



# New South Wales Directive Summary

## Introduction

1. The *New South Wales Chiropractor Workplace Policy (Policy)* is in accordance with the *Public Health (COVID-19 Vaccination of Health Care Workers) Order (No3) 2021 (Order)* under the *Public Health Act 2010 (NSW)*.
2. This Policy commenced on 5 January 2022 and will operate until such time that the Minister for Health confirms COVID-19 no longer poses a threat to public health.
3. This Policy aims to provide the framework for chiropractors to continue working on the premises while not vaccinated against COVID-19, by:
  - a. only treating patients in the event of an emergency as described by part 3 section 8 subsection 3(a) (“**Policy Part 1**”);
  - b. detailing COVID-19 safe procedures to reduce the spread of COVID-19 (“**Policy Part 2**”); and
  - c. the use of COVID-19 Rapid Antigen Testing (RAT) as a reasonable alternative to vaccination (“**Policy Part 3**”).

## Policy Part 1 – Workers not vaccinated against COVID-19 only to treat patients in the event of an emergency.

- 1.1 Chiropractors who are not vaccinated against COVID-19 will only treat patients in the event of an emergency under part 3 section 8 subsection 3(a) of the Order.
- 1.2 Part 3 section 8 of the Order states:
  - (1) A stage 2 health care worker must not do work as a health care worker on or after—
    - (a) 31 January 2022 unless the worker has received at least 1 dose of a COVID-19 vaccine, and
    - (b) 28 February 2022 unless the worker has received at least 2 doses of a COVID-19 vaccine.

Note— A person who is a stage 1 health care worker is not a stage 2 health care worker.

(2) A stage 2 health care worker must, if required to do so by an authorised person on or after 31 January 2022, provide vaccination evidence for the worker.

**(3) Subclauses (1) and (2) do not apply to—**

**(a) a health practitioner who does work as a health care worker in response to a medical emergency, or**

(b) another person who does work as a health care worker in response to a non-medical emergency.

Example— A fire, flooding or a gas leak.

**1.3** ‘Medical emergency’ is not defined in the Order.

**1.4** The *Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2021* defines ‘emergency situation’<sup>1</sup> as

*a situation where it is reasonably apparent to an employer that medical treatment is necessary, as a matter of urgency to:*

(a) save a person’s life; or

(b) prevent **serious damage to a person’s health**; or

(c) **prevent a person from suffering or continuing to suffer significant pain or distress.**

**1.5** The prevention of serious damage and suffering, significant pain or distress is the usual work of chiropractors. This definition can be read into part 3 section 8 subsection 3(a) of the Order to mean that chiropractors who are not vaccinated against COVID-19 can perform work where a patient displays significant pain or distress.

**1.6** Policy Part 1 should be read alongside Policy Part 2 and Policy Part 3.

## **Policy Part 2 – Implementation COVID-19 safe procedures in clinical settings.**

**2.1 Unvaccinated chiropractors working in a clinical setting should implement clear COVID-19 safe procedures.**

**2.2 COVID-19 safe procedures should include:**

(a) The implementation of a COVID-Safe Plan:<sup>2</sup>

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<sup>1</sup> *Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2021* division 3 s 8.

<sup>2</sup> See Department of Health, *COVIDSafe Plan* (18 November 2021) <<https://www.coronavirus.vic.gov.au/covidsafe-plan>>.

- a. A COVID-Safe Plan should include measures such as:
    - i. A detailed plan of action to help prevent the risk of infection of COVID-19 in the workplace;
    - ii. The appropriate PPE and face mask for the workplace;
    - iii. How the workplace should prepare for and respond to the possibility of a COVID-19 infection; and
    - iv. How the workplace will meet all the requirements set out in the Directions.
  - (b) Ensuring density quotients and social distancing measures are maintained in the workplace; and
  - (c) Accurate record-keeping. For example, ensuring the workplace is registered for a QR code and checking that individuals, including employees, are signing in and out when entering and leaving the premises.
  - (d) A template to guide the implementation of, and adherence to, these measures can be found here <https://www.coronavirus.vic.gov.au/covidsafe-plan#creating-a-covidsafe-plan>.
  - (e) The implementation of COVID-19 Rapid Antigen Testing (RAT) for chiropractors who are not vaccinated against COVID-19 (see Policy Part 3).
- 2.4** When read with Policy Part 1, Policy Part 2 ensures that the risk of COVID-19 infection in a clinical setting is minimal.
- 2.5** Policy Part 2 should be read alongside Policy Part 3.

## **Policy Part 3 – The use of COVID-19 Rapid Antigen Testing (‘Policy Part 3’).**

- 3.1** RAT is to be used by all unvaccinated chiropractors in a clinical setting.
- 3.2** Our recommendation is the introduction of RAT testing daily, or at least three times per week, for workers who are not vaccinated against COVID-19.
- 3.3** RAT ensures that those attending the workplace are negative for COVID-19, reducing the risk to both staff and patients.
- 3.4** RAT is a reasonable adjustment for chiropractors who are unvaccinated to use to reduce the risk of transmission of COVID-19.
- 3.5** RAT has been approved by the Therapeutic Goods Administration (“TGA”) in accordance with the *Guidance for Implementation and Checklist for Businesses in respect of COVID-19 Rapid Antigen*

*Point of Care Testing* and offers a minimum clinical sensitivity and detection COVID-19 virus of greater than 95%.<sup>3</sup>

- 3.6** RAT is currently used alongside or as an alternative to COVID-19 vaccination in various industries in Victoria and New South Wales, including government, agencies, schools, construction. For example, RAT has been approved for use in the emergency department of the Royal Melbourne hospital. These industries have included guidance on use.<sup>4</sup>
- 3.7** Policy Part 3 should be read alongside Policy Part 1 and Policy Part 2 to ensure that the risk of COVID-19 infection in a clinical setting is minimal.

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<sup>3</sup> Therapeutic Goods Association, *COVID-19 rapid antigen self-tests that are approved for use in Australia* (17 November 2021) Australian Government Department of Health <<https://www.tga.gov.au/covid-19-rapid-antigen-self-tests-are-approved-australia>>.

<sup>4</sup> NSW Ministry of Health, *Framework for the Provision of Rapid Antigen Screening for COVID-19 in Clinical and Non-Clinical Settings*, August 2021 <[https://www.nsw.gov.au/sites/default/files/2021-08/209659\\_RAS%20Framework%20and%20Standard%20Operating%20Procedure%20Aug21%20v5.pdf](https://www.nsw.gov.au/sites/default/files/2021-08/209659_RAS%20Framework%20and%20Standard%20Operating%20Procedure%20Aug21%20v5.pdf)>