

The Allied and Healthcare Professional's Central Council Bill, 2015

Sub: Suggestions for creating an Independent Physiotherapy Council Bill and to Exclude Physiotherapy from the Proposed Allied and Healthcare Professional's Central Council Bill, 2015

With the reference to the notification in the Ministry of Health and Family welfare "Draft Version 15.0_1 Oct Sep 2015" I am hereby forwarding my views & suggestions related with creating an Independent Physiotherapy Council Bill and to Exclude Physiotherapy from the Proposed Allied and Healthcare Professional's Central Council Bill, 2015

The National Knowledge Commission (NKC)

"8.3 Allied Specialties: Allied Specialties as different from Para-medicals and nursing are – Physiotherapy and Dental Professions. These need to be studied and discussed separately"

(Page 62 of The National Knowledge Commission (NKC) , Established by the Honl. Prime Minister of India in 2005)"

Findings of the Planning Commission of India (2007-2012):

Point number 3.1.104 states that "In the field of paramedical education, priority will be given for establishment of National Para Medical Council as an apex body to determine standards and to ensure uniform enforcement throughout the country. On similar lines, councils for physiotherapy and occupational therapy should also be established"

(Reference: Page 84 and 85 –Eleventh Five year Plan (2007-2012)-Volume II- Planning Commission of India)

Government of India Notifications

1. During the year 1998/99 following three categories were notified vide Govt. Of India Notification No. 674 dated 13.10.98 for inclusion under the Council & subsequently same were withdrawn (through their Notification dated the 25th June, 1999) from the purview of the Council as Ministry of Health was planning to have a separate Council for Physiotherapists

(Reference: Page 10 Ten years of progress -RCI-Towards Nation building-Dr. J. P. Singh-Rehabilitation Council of India)

2. The Director General of Health Sciences received a note on 17.04.2008 from the then Hon'ble Prime Minister Atal Bihari Vajpayee observing that after going through the contents of the bill of Physiotherapy Central Council, it is felt that the profession of Physiotherapy is strongly required for the society in contest of the trend of their involvement in the Health Care Delivery. These professionals are qualified enough to undertake the protocols of their system i.e. Physiotherapeutic system of medicine there by conserve as an independent practitioner within their ambit. it is felt that the objectives of the proposed bill shall be best fulfill in the public interest only when the proposed Physiotherapy Central Council is constituted as an autonomous and professionally represented body.

3. The Ministry of Health & Family Welfare sought approval of the Hon'ble Minister for Health & Family Welfare for introducing a Bill to constitute a separate Physiotherapy/Occupational Therapy Council in contrast to the proposal of earlier bill entitled "Paramedical and Physiotherapy Council Bill" approved by the Cabinet on 17-9-2004. Accordingly, the comments were offered relating to the Physiotherapy and Occupational Therapy Councils Bill, 2006. As per the directions of DGHS, the documents of Physical Therapy Board, California, U.S.A., Government of Navascotia, Canada and Prince Edward Isaland College of Physiotherapy, Newzealand were reviewed and found that there is a regulatory mechanism is available in each of the country having mechanism. Accordingly, it is submitted that in India also a regulatory mechanism for the Physiotherapy and Occupational Therapy is required to be adopted.

Documentation about Physiotherapy in the Thirty-First report on Paramedical and Physiotherapy Central Councils Bill-2007 (Presented to the Rajya Sabha on 21st October,2008 and laid on the table of Lok Sabha on 21st October,2008):

Clause 8.2 "Physiotherapy being considered a discipline distinct from paramedical disciplines finds a specific mention in the title (Paramedical and Physiotherapy Central Councils Act, 2007)"

Clause 9.36 Committee's attention was also drawn to the parallel position of Naturopathy and Yoga when compared with physiotherapy as both were based on physical and psycho-somatic methods of diagnosis and treatment, with both claiming benefit to the patients in a drugless manner. It was argued that both Naturopathy and Yoga are granted equal status along with Ayurveda under AYUSH. Thus, physiotherapy also deserved to be granted an independent status.

Clause 9.46 "The fact that physiotherapy education over the years has made significant advancements and has evolved as a distinct profession seems to be well established. This is strengthened by the considered opinion of Ministry of Law that physiotherapy profession should not be equated with the paramedical professions"

Clause 9.47 "The Committee also takes note of the fact as mentioned by the representative of the Ministry that in USA, physiotherapy profession has reached a stage where these professionals can practise independently. Not only this, in some of the international Acts, it has been specifically provided that physiotherapists having the required experience can give physiotherapy treatment without a referral. These Acts also confer upon a physiotherapist the right to practise with or without referral governed by the circumstances of the case."

Clause 25.5 During the course of interactions, the Committee observed that there was a lot of dissatisfaction among the allied health professionals particularly physiotherapists and occupational therapists with regard to their pay scales. It was brought to the notice of the Committee that their entry into Government service after completion of four and a half years degree course in the respective profession was not being addressed properly. The Committee was given to understand that their recurrent demands for bringing parity in the pay scales have yielded no results so far. General perception was that discriminatory treatment was being meted out to them as their pay scales did not commensurate with their status and responsibility.

Clause 25.6 The Committee feels that all the allied health professionals including physiotherapists and occupational therapists play a crucial role in the field of medicine and physical rehabilitation. The Committee, therefore, strongly recommends that their legitimate interests should be taken care of and their existing pay structure may be revised according to their qualifications and duration of the course they have to put in before entering into a Govt. job.

The findings and documentation of this committee are in favour strong of an independent status and council for Physiotherapists.

Definitions of Physiotherapy:

1. Delhi Council for Physiotherapy & Occupational Therapy Bill 1997 :
"Physiotherapy" means physiotherapeutic system of medicine which includes examination, treatment, advice and instructions to any persons preparatory to or for the purpose of or in connection with movement dysfunction, bodily malfunction,

physical disorder, disability, healing and pain from trauma and disease, physical and mental conditions using physical agents including exercise, mobilization, manipulation, mechanical and electrotherapy, activity and devices or diagnosis, treatment and prevention.

(Reference: <http://delhiassembly.nic.in/aspfile/billspassed/141997.htm>)

2. Maharashtra State OTPT Council: "Physiotherapy" means a branch of modern medical science which includes examination, assessment, interpretation, physical diagnosis, planning and execution of treatment and advice to any person for the purpose of preventing, correcting, alleviating and limiting dysfunction, acute and chronic bodily malfunction including life saving measures via chest physiotherapy in the intensive care units, curing physical disorders or disability, promoting physical fitness, facilitating healing and pain relief and treatment of physical and psychosomatic disorders through modulating physiological and physical response using physical agents, activities and devices including exercise, mobilization, manipulations, therapeutic ultrasound, electrical and thermal agents and electrotherapy for diagnosis , treatment and prevention.

(Reference: <http://www.msotptcouncil.com/OTPTActs.aspx>)

International References:

1. Definition of Physiotherapy by World Health Organization which emphasizes on assessment and formulating a treatment plan independently by Physiotherapists. "Physiotherapists assess, plan and implement rehabilitative programs that improve or restore human motor functions, maximize movement ability, relieve pain syndromes, and treat or prevent physical challenges associated with injuries, diseases and other impairments. They apply a broad range of physical therapies and techniques such as movement, ultrasound, heating, laser and other techniques. They may develop and implement programmes for screening and prevention of common physical ailments and disorders"

(Reference: http://www.who.int/hrh/statistics/Health_workers_classification.pdf)

2. The World Health Organization (WHO) Classification of Physiotherapists:

World Health Organization (WHO) has classified physiotherapists in professional group (ISCO Code 2264) and paramedical professionals have been classified in a separate entity (ISCO code 2240). International Standard Classification of Occupations (ISCO) is a tool for organizing jobs into a clearly defined set of groups according to the tasks and duties undertaken in the job.

(Reference http://www.who.int/hrh/statistics/Health_workers_classification.pdf)

3. World Confederation of Physical Therapy (WCPT) : Physical therapists are qualified and professionally required to: -undertake a comprehensive examination/assessment of the patient/client or needs of a client group -evaluate the findings from the examination/assessment to make clinical judgments regarding patients/clients -formulate a diagnosis, prognosis and plan -provide consultation within their expertise and determine when patients/clients need to be referred to another healthcare professional -implement a physical therapist intervention/treatment programme -determine the outcomes of any interventions/treatments -make recommendations for self-management. (Reference: <http://www.wcpt.org/what-is-physical-therapy>)

Hence, an individual Independent Physiotherapy Council will make recommendations to ensure the standardization of Physiotherapy Practice and the monitoring of actual performance of Physiotherapists in India which will be helpful for the improvement in Public Health Sector of India.

Thanking you in advance.

Sincerely,
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