Note.

1 Definitions

Health practitioner and health service have the same meaning as in the Health Care Complaints Act 1992

Note. The Health Care Complaints Act 1992 defines these terms.

Health practitioner means a natural person who provides a health service (whether or not the person is registered under the Health Practitioner Regulation National Law).

Health service includes for these purposes, whether provided as public or private services:

(a) medical, hospital, nursing and midwifery services,
(b) dental services,
(c) mental health services,
(d) pharmaceutical services,
(e) optical services,
(f) community health services,
(g) health education services,
(h) welfare services necessary to implement any services referred to in paragraphs (a) to (g),
(i) Chinese medicine, chiropractic, occupational therapy, optometry, osteopathy, physiotherapy, podiatry and psychology services,
(j) optical dispensing, dietitian, massage therapy, naturopathy, acupuncture, speech therapy, audiology and ophthalmology services,
(k) services provided in other alternative health care fields,
(l) forensic pathology services,
(m) a service prescribed by the regulations as a health service for the purposes of the Health Care Complaints Act 1992.

2 Application of code of conduct

This code of conduct applies to health practitioners by:

(a) health practitioners who are not subject to the scheme for registration under the Health Practitioner Regulation National Law (including de-registered health practitioners), and
(b) health practitioners who are registered under the Health Practitioner Regulation National Law who provide health services that are not regulated under their registration.

Note. The Act specifies other requirements relating to the provision of health services to which this Code applies, including, for example, requirements imposed by Part 2A of the Act and the regulations made under that Part.

3 Health practitioners to provide services in safe and ethical manner

(1) A health practitioner must provide health services in a safe and ethical manner.

(2) Without limiting subsection (1), health practitioners must comply with the following principles:

(a) a health practitioner must maintain the necessary competence in his or her field of practice,
(b) a health practitioner must not provide health care of a type that is outside his or her experience or training,
(c) a health practitioner must not provide services that he or she is not qualified to provide,
(d) a health practitioner must not use his or her possession of particular qualifications to mislead or deceive his or her clients as to his or her competence in his or her field of practice or ability to provide treatment,
(e) a health practitioner must have a sound understanding of any adverse interactions between the therapies and treatments he or she provides or prescribes and any other medications or treatments, whether prescribed or not, that the health practitioner is aware the client is taking or receiving,
(f) a health practitioner must ensure that appropriate first aid is available to deal with any medical emergency during a client consultation,
(g) a health practitioner must obtain appropriate emergency assistance (for example, from the Ambulance Service) in the event of any serious medical emergency during a client consultation.

4 Health practitioners diagnosed with infectious medical condition

(1) A health practitioner who has been diagnosed with a medical condition that can be passed on to clients must:

(a) immediately inform the client that he or she has a condition that can be passed on to his or her clients,
(b) provide the client with advice on how to take steps to be taken to modify his or her practice to avoid the possibility of transmitting that condition to clients.

5 Health practitioners not to make claims to cure certain serious illnesses

(1) A health practitioner must not hold himself or herself out as qualified, able or willing to cure cancer and other serious illnesses.

(2) A health practitioner may make a claim as to his or her ability or willingness to treat or alleviate the symptoms of the condition:

(a) if the health practitioner can substantiate it,
(b) if the claim is made in a manner that does not mislead.

6 Health practitioners to adopt standard precautions for infection control

(1) A health practitioner must adopt standard precautions for the control of infection in his or her practice.

(2) Without limiting subsection (1), a health practitioner who carries out a skin penetration procedure within the meaning of section 122 of the Health Practitioner Regulation National Law must comply with the relevant regulations under the Act in relation to the carrying out of the procedure.

Note. The Act defines skin penetration procedure as any procedure (whether medical or not) that involves skin penetration (such as acupuncture, tattooing, piercing or hair removal), and includes any procedure declared by the regulations to be a skin penetration procedure, but does not include:

(a) any procedure carried out under the Health Practitioner Regulation National Law, or by a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service;
(b) any procedure declared by the regulations not to be a skin penetration procedure.

7 Appropriate conduct in relation to treatment advice

(1) A health practitioner must not attempt to dissuade clients from seeking or continuing with treatment by a registered medical practitioner.

(2) A health practitioner must accept the right of any of his or her clients to make informed choices in relation to their health care.

(3) A health practitioner should communicate and co-operate with colleagues and other health care practitioners and agencies in the best interests of their clients.

(4) A health practitioner who has information about the treatment provided to any of his or her clients by another health practitioner must refer the matter to the Health Care Complaints Commission.

8 Health practitioners not to practise under influence of alcohol or drugs

(1) A health practitioner must not practise under the influence of alcohol or unlawful drugs.

(2) A health practitioner who is taking prescribed medication must obtain advice from the prescribing health practitioner on the impact of the medication on his or her ability to practice and must refrain from treating clients in circumstances where his or her ability is or may be impaired.

9 Health practitioners not to practise with certain physical or mental conditions

A health practitioner must not practise while suffering from a physical or mental impairment, disability, condition or disorder (including an addiction to alcohol or a drug, whether or not prescribed) that detrimentally affects, or is likely to detrimentally affect, his or her ability to practice or that places clients at risk of harm.

10 Health practitioners not to financially exploit clients

(1) A health practitioner must not accept financial inducements or gifts for referring clients to other health practitioners or to the health practitioner's practice or service.

(2) A health practitioner must not offer financial inducements or gifts in return for client referrals from other health practitioners.

(3) A health practitioner must not provide services and treatments to clients unless they are designed to maintain or improve the clients' health or wellbeing.

11 Health practitioners required to have clinical basis for treatments

(1) A health practitioner must not diagnose or treat an illness or condition without an adequate clinical basis.

(2) Health practitioners not to misinform their clients

(1) A health practitioner must not engage in any form of misinformation or misrepresentation in relation to the products or services he or she provides or as to his or her qualifications, training or professional affiliations.

(2) A health practitioner must not make claims, either directly or in an advertisement, about the efficacy of treatment or services provided if those claims cannot be substantiated.

(3) Health practitioners not to engage in sexual or improper personal relationship with client

(1) A health practitioner must not engage in a sexual or other close personal relationship with a client.

(2) 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 their therapeutic relationship.

14 Health practitioners to comply with relevant privacy laws

A health practitioner must comply with the relevant regulation of the State or the Commonwealth relating to his or her clients' health information, including the Privacy Act 1988 of the Commonwealth and the Health Records Privacy Act 2002.

15 Health practitioners to keep appropriate records

A health practitioner must maintain accurate, legible and contemporaneous clinical records for each client consultation.

16 Health practitioners to keep appropriate insurance

A health practitioner should ensure that appropriate indemnity insurance arrangements are in place in relation to his or her practice.

17 Certain health practitioners to display code and other information

(1) A health practitioner must display a copy of each of the following documents at all premises where the health practitioner carries on his or her practice:

(a) this code of conduct,
(b) a document that gives information about the way in which clients can make a complaint to the Health Care Complaints Commission, being a document in a form approved by the Health Care Complaints Commission,
(c) copies of those documents must be displayed in a position and manner that makes them easily visible to clients entering the relevant premises.

(3) This clause does not apply to any of the following premises:

(a) the premises of any body within the public health system (as defined in section 6 of the Health Services Act 1997),
(b) private health facilities (as defined in the Private Health Facilities Act 2007),
(c) premises of the Ambulance Service of NSW (as defined in the Health Services Act 1997),
(d) premises of approved providers (within the meaning of the ambulance Care Act 1992 of the Commonwealth).

18 Sale and supply of optical appliances

(1) A health practitioner must not sell or supply an optical appliance (other than cosmetic contact lenses) to a person unless he or she is in a position to verify that the person authorising the sale or supply is of a type that is outside his or her experience or training, and treatments he or she provides or prescribes and any other medications or treatments, whether prescribed or not, that the health practitioner is aware the client is taking or receiving.

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