

08.11.24

Australian Health Practitioner Regulation Agency
podiatryconsultation@ahpra.gov.au

Dear Chair,

Re: Response to the Proposal to Change the Protected Title for Podiatric Surgery

The Royal Australasian College of Surgeons (RACS) welcomes the opportunity to provide input on the proposal to change the protected title for the specialty of podiatric surgery to 'surgical podiatrist.' While we understand the intention behind the proposal, RACS has significant concerns about this change and its potential impact on public safety, consumer clarity, and professional standards and must therefore reject the proposal.

Background

The Royal Australasian College of Surgeons (RACS) is the leading advocate for surgical standards, professionalism, and education in Australia and Aotearoa New Zealand. It represents over 8,300 surgeons and 1,300 surgical trainees and Specialist International Medical Graduates (SIMGs). As a not-for-profit organisation, RACS funds surgical research, supports healthcare, and provides surgical education in the Indo-Pacific. The College trains surgeons in nine specialties: Cardiothoracic, General, Neurosurgery, Orthopaedic, Otolaryngology Head and Neck, Paediatric, Plastic and Reconstructive, Urology, and Vascular surgery.

1. Do you agree with the proposal to change the protected title for the podiatry specialty of podiatric surgery to 'surgical podiatrist'? Why or why not?

RACS does not support the proposed change to the title, 'surgical podiatrist'. More generally, the use of the term 'surgical' or 'surgeon' with other non-medical practitioners is misleading for consumers. RACS holds the view that the title 'surgeon' should be reserved for those who are comprehensively surgically trained through a recognised medical training program, such as those who have earned the FRACS (Fellow of the Royal Australasian College of Surgeons) post-nominal.

While the podiatric practitioners are indeed skilled in their field, they have not had the depth of surgical training and qualifications of medical specialists in surgery.¹ This would create confusion as to what the proposed title intends to imply about the competency of the podiatric practitioner being

¹ The Australian Podiatry Association. Study Podiatry Brunswick East, Victoria Australia: The Australian Podiatry Association; 2024 [Available from: <https://www.podiatry.org.au/what-is-podiatry/study-podiatry/>].



similar to that of an orthopaedic or general surgeon and may result in a misinformed choice by a patient seeking treatment for a foot or ankle problem.²

2. Do you have an alternative suggestion for the protected title? If yes, how would your suggested title achieve the same result as 'surgical podiatrist' in providing greater clarity to consumers?

Yes, RACS suggests the title 'procedural podiatrist' or 'podiatric proceduralist' as an alternative. The title is representative of the scope of practice for podiatric practitioners without using a title that is tagged specifically with medically trained surgeons. A 'procedural podiatrist' outlines the practitioner as one who performs certain procedures, some involving surgery, without overstating their qualification.

This would be a more descriptive alternative, clearly making the distinction between the podiatric practitioner and the medical surgeon. The clarity here is that there would be no risk of confusion on the part of the patient in believing that they are dealing with a practitioner who has the same extent of training that a specialist surgeon does. In this way, consumer understanding and safety are enhanced.

3. What are the potential impacts for consumers of the proposed change in title?

The change in title to 'surgical podiatrist' has the potential to mislead the consumers. Quite often, patients may not be aware of the difference between a 'surgical podiatrist' and a medically trained surgeon. This might give the impression to the patients that they are receiving similar qualities of service accorded by a Fellow of RACS or an orthopaedic surgeon, which is not the case, considering complications associated with more complex cases requiring specialist surgical intervention.

There is also a risk regarding the difference in the pathways of training between podiatrists and medical surgeons, which may not be well appreciated by consumers, affecting their informed decisions about the choice of a healthcare provider.³

4. What are the potential impacts, including potential costs, for podiatric surgeons of the proposed change in title?

To podiatric surgeons, the proposed change in title may seem a benefit in that it might raise their apparent status in the eyes of patients, associating their practice with the term 'surgery.' However, there is a potential downside to this. Greater scrutiny from the public and regulatory bodies may well follow, as patients may expect a higher degree of expertise and training than that which podiatric practitioners have received. This may incur extra costs to patients, health practitioners, and the health system. Studies have shown that the integration of podiatry services to orthopaedic department may be a safer and more cost-effective approach.^{4,5} This approach would allow patients to have better access to appropriate levels of healthcare and increase the clarity of the scope of practice for podiatrists.

² Kraus J, Nielsen A, Law B, Shi G, Whealy G. Understanding Patient Preference of Providers to Treat Foot and Ankle Disorders. *Clin Med Res.* 2022;20(1):40-5 <https://doi.org/10.3121/cmr.2021.1631>.

³ Tobbell J, Roberts P. Becoming a podiatrist: an exploration of the practices and processes which underpin the acquisition of a professional identity. *J Foot Ankle Res.* 2023;16(1):51 <https://doi.org/10.1186/s13047-023-00652-w>.

⁴ Walsh TP, Ferris LR, Cullen NC, Brown CH, Loughry CJ, McCaffrey NM. The integration of a Podiatrist into an orthopaedic department: a cost-consequences analysis. *J Foot Ankle Res.* 2017;10:44 <https://doi.org/10.1186/s13047-017-0227-0>.

⁵ Bonanno DR, Medica VG, Tan DS, Spring AA, Bird AR, Gazarek J. Evaluating the outcomes of a podiatry-led assessment service in a public hospital orthopaedic unit. *J Foot Ankle Res.* 2014;7(1):45 <https://doi.org/10.1186/s13047-014-0045-6>.

There may also be financial and reputational costs associated with the legal challenges or complaints from patients due to the belief that they were misled regarding the qualification of their practitioner.⁶ Podiatric practitioners may see increased indemnity insurance premiums because of increased litigation due to misunderstandings.

5. Are there any unintended consequences the Board might not have considered in relation to the proposed change of title?

The Board may not have fully debated what the general implications are in making a title so similar in name to that of medically trained surgeons. The introduction of section 115A of the *Health Practitioner Regulation National Law (Surgeons) Amendment Act 2023 (Qld)* has set a precedent in title protection.⁷ This is likely to be extended nationally following a determination of the Health Minister's Meeting (HMM). It recognises the importance of the term 'surgeon' only being applied to persons who have completed specific training in medicine and surgery.

This could be in contradiction to that emerging national standard by enabling podiatric practitioners to use the title 'surgical podiatrist'; thus, there are legal and regulatory conflicts. This may also result in a blurring of lines with medical professionals and non-medical practitioners, which undermines public trust in the health system.

Conclusion

The RACS considers that the paramount issues of patient safety and clarity of professional standards must be the focus of any protected title decision. We suggest that the Podiatry Board reconsider the proposal and adopt a title that reflects the scope of practice of podiatric practitioners, such as 'procedural podiatrist'.

We are committed to working collaboratively with the Board and other stakeholders in a manner that best serves the interests of ensuring the public is informed and able to make decisions while receiving a high standard of care.

Yours sincerely,

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President
Royal Australasian College of Surgeons

Scott Fletcher
President
Australian Orthopaedic Association

⁶ Ahpra & National Boards. Court and tribunal decisions Canberra, Australia 204 [Available from: <https://www.ahpra.gov.au/Resources/Tribunal-decisions.aspx>].

⁷ HealthLegal. New Protections for the Title of 'Surgeon' under the National Law Australia: HealthLegal; 2023 [Available from: <https://healthlegal.com.au/current-news/new-protections-for-the-title-of-surgeon-under-the-national-law/#:~:text=Surgeon%20%E2%80%93%20now%20a%20protected%20title&text=The%20introduction%20of%20the%20new,the%20title%20of%20surgeon%3B%20or>].