

Code of Conduct for Unregistered Health Practitioners

Made under the Health and Community Services Complaints Regulations 2005

Unless exempt by the Regulations all unregistered health practitioners must display this Code of Conduct and the information for clients about how a complaint may be made to the Health and Community Services Complaints Commissioner (HCSCC). If an unregistered health practitioner has relevant qualifications, these qualifications must also be displayed. All of these documents must be displayed in a position and manner that makes them easily visible and accessible to a person entering the relevant premises.

This requirement to display material does not apply to the following premises:

- Premises of any hospital, whether public or private (within the meaning of the *Health Care Act 2008*).
- Premises of any health care service established or licensed under the *Health Care Act 2008*.
- Premises of any day procedure centre.
- Premises of the SA Ambulance Service Incorporated.
- Premises of an approved aged care services provider (within the meaning of the *Aged Care Act 1997* of the Commonwealth).

Schedule 2 – Code of Conduct for Unregistered Health Practitioners

1 – Preliminary

What is an unregistered health practitioner?

An unregistered health practitioner is someone who provides a health service and who doesn't have to be registered with a registration authority in order to provide his or her service.

In this schedule an unregistered health practitioner is called a health practitioner.

In this schedule a service user is called a client.

2 – Health practitioners to provide services in a safe and ethical manner

This code requires that health practitioners provide services in a safe and ethical manner. This means that the health practitioner must:

- (a) Maintain a reasonable level of competence in his or her field of practice.
- (b) Not provide health services that are outside his or her experience or training.
- (c) Not use his or her qualifications to mislead or deceive clients about his or her competence to provide a particular treatment.
- (d) Only prescribe treatment or devices that serve the needs of the client.
- (e) Recognise the limitations of treatments they can provide and, where appropriate, refer clients to other competent health service providers.
- (f) Recommend that a client seek additional opinions or services where appropriate.
- (g) Assist a client to find other suitable health care professionals where appropriate.
- (h) Encourage a client to inform his or her medical practitioner (if any) of treatment received from the health practitioner.
- (i) Have a sound understanding of any adverse interaction between the therapies and treatments provided or prescribed and any other medications or treatments the client might be taking or receiving.
- (j) Ensure that appropriate first aid is available if needed during a consultation.
- (k) Obtain appropriate emergency assistance (such as an ambulance service) in the event of any serious misadventure or outcome during a consultation.

3 – Health practitioners diagnosed with infectious medical condition

Health practitioners who have been diagnosed with an infectious medical condition must:

- (1) Ensure that any services provided do not put the client at risk.
- (2) Take and follow advice from an appropriate medical practitioner regarding steps to avoid the possibility of transmission to clients.

4 – Health practitioners not to make claims to cure certain serious illnesses

- (1) The health practitioner must not claim to be qualified, able or willing to cure cancer or other terminal illnesses.
- (2) Health practitioners must not claim the ability to treat, alleviate or cure serious illnesses unless the claim can be substantiated.

5 – Health practitioners to take precautions for infection control

Health practitioners must take appropriate precautions for the control of infection while providing a service.

6 – Appropriate conduct in relation to treatment advice

- (1) Health practitioners must not attempt to dissuade a client from seeking or continuing treatment by a registered medical practitioner.
- (2) The health practitioner must accept a client's right to make an informed choice in relation to his or her own health care.
- (3) Health practitioners should communicate and cooperate with colleagues and other health care practitioners and agencies in the best interests of the client.
- (4) Health practitioners who have serious concerns about the treatment provided to a client by another health practitioner must refer the matter to the Health and Community Services Complaints Commissioner.

7 – Health practitioners not to practise under influence of alcohol or drugs

- (1) Health practitioners must not provide services while intoxicated by alcohol or any other substance.
- (2) The health practitioner on prescribed medication must obtain advice from the prescribing health practitioner on the impact that medication might have on his or her ability to practise and must not treat a client if his or her ability might be impaired.

8 – Health practitioners not to practise with certain physical or mental conditions

A health practitioner must not provide a service while physically or mentally impaired, including if he or she is impaired by addiction to alcohol or a drug, or if his or her impairment may lead to the client being harmed.

9 – Health practitioners not to financially exploit clients

Health practitioners must not:

- (1) Accept a financial inducement or gift for referring a client to another health practitioner or supplier of medications or therapeutic goods or devices.
- (2) Offer a financial inducement or gift in return for a referral from another health practitioner.
- (3) Provide a health service or treatment to a client unless they are designed to maintain or improve the client's health or wellbeing.

10 – Health practitioners required to have clinical basis for treatments

Health practitioners must have a valid clinical basis for treating a client. Health practitioners must not diagnose or treat an illness or condition unless there is an adequate clinical basis to do so.

11 – Health practitioners not to misinform clients

- (1) Health practitioners must be truthful about their qualifications, training or professional affiliations if asked by a client.
- (2) Health practitioners must not make claims, either directly or in advertising or promotional material, about the efficacy of treatments or services if the claims cannot be substantiated.

12 – Health practitioners not to engage in sexual or improper personal relationship with client

Health practitioners must not engage in sexual or other close personal relationships with clients.

Before engaging in a sexual or other close personal relationship with a former client, a health practitioner must ensure that a suitable period of time has elapsed since the conclusion of his or her therapeutic relationship.

13 – Health practitioners to comply with relevant privacy laws

Health practitioners must comply with State or Commonwealth laws relating to the personal information of clients.

14 – Health practitioners to keep appropriate records

Health practitioners must maintain accurate, legible and up to date clinical records of each client consultation.

15 – Health practitioners to keep reasonable insurance

Health practitioners should ensure that his or her practice has reasonable indemnity insurance.

Concerned about the care you have received?

The Code of Conduct for Unregistered Health Practitioners sets out what you can expect from your health practitioner. If you have concerns about the health service that was provided to you or a family member, talk to the health practitioner immediately. In most cases the health practitioner will try to resolve your concerns.

If you're not able to deal direct with the health practitioner, or you're not satisfied with the health practitioner's response, please contact the Health and Community Services Complaints Commissioner's Enquiry Service:

- Monday to Friday 9am to 5pm on telephone number **8226 8666** or if you are in regional South Australia, call from a landline on **1800 232 007**
- Write to HCSCC - PO Box 199, Rundle Mall SA 5000
- Visit the website and fill out an online complaint form www.hcsc.sa.gov.au
- Send a fax to HCSCC on **8226 8620**

HCSCC can help if you have special needs, such as requiring an interpreter.

This document is a "plain English" version of the Code of Conduct as determined by the Health and Community Services Complaints Commissioner in accordance with regulation 5B(2)(a) of the Health and Community Services Complaints Regulations 2005. This document is also in a form determined by the Minister for Health and Ageing in accordance with regulation 5B(2)(c) of the Health and Community Services Complaints Regulations 2005.

