



## **CHIROPRACTORS AND OSTEOPATHS BOARD OF THE NORTHERN TERRITORY**

### **CHIROPRACTORS AND OSTEOPATHS CODE OF PROFESSIONAL CONDUCT**

#### **INTRODUCTION**

The Chiropractors and Osteopaths Board of the Northern Territory (the Board) has a duty to ensure that registered chiropractors and osteopaths maintain a high standard of practice. The Board has established the following Code of Professional Conduct under section 12 of the *Health Practitioners Act 2004* to assist registrants to engage their duties and responsibilities in an appropriate, professional manner.

The Code is not exhaustive and the Board guides chiropractors and osteopaths to refer to professional standards and codes of practice published by the relevant professional associations. It also recognises the standard of practice required to successfully complete qualifications in either of the professions that provides entitlement to registration in Australia. For the purposes of this document reference to practitioners relates to the professions of chiropractor and osteopath.

#### **ETHICAL OBLIGATIONS OF CHIROPRACTORS AND OSTEOPATHS TO THE PUBLIC**

The public is entitled to receive safe, effective and ethical chiropractic and osteopathic services performed by knowledgeable, skilled, accountable practitioners. Each practitioner will utilise an individualised, comprehensive approach for each patient, which recognises the patient's needs and background and his or her right to choose from a range of options. The practitioner shall not take advantage of patients: physically; psychologically; emotionally; spiritually; culturally; or financially.

The practitioner shall:

- 1) Commit to the highest level of professional efficacy through the maintenance and application of current, relevant knowledge and skill.
- 2) Maintain professional integrity and conduct all professional activities, programs and relations honestly and responsibly.
- 3) Ensure all employees (chiropractors or osteopaths) hold current registration in the Northern Territory.
- 4) Uphold the principle of informed consent, including the patient's right to choose from a range of options.
- 5) Demonstrate respect for the physical, emotional, cultural and spiritual well-being of patients.
- 6) Maintain a respectful relationship with members of the public in order to facilitate awareness and understanding of the profession (chiropractic or osteopathy as relevant to the category of registration).

## **RIGHTS OF PATIENTS**

Should include but are not limited to:

### 1) Respect

A patient should be treated with respect and courtesy.

### 2) Service

Prior to commencement of a therapeutic relationship, a patient should be fully aware of the cost of services. Quality of service should always be of a high standard.

### 3) Communication

A patient has the right to be listened to and to be given information in an appropriate manner.

### 4) Informed Consent

A patient should be given all the necessary information about the purpose, risks and benefits associated with examinations, treatments or referral proposed by their practitioner, to enable patients to make informed choices. This information must be provided in terms that the patient can reasonably be expected to understand.

### 5) Privacy and Confidentiality

A patient's privacy and confidentiality must be respected.

### 6) Competence

A patient should expect that a practitioner would only perform those procedures for which her or she is qualified (by training and experience) and which are within his or her competence.

### 7) Treatment

A patient has the right to decide whether or not to undergo treatment.

## **CODE OF CONDUCT**

1. Practitioners must conduct themselves in their professional duties in accordance with the *Health Practitioners Act 2004* and in accordance with this Code as approved by the Board, and in accordance with any guidelines that may be issued by the Board from time to time.
2. Practitioners must ensure they maintain their knowledge and competence to practice.
3. Practitioners must only perform or participate in those procedures that are within their competency and for which they are appropriately qualified, and appropriately refer those patients whose needs or requests are outside their area of competency.
4. All professional services and functions practised by a chiropractor or osteopath must be provided in accordance with this Code.
5. A practitioner's ordinary place of practice must provide privacy and confidentiality for patients and their records, in accordance with jurisdictional and Commonwealth privacy legislation.
6. For professional and legal reasons practitioners are required to keep and maintain adequate patient records that clearly reflect the course of patient management. The record must be complete enough to provide the practitioner with information required for subsequent care or reporting to outside parties. Records must be accurate, legible, comprehensive and contemporary.
7. The practitioner – patient relationship is an unequal relationship and the practitioner is responsible for establishing and maintaining professional boundaries with his or her patients. The professional is in a position of power because of the knowledge he or she holds and the patient's need for that knowledge. In order to maintain trusting professional relationships, the practitioner must ensure his or her own competence, integrity and dependability and not exploit a trust relationship with patients, whether the patient is willing to participate or gives consent or not. A practitioner must not exploit

their relationship with a patient in any way. In particular there must not be a sexual relationship with a patient whilst a professional relationship exists.

8. Practitioners must not disrespect the ethical, religious, cultural and political beliefs of patients, students, or colleagues. Practitioners must not discriminate in employment or in the provisions of service on grounds of race, sex, marital status, transgender status, disability, responsibilities as a carer, homosexuality or age.
9. Practitioners must respect the wish of a patient for a second opinion and must, if practicable, help the patient obtain a competent second opinion.
10. Practitioners must utilise a communication process that promotes a shared understanding with those with whom they interact. This involves the establishment of a feedback process and includes appropriate use of verbal, non-verbal and written communication.
11. A practitioner must inform his or her patient at the commencement of a course of chiropractic or osteopathic management of the reasonable foreseeable implications, including risks, complications and reactions, and explain the nature and purpose of the management. A practitioner must receive informed consent from the patient before commencing any form of management.
12. A practitioner must not, unless required by law, divulge information about a patient unless the patient specifically authorises the release in writing.
13. A practitioner must not undertake research involving human subjects without the research proposal being approved by a properly constituted ethics committee. This also applies to students or trainees who are being considered as subjects of research. Research must comply with guidelines issued under section 95A under the *Commonwealth Privacy Act 1988*.
14. Practitioners must refrain from criticising colleagues in public or in a clinical setting in a manner, which casts doubts on the colleague's professional competence unless there is clear evidence that a patient may be treated in such a manner that contradicts contemporary practice. This does not apply to the critical evaluation of published works, or to expert testimony in court, or to the provision of an opinion as an expert for legitimate purpose.
15. Practitioners must maintain a professional relationship with colleagues, employees and students and take no action that will bring the profession into disrepute.
16. If a practitioner has reason to believe that a colleague is behaving in an unprofessional manner, or that his or her standard of practice falls substantially below acceptable standards then, if practical, the colleague should be approached in a constructive manner. If this is impractical, then the matter must be reported to the Chiropractors and Osteopaths Board of the Northern Territory or the Health and Community Services Complaints Commission.
17. A practitioner must not undertake any practice whilst his or her ability to do so is impaired i.e.: while under the influence of alcohol or other addictive substances, while lacking mental or physical competence, or state of health (s 74).
18. Practitioners must not teach spinal manipulative techniques (whether by manual or mechanical means), nor supervise treatments, of any part of a person's body that affects a joint or segment of the vertebral column, to any person who is not a chiropractor, osteopath, physiotherapist, medical practitioner or student enrolled in an approved course in any of the aforesaid disciplines.
19. Practitioners must maintain appropriate professional indemnity arrangements to be entitled to maintain registration in the Northern Territory.

20. A practitioner must disclose any material or pecuniary interests in any business or service provider to which he or she makes a referral or gives a recommendation.

21. Practitioners must comply with:

*104. Unauthorised use of certain titles*

(1) A person must not practise a profession or trade under a title specified in Schedule 7, column 2 of the *Health Practitioners Act* unless he or she is registered in a category of registration in the category of health care practice specified opposite the title in column 1 (chiropractor or osteopath),

*105. Notifying Board of civil claims*

(1) A health practitioner must, within 14 days after proceedings claiming damages or other compensation for alleged negligence in health care practice are commenced against the health practitioner, give the relevant Board notice of the proceedings including particulars of the claim.

(2) A health practitioner must, within 14 days after proceedings claiming damages or other compensation for alleged negligence by the health practitioner in health care practice are withdrawn or settled, or a court or other tribunal makes an order in respect of the proceedings, give the relevant Board notice of the withdrawal, settlement or order.

*112. Health practitioner notice relating to fitness to practise*

(1) If, as a result of his or her treating another health practitioner in relation to an illness or condition, a health practitioner considers that the other health practitioner has a mental or physical incapacity that has resulted in or is likely to result in an incapacity that seriously impairs or may seriously impair his or her ability to practise in the category of health care for which the health practitioner is registered or enrolled, the first-mentioned health practitioner must give the Board that registered or enrolled the other health practitioner notice of that fact.

*114. Employer notice relating to fitness to practise*

If a person who employs a health practitioner considers that the health practitioner has a mental or physical incapacity that has resulted in or is likely to result in an incapacity that seriously impairs or may seriously impair the health practitioner's ability to practise in the category of health care for which the health practitioner is registered or enrolled, he or she may notify the relevant Board of that fact.

*117. Employer notice of misconduct or incompetence*

If a person who employs a health practitioner terminates or suspends the health practitioner's employment because of alleged or actual misconduct or incompetence to practise, the person must provide a written report of the circumstances of the termination or suspension to the relevant Board and to the health practitioner.

### **Acknowledgements**

The Chiropractors and Osteopaths Board of the Northern Territory wishes to acknowledge that this Code has been developed following reference to, and with extracts from, the following:

Chiropractors Registration Board Queensland 'Chiropractors Code of Professional Conduct June 2002'

Chiropractors Board of South Australia "Code of Professional Conduct & Practice"

New South Wales Osteopaths Registration Board, 'Osteopaths Code of Professional Conduct'