

## Codes of Conduct / Ethics

### Preamble

This Code is compiled by the Disciplinary Committee of the Chinese Medicine & Acupuncture Society of Australia, CMASA , in relates to CMASA members' standards of practice of Acupuncture, Chinese herbal Medicine and Remedial Massage. In this document the term 'Traditional Chinese Medicine (TCM)' is synonymous with that of 'Oriental Medicine' and includes the modalities of acupuncture, traditional Chinese Herbalism, remedial Massage, Chinese Massage Tui Na, and Tai Chi Qi Gong; which all share a common basis in theory and historical background and foundation.

This Code of Conduct/Ethics describes the professional standard of conduct expected of member practitioners of so as to preserve and enhance the reputation of the Chinese Medicine & Acupuncture Society of Australia, and as to protect the safety of general public.

This Code applies to all levels of member practitioners of Traditional Chinese Medicine and Remedial Massage. The Disciplinary Committee reserves the right to amend the Code of Conduct/Ethics if and when it is deemed necessary.

Chinese Medicine, Acupuncture and Remedial Massage are the holistic approach to the prevention, diagnosis and therapeutic management of a wide range of health disorders.

Chinese Medicine, Acupuncture and Remedial Massage practices are founded on the development of a therapeutic relationship and the implementation of therapeutic strategies based on holistic principles. Chinese Medicine, Acupuncture and Remedial Massage encompass a diversity of practices to improve the health status of the individual and community for the common good.

The aim of the Code of Conduct/Ethics is to make it easier for members to understand the conduct which is acceptable to CMASA, the Chinese Medicine, Acupuncture and Remedial Massage profession, to the larger community and to identify unacceptable behavior. The Ethical Principles underpin the standards of professional conduct as set out in the Code of Conduct/Ethics.

The purpose of the Code of Conduct/Ethics is to:

- identify the minimum requirements for practice in the Chinese Medicine, Acupuncture and Remedial Massage profession,
- identify the fundamental professional commitments of CMASA members,
- act as a guide for ethical and proper practice,
- clarify what constitutes unprofessional conduct, and
- indicate to the community the values which are expected of CMASA members.

Therefore, the Code of Conduct/Ethics is established as the basis for ethical and professional conduct in order to meet community expectations and justify community trust in the judgment and integrity of CMASA members.

While the Code of Conduct/Ethics is not underpinned in statute, adoption and adherence to it by CMASA members, is a condition of CMASA membership. A breach of the Code of Conduct/Ethics may render CMASA member liable de-registration of membership.

## 1. PRINCIPLES

### 1.1 Basic Principles

- (a) Practitioners conduct themselves ethically and professionally at all times.
- (b) Practitioners render their professional services in accordance with holistic principles for the benefit and wellbeing of patients.
- (c) Practitioners do no harm to patients.
- (d) Practitioners have a commitment to continuing professional education to maintain and improve their professional knowledge, skills and attitudes.
- (e) Practitioners respect an individual's autonomy, needs, values, culture and vulnerability in the provision of Chinese Medicine, Acupuncture and Remedial Massage treatment.

(f) Practitioners accept the rights of individuals and encourage them to make informed choices in relation to their healthcare, and support patients in their search for solutions to their health problems.

(g) Practitioners recognise their limitations and the competence of other healthcare professionals, and when indicated, recommend that additional opinions and services be sought.

(h) Practitioners treat all patients with respect, and do not engage in any form of exploitation for personal advantage whether financial, physical, sexual, emotional, religious or for any other reason.

## 1.2 Members shall respect the patient's autonomy

(a) Autonomy refers to the right of the patient to make their own decisions regarding their health care.

(b) Health care is a partnership between practitioner and patient, however it is often an unequal partnership as the practitioner usually has more health knowledge than the patient.

(c) Practitioners must provide a sufficient explanation of the patient's condition, treatment options and the risks of treatment to enable patients to make their own decisions and to be able to give informed consent for treatment.

(d) Treat your patient with compassion and respect.

## 1.3 All treatment shall be for the benefit of the patient

(a) Treatment shall be therapeutic and reasonable.

(b) Reasonably necessary treatment is treatment which aims to benefit the physical, emotional or psycho-social health and well-being of the patient.

(c) Frequency and nature of treatment will be determined by considering the individual needs of the patient, independent of the financial, personal or business interests of the practitioner.

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1.4 Members shall not harm the patient

(a) Members shall maintain a safe and hygienic environment suitable for their practice.

(b) Members undertake to maintain their professional competence and keep abreast of professional developments through continuing professional education.

(c) Members will not lead patients into financial or emotional distress.

(d) Recognise where a patient is not responding adequately to treatment and discuss and review options with the patient including the option of referral to another health practitioner.

1.5 Members shall act fairly in all dealings with their patients, other professionals, their peers and the community

(a) Members shall refrain from discriminating against patients on the basis of their religion, gender, race, ethnicity, political views, trade union or professional association membership, sexual identity, age, nature of presenting condition, impairment, disability, or criminal record.

(b) Members shall not engage in misleading or dishonest advertising.

(c) Members shall treat other professions with professional respect and courtesy.

(d) Members shall not abuse the role of third party payers such as health funds and workers compensation insurers.

(e) Members shall at all times act lawfully.

1.6 Members shall adhere to the NHMRC National Statement on Ethical Conduct Involving Humans

(a) Members will only participate in human research if the project has been given ethical clearance by an appropriately constituted human research ethics committee that complies with the National Statement on Ethical Conduct in Research Involving Humans.

**2. DUTY OF CARE**

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2.1 The primary professional duty of a practitioner is to competently assist the patient to optimum health, within the circumstances of the patient's condition.

2.2 The practitioner shall always maintain the highest standards of professional conduct and duty of care to the patient.

2.3 Under no circumstances shall a practitioner knowingly undertake any action or treatment that would adversely affect the health of a patient or fellow human being.

### **3. PROFESSIONAL CONDUCT**

3.1 The practitioner shall have respect for the religious, spiritual, political and social views of any individual irrespective of race, age, gender, colour, ethnic origin, differing abilities, sexuality, creed, marital status, culture, political views or social standing.

3.2 Proper conduct must always be paramount in practitioners' relations with patients. Practitioners must behave with courtesy, respect, dignity and discretion. Their attitude must be competent and sympathetic, hopeful and positive, thus encouraging uplift in the mental outlook of the patient and a belief in a progression towards good health practices.

3.3 A practitioner should not enter into an intimate or sexual relationship with a patient whilst the patient is under their care.

3.4 A practitioner can practice only the modality(s) of TCM and Remedial Massage; natural and/or traditional therapy discipline/s; medical specialty in which



she/he is accredited by the Chinese Medicine & Acupuncture Society of Australia or other professional body recognized by the Chinese Medicine & Acupuncture Society of Australia.

3.5 The practitioner is to recognize a responsibility to give the generally held opinions of the profession of Traditional Chinese Medicine and Remedial Massage when interpreting and conveying scientific or empirical knowledge to patients or to the general public, and where one presents any personal opinion which is contrary to the generally held opinion of the profession, clearly indicate that this is so.

3.6 A practitioner shall not provide false information on documents used for health fund rebate purposes.

3.7 A practitioner shall not use any unsafe or improper practice.

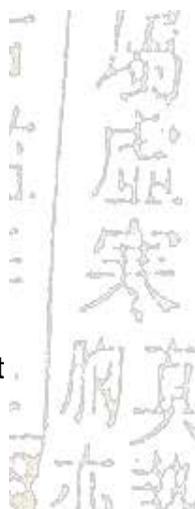
3.8 Practitioners shall at all times show due respect and co-operate with practitioners of other disciplines.

3.9 Practitioners must never claim to "cure". The possible therapeutic benefits may be described as recovery, but this must never be guaranteed.

3.10 A practitioner shall at no time take part in or promote any activity, verbal or otherwise, which will reflect improperly or denigrate the standing of Traditional Chinese Medicine or natural and traditional therapies, or the Traditional Chinese Medicine, or the Federation of Natural and Traditional Therapists within the general community or to other organizations official or unofficial.

3.11 Practitioners should ensure that they are medically, physically and psychologically fit to practice.

3.12 A practitioner should not attend to a patient or clinic whilst under the influence of alcohol, drugs or other substance that would impair their judgment. It would be considered inappropriate for a practitioner to smoke or consume a



tobacco product in the clinical setting.

3.13 A practitioner shall not use their professional connections or affiliations in an unconscionable manner.

3.14 A practitioner shall not knowingly breach the Commonwealth or State legislation or regulations pertaining to their area of practice, and shall be aware of noticeable diseases.

3.15 Recognise where a client is not responding adequately to treatment and discuss and review options with the client including the option of referral to another health practitioner.

3.16 Do not exploit your client for any reason.

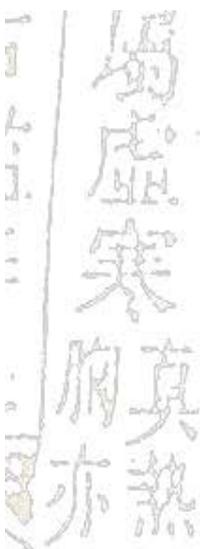
3.17 Refrain from inappropriate servicing.

3.18 Treatment shall be reasonably necessary. Reasonably necessary treatment is treatment which aims to benefit the physical, emotional or psycho-social health and well-being of the client.

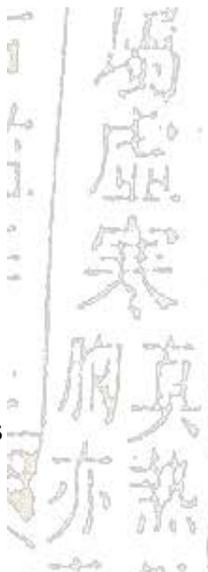
3.19 Frequency and nature of treatment will be determined by considering the individual needs of the client, independent of the financial, personal or business interests of the practitioner.

3.20 Do not abuse the role of third party payers such as health funds and workers compensation insurers.

#### **4. RELATIONSHIP BETWEEN PRACTITIONER AND PATIENT**



- 4.1 The practitioner shall not discriminate on the basis of race, age, religion, gender, ethnicity, sexual preference, political views, medical condition, socioeconomic status, culture, marital status, physical or mental disability.
- 4.2 The practitioner must behave with courtesy, respect, dignity and discretion towards the patient, at all times respecting the diversity of individuals and honouring the trust in the therapeutic relationship.
- 4.3 The practitioner should assist the patient find another healthcare professional if required.
- 4.4 Should a conflict of interest or bias arise, the practitioner shall declare it to the patient, whether the conflict or bias is actual or potential, financial or personal.
- 4.4 Practise the art and science of Acupuncture, Chinese Medicine and Remedial Massage to your full ability.
- 4.5 Put the health of the patient/client before all other considerations.
- 4.6 Respect the principles of informed consent.
- 4.8 Where treatment involves a minor, obtain the consent of the parent or guardian prior to commencing treatment.
- 4.9 Respect the patient/client's right to reject or accept advice and to make their own decisions about treatment and procedures.
- 4.10 Discuss treatment goals with their patient/client and ensure that their goals coincide with the patient/client's goals.
- 4.11 In a group practice, recognise your patient/client's right to consult the practitioner of their choice.
- 4.12 Practise only within the scope of practice determined by your qualifications and experience.



4.13 Refer the patient/client to another suitably qualified practitioner where a patient/client requires care which is not within your scope of practice.

4.14 Ensure that other health professionals that you refer your patient/clients to are appropriately qualified.

4.15 Undertake life-long continuing professional education to improve your professional skills.

4.16 Maintain patient/client confidentiality. Exceptions to this duty should be carefully

considered and limited to where required by law, where a risk exists to the patient/client or another person, or where there is an overwhelming public interest.

4.17 Ensure security of storage, access and utilization of patient/client information.

4.18 Refrain from discriminating against a patient/client on the basis of their race, religion, gender, sexual preference, political views, impairment or disability.

4.19 Ensure that you can communicate clearly with your patient/client in a common language either directly, through an interpreter, or via a telephone interpreter service. Where it is not possible to communicate in a common language, wherever possible, the patient/client should be referred to a practitioner where language is not a barrier.

4.20 Understand that you have the right to decline or terminate a therapeutic relationship providing that the situation is not an emergency and that access to the services of another health care provider is available.

4.21 Where you discontinue an existing therapeutic relationship, inform your patient/client of this so that they may seek help elsewhere.

4.22 Where personally held religious or moral beliefs prevent you from offering a treatment, inform the patient/client of this so they may seek care elsewhere.



4.23 Recognise where a patient/client is not responding adequately to treatment and discuss and review options with the patient/client including the option of referral to another health practitioner.

4.24 Do not exploit your patient/client for any reason.

4.25 When referring your patient/client to institutions or services in which you have a financial interest, fully disclose your interests first.

4.26 Do not have sexual relationships with current patient/clients and avoid sexual relationships with former patient/clients.

4.27 Refrain from inappropriate servicing:

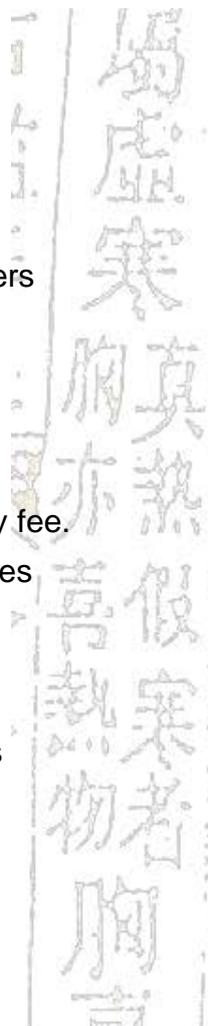
(i) Treatment shall be reasonably necessary. Reasonably necessary treatment is treatment which aims to benefit the physical, emotional or psycho-social health and well-being of the patient/client.

(ii) Frequency and nature of treatment will be determined by considering the individual needs of the patient/client, independent of the financial, personal or business interests of the practitioner.

(iii) Do not abuse the role of third party payers such as health funds and workers compensation insurers.

4.28 Place an appropriate value on professional services when determining any fee. Consider time, skill, and experience involved in the performance of those services together with any special circumstances.

4.29 Ensure that the patient/client is aware of your fees wherever possible. This may be achieved by displaying a schedule of fees at your place of practice.









## 8. THE PRACTITIONER AND THE PROFESSION

- 8.1 Build a professional reputation based on ethical conduct and professional competence.
- 8.2 Recognise that your personal conduct influences the community's view of the profession.
- 8.3 Keep up to date with relevant professional knowledge and legal responsibilities.
- 8.4 Comply with the association's policies, procedures, regulations and articles of association.
- 8.5 Maintain a safe and hygienic environment consistent with the association's infection control guidelines and other statutory requirements.
- 8.6 Maintain Professional Indemnity Insurance at the level required by the association and regulatory bodies..
- 8.7 Maintain First Aid Level 2 skills at the level required by the Association.
- 8.8 Members either working for or employing another practitioner should have a written agreement between the parties setting out their rights, obligations and responsibilities including a process for dispute resolution.
- 8.9 Comply fully with all laws and regulations governing the practice of TCM and RM in Australia.
- 8.10 Do not undertake conduct which brings the profession into disrepute.
- 8.11 When teaching your skills to others, ensure that you do not undermine the practice of Chinese Medicine and Remedial Massage or the professional standards of the association.



be paid to the following:

(a) Practitioners shall not use titles or descriptions which give the impression of medical or other qualification to which they are not entitled.

(b) A practitioner shall only advertise in a proper and professional manner for the purpose of informing members of the general public as to their location details and areas of specialist practice.

## **11. REFERRAL TO OTHER PRACTITIONERS**

11.1 Communicate and co-operate with colleagues and other health care practitioners and agencies in the best interests of your patient/client and the community.

11.2 Obtain the opinion of an appropriate colleague acceptable to your patient/client if diagnosis or treatment is difficult or obscure, or in response to a reasonable request from your patient/client.

11.3 When referring a patient/client, obtain the consent of your patient/client to forward all relevant health information to the practitioner and indicate to the practitioner if you seek their opinion only, or for them to assume the continuing care of the patient/client.

11.4 When another health practitioner has requested an opinion, report in detail your findings to the referring practitioner.

## **12. PROFESSIONAL INDEPENDENCE**

12.1 You must safeguard your professional independence and integrity from demands from society, third parties, individual patient/clients and government.

12.2 Refrain from entering into any contract which may conflict with your professional integrity, clinical independence or duty to your patient/client.

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Board of Australia regulations and guidelines as of below :

<http://www.chinesemedicineboard.gov.au/Codes-Guidelines.aspx>

16.1 Code of Conduct.

16.2 Advertising Guidelines

16.3 Mandatory Notifications Guidelines

16.4 Patient Records Guidelines

16.5 Updated Listing of Restricted Chinese Herbs - September 2012