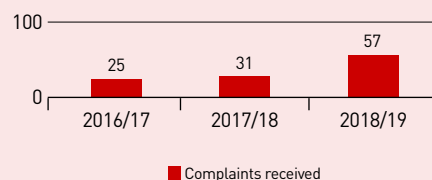
- National Law breach or offence - **32**
- Clinical care - **12**



**31**

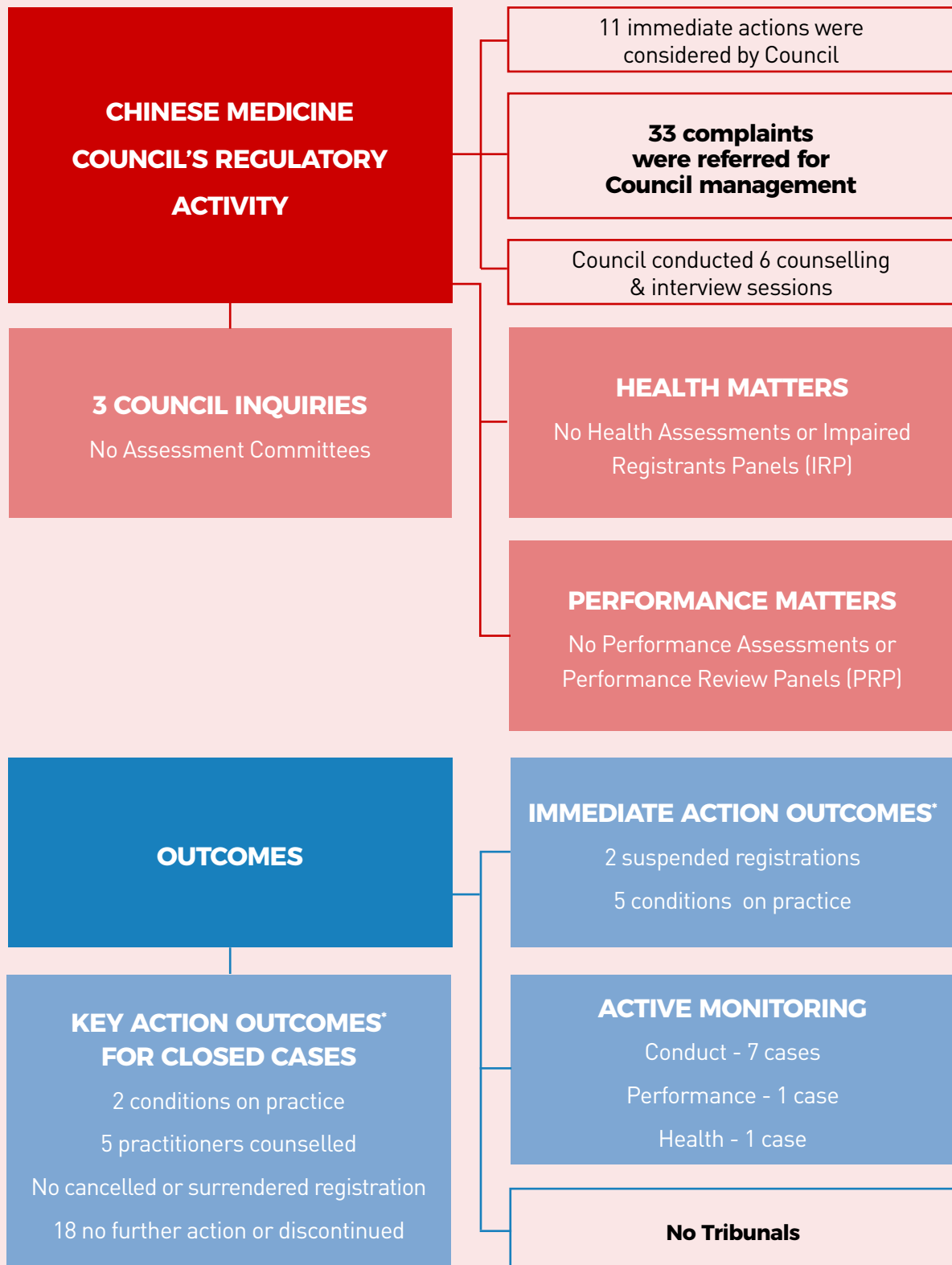
cases were open at the end of the year

3 year trend in number of complaints about Chinese medicine practitioners



# 2018-19 Summary

## CHINESE MEDICINE COUNCIL'S REGULATORY ACTIVITY - MATTERS CONCLUDED



\*Not all outcomes are included and a complaint may have more than one outcome

## Council Members

Six members sit on the Chinese Medicine Council as set out in the National Law.

Council members are nominated by the Minister for Health and appointed by the Governor.

Registered Chinese Medicine practitioner members:

- Professor Danforn (Chi Eung) Lim PhD (UNSW), EDBA(INE PAN), MBBS(UNSW), BSc(Med) (UNSW), BHltSc(CSU), DCH(Syd), ClinDipPallMed(RACP), GradDipAcup(RMIT), MMed(Syd), MAppSc(Acup)(RMIT), MAppMgt(Health)(Newcastle), RCMP(Acup&CHM), FRACGP, FASLM, FIML, Cert BSM (Cambridge UK), Chartered Manager (UK & Aust), AFRACMA, AFCHSM, FFCMA, FFCMASA, JP
- Ms Christine Berle MSc (Research), DipAc
- Dr Wenbo Peng, BMed, MMed, PhD (UTS)
- Dr Li Mei-Kin Rees PhD (TCM), Master of Health Sc (TCM-UTS), BAppSc Acup (UTS), GradCert Pharm/Cosmetic Tech, Dip Training & Assessment

Legal member:

- Ms Christina Lam LLB

Community members:

- Mr Stephen Woods BEc, FIAA, FFin, GradDipFP, JP

The Governor appointed Professor Lim as President of the Chinese Medicine Council.

The Governor appointed Christine Berle as Deputy President of the Chinese Medicine Council.

## Executive Officer

Mrs Maricel O'Farrell is the Executive Officer for the Chinese Medicine Council. Ms Heather Comino has been providing Executive Officer support to the Council since April 2019 while Mrs O'Farrell is on leave.

The Executive Officer is part of a team of 11 led by Ms Farina Bains. This team works with 11 of the health professional Councils.

All staff working both directly and indirectly with the Council are employed by the HPCA as an executive agency of the Ministry of Health. Councils cannot employ staff under the National Law.

## Council Meeting Attendance

The Chinese Medicine Council met ten times during the year.

**Table i: Member attendance at Council meetings, eligibility to attend and term of office**

| Member  | Meetings Attended | Meetings Eligible to Attend | Date first appointed | Current Term of Office*    |
|---|-------------------|-----------------------------|----------------------|----------------------------|
| <b>President</b><br>Professor Danforn Lim     | 10                | 10                          | 1 July 2012          | 1 July 2018 – 30 June 2021 |
| <b>Deputy President</b><br>Ms Christine Berle | 8                 | 10                          | 1 July 2012          | 1 July 2018 – 30 June 2021 |
| Ms Christina Lam                              | 10                | 10                          | 1 July 2018          | 1 July 2018 – 30 June 2021 |
| Dr Wenbo Peng                                 | 9                 | 10                          | 1 July 2018          | 1 July 2018 – 30 June 2021 |
| Dr Li Mei-kin Rees                            | 10                | 10                          | 1 July 2018          | 1 July 2018 – 30 June 2021 |
| Mr Stephen Woods                              | 9                 | 10                          | 1 July 2015          | 1 July 2018 – 30 June 2021 |

\* Council members are appointed for a term up to three years and may be reappointed up to a maximum of nine years.

## Regulatory Committees and Panels

The National Law sets out the committees and panels that assist the Council to undertake its regulatory activities.

Regulatory committees and panels include:

- Impaired Registrants Panels (IRP)
- Performance Review Panels (PRP)
- Assessment Committees

## Council Committees

Councils may establish committees to assist with Council functions. Committee members are not necessarily Council members.

The Chinese Medicine Council appointed/reappointed three Council committees this year.

## Meetings and Events

The Chinese Medicine Council was represented at the following meetings and events during the year.

**Table ii: Chinese Medicine Council representation at meetings and events**

| Name of Meeting / Event   | Attended By                       |
|---|-----------------------------------|
| Chinese Medicine and Acupuncture Society of Australia Da-Yi-Jiang-Tan Jiang Seminar - August 2018 | Dr Wenbo Peng – Council member    |
| TCMASA and Guangzhou University Annual International Conference – November 2018                   | Professor Danforn Lim - President |

## Council Communications and Stakeholder Engagement

The Chinese Medicine Council website provides easy access to information about the Council and its work, publications, the complaints process and an online complaint form.

The Chinese Medicine Council also distributes electronic newsletters to Chinese Medicine practitioners working in NSW. One newsletter was distributed this year including topics such as clinical records, communication and appropriate use of Chinese medicine qualifications.

As part of the NSW Councils and National Boards engagement plan, the Chinese Medicine Council and the National Board have collaborated on a pneumothorax education package for practitioners.

Other stakeholder engagement activities included the following.

- Professor Lim, Dr Peng and Ms Lam attended the CMASA Moon Festival Dinner in September 2018
- Professor Lim attended the UTS 25 Year Gala Dinner in November 2018

## Overseas Travel

The Chinese Medicine Council did not incur any overseas travel costs during the year.

## Remuneration

Remuneration for Council members aligns with the Public Service Commission Remuneration Framework for NSW Government Boards and Committees. Council members receive additional payment for interviews, counselling sessions, immediate action inquiries, Council Inquiries and panels. No additional payments are made for other regulatory work such as official visits, committee meetings, training, conferences or preparation for meetings.

Council members are reimbursed for expenses when travelling on official business at Council direction.

Chinese Medicine Council member remuneration rates are as follows.

|                  |                   |
|------------------|-------------------|
| President        | \$4,465 per annum |
| Deputy President | \$4,214 per annum |
| Council Members  | \$3,665 per annum |

## Education and Research Account

The Chinese Medicine Council maintains an Education and Research account. This can be used to fund activities that promote better understanding of professional standards and compliance, issues that lead to complaints and how complaints are managed. The account may also be used to fund research activity including Council specific initiatives and collaborative projects.

There was no expenditure from the Education and Research account this year.

## Financial Management

The Chinese Medicine Council's accounts performance was reported in the Financial Statement as follows.

| Accounts Performance 2018/19  | \$               |
|---|------------------|
| Revenue   | 514,533          |
| Operating expenditure   | 268,933          |
| Gain / (loss) on disposal   | (3)              |
| <b>Net result</b>   | <b>245,597</b>   |
| <b>Net cash reserves* (cash and cash equivalents minus current liabilities)</b> | <b>2,223,705</b> |

\* Included in the cash reserves is an Education and Research bank account balance of \$22,303.

The Chinese Medicine Council's budget for the period 1 July 2019 to 30 June 2020 is as follows.

| Budget 2019/20        | \$               |
|-----------------------|------------------|
| Revenue               | 426,015          |
| Operating expenditure | 550,509          |
| <b>Net result</b>     | <b>(124,494)</b> |

Full financial statements are presented in Part 3 of this report 'Financial Statements for NSW Health Professional Councils'.