1 Definitions

In this code of conduct:

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

Health Practitioner Regulation National Law means the Health Practitioner Regulation National Law (1989) as amended

1 Health practitioners diagnosed with infectious medical condition

A health practitioner who has been diagnosed with a medical condition that can be passed on to clients must ensure that he or she practices in a manner that does not put clients at risk.

2 Without limiting subclause (1), a health practitioner who carries out a skin penetration procedure must comply with the relevant provisions of this Regulation in relation to the carrying out of the procedure.

(a) any procedure carried out by a health practitioner registered 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, and
(b) any procedure declared by the regulations not to be a skin penetration procedure.

3 Health practitioners not to practice under influence of alcohol or drugs

A health practitioner who practices 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 financially exploit or induce gifts of clients to other health practitioners or to the suppliers of medications or therapeutic goods or devices.

(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

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

12 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 provide truthful information as to his or her qualifications, training or professional affiliations if asked for information about those matters by a client.

(3) A health practitioner must not make claims, either directly or in advertising or promotional material, about the efficacy of treatment or services provided if those claims cannot be substantiated.

13 Health practitioners not to engage in sexual or improper personal relationship with clients

(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 not engage in any conduct that discloses a client's health information, or information about those matters by a client.

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 may make a complaint to the Health Care Complaints Commission, being a document in a form approved by the Commission,

(c) copies of those documents must be displayed in a position and manner that makes them easily visible to the clients entering the relevant premises.

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

(a) the premises of the Australian Dental Association, being a document in a form approved by the Australian Dental Association,

(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 Aged Care Act 1997 of the Commonwealth).

18 Supply and sale of optical appliances

(a) a person to whom health practitioners refer patients for a consultation with an optometrist, or

(b) a health practitioner who sells or supplies contact lenses to a person unless he or she has the same meaning as in the Health Services Act 1997.

CONCERNED ABOUT YOUR HEALTH CARE? The Code of Conduct for unregistered health practitioners sets out what you can expect from your provider. If you are concerned about the health service that was provided to you or your near kin, talk to the practitioner immediately. In most cases the health service provider will try to resolve them.

If you are not satisfied with the provider’s response, contact the Inquiry Service of the Health Care Complaints Commission on (02) 9219 7444 or toll free on 1800 043 159 for a confidential discussion. If your complaint is about sexual or physical assault or violence to the immediate health or safety of a person, you should contact the Commission immediately.

What is the Health Care Complaints Commission? The Health Care Complaints Commission is an independent body dealing with complaints about health services to protect the public health and safety.

Service in other languages

The Commission uses an interpreting service to assist people whose first language is not English. If you need an interpreter, please contact the Translating and Interpreting Service (TIS National) on 13 11 50 and ask to be connected to the Health Care Complaints Commission.

More information

If you wish to make a complaint about the Health Care Complaints Commission, please visit the website www.hccq.nsw.gov.au.

Contact the Health Care Complaints Commission Office address: Level 13, 323 George Street SYDNEY NSW 2000 Post address: Locked Mail Bag 18, STRAWBERRY HILLS NSW 2012 Telephone: (02) 9219 7444 Toll Free in NSW: 1800 043 159 Fax: (02) 9281 4565 E-mail: info@hccq.nsw.gov.au People using telephone headsets please call (02) 9219 7420