

Schedule 4 Code of conduct for health organisations

In the *Public Health Act 2010* and this code of conduct, health organisation, health practitioner, health service and relevant health organisation have the same meanings as in the *Health Care Complaints Act 1993*.

The *Health Care Complaints Act 1993* definitions are:

- **health organisation** means a body that provides a health service, not being a health practitioner, and
- **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, and
- **health service** includes the following services, 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) ambulance services
 - f) community health services
 - g) health education services
 - h) welfare services necessary to implement any services referred to in paragraphs (a) – (g)
 - i) services provided in connection with Aboriginal and Torres Strait Islander health practices and medical radiation practices
 - j) Chinese medicine, chiropractic, occupational therapy, optometry, osteopathy, physiotherapy, podiatry and psychology services
 - k) optical dispensing, dietitian, massage therapy, naturopathy, acupuncture, speech therapy, audiology and audiometry services
 - l) services provided in other alternative health care fields
 - m) forensic pathology services
 - n) a service prescribed by the regulations as a health service for the purposes of the *Health Care Complaints Act 1993*, and
- **relevant health organisation** means a person that is a health organisation other than the following:
 - a) a public health organisation within the meaning of the *Health Services Act 1997*,
 - b) a public hospital within the meaning of the *Health Services Act 1997*,
 - c) a private health facility licensed under the *Private Health Facilities Act 2007*,
 - d) an organisation or class of organisation prescribed by the regulations for the purposes of this definition.

This code of conduct does not apply to the provision of residential care, home care or flexible care under the *Aged Care Act 1997* of the Commonwealth or a Commonwealth-funded aged care service under the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth.

1 – Definitions

- 1) In this code of conduct:
 - a) **client of a relevant health organisation** includes a client of an employee of a relevant health organisation.
 - b) **employee of a relevant health organisation** means a person who:
 - i. is employed or engaged by the relevant health organisation to provide health services, or
 - ii. provides health services under another arrangement with a relevant health organisation.
- 2) An employee includes a health practitioner, whether or not the code of conduct set out in Schedule 3 applies to the health practitioner.

2 – Compliance with code of conduct for health practitioners

If the code of conduct set out in Schedule 3 applies to an employee of a relevant health organisation, the relevant health organisation must take reasonable steps to ensure the employee complies with the code of conduct.

3 – Health services to be provided in safe and ethical way

- 1) A relevant health organisation must provide health services in a safe and ethical way.
- 2) Without limiting subsection (1), a relevant health organisation must comply with the following principles:
 - a) a relevant health organisation must ensure the organisation's employees maintain the necessary competence in the relevant field of practice,
 - b) a relevant health organisation must provide health services in accordance with accepted professional standards,

- c) a relevant health organisation must assist a client to find other appropriate health care professionals, if required and practicable,
 - d) a relevant health organisation must encourage a client to inform the client's treating medical practitioner, if any, of the treatments the client is receiving,
 - e) a relevant health organisation must ensure appropriate first aid is available to deal with misadventure during a client consultation,
 - f) a relevant health organisation must obtain appropriate emergency assistance, for example, from the Ambulance Service, if there is a serious misadventure during a client consultation.
- 3) A relevant health organisation may make a claim as to the organisation's ability or willingness to treat or alleviate the symptoms of the illnesses only if the claim can be substantiated.

4 – Standard precautions for infection control to be adopted

- 1) A relevant health organisation must adopt standard precautions for the control of infection in the organisation's provision of health services.
- 2) Without limiting subsection (1), a relevant health organisation who provides a health service that includes the carrying out of a skin penetration procedure must comply with the relevant provisions of this Regulation in relation to the carrying out of the procedure.

5 – Appropriate conduct in relation to treatment advice

- 1) A relevant health organisation must not attempt to dissuade a client from seeking or continuing with treatment by a registered medical practitioner.
- 2) A relevant health organisation must accept the client's right to make informed choices in relation to the client's health care.
- 3) A relevant health organisation should communicate and co-operate with colleagues and other health care practitioners and relevant health organisations in the best interests of the organisation's clients.
- 4) A relevant health organisation that has serious concerns about the treatment provided to a client by another relevant health organisation or a health practitioner must refer the matter to the Health Care Complaints Commission.

6 – Clients not to be financially exploited

- 1) A relevant health organisation must not financially exploit a client.
- 2) A relevant health organisation must not accept financial inducements or gifts for referring clients to other relevant health organisations or to the suppliers of medications or therapeutic goods or devices.
- 3) A relevant health organisation must not offer financial inducements or gifts in return for client referrals from other relevant health organisations or health practitioners.

Concerned about the quality of services or care provided by a health organisation?

The Code of Conduct for health organisations sets out what you can expect from a provider. If you are concerned about the health service that was provided to you or another person, talk to the practice manager immediately. In most cases the health organisation will try to resolve your concerns.

If you are not satisfied with the organisation's response, contact the Enquiry Service of the Health Care Complaints Commission toll free on 1800 043 159 for a confidential discussion about the issues and how the Commission may be able to assist.

If your complaint is about sexual or physical assault or relates to the immediate health or safety of a person, you should contact emergency services and the Commission immediately.

About the Health Care Complaints Commission

The Health Care Complaints Commission is an independent body that acts to protect public health and safety by resolving, investigating and prosecuting complaints about health care. The Commission's overarching aim is to protect the health and safety of individuals and the community.

Service in other languages

The Commission uses interpreting services to assist people whose first language is not English. If you need an interpreter, please contact the Translating and Interpreting Service (TIS National) on 131 450 and ask to be connected to the Health Care Complaints Commission on 1800 043 159 (9.00 am to 5.00 pm Monday to Friday).

- 4) A relevant health organisation must not provide services and treatments to a client unless they are designed to maintain or improve the client's health or wellbeing.

7 – Clients not to be misinformed

- 1) A relevant health organization must not engage in misinformation or misrepresentation about:
 - a) the products or services the organisation provides, or
 - b) the qualifications, training or professional affiliations of the organisation's employees.
- 2) A relevant health organisation must provide truthful information about the qualifications, training or professional affiliations of the organisation's employees if a client asks for information about the matters.
- 3) A relevant health organisation must not make claims, directly or in advertising or promotional material, about the efficacy of treatment or services provided if the claims cannot be substantiated.

8 – Confidentiality of client health information

A relevant health organisation must have appropriate policies and procedures in place to ensure the health information of the organisation's clients is kept confidential and the privacy of the organisation's clients is protected, including by complying with relevant legislation.

Example:

A relevant health organisation may have obligations under the *Health Records and Information Privacy Act 2002* and the *Privacy Act 1988* of the Commonwealth.

9 – Storage and supply of medicines

- 1) A relevant health organisation must have appropriate policies and procedures in place to ensure the following is carried out in accordance with relevant legislation:
 - a) the storage of medicines
 - b) the supply and administration of medicines
 - c) the keeping of records about the storage, supply and administration of medicines.

Example:

A relevant health organisation may have obligations under the *Poisons and Therapeutic Goods Act 1966*.

10 – Display of code of conduct and other information

- 1) A relevant health organisation must display the following documents:
 - a) this code of conduct
 - b) a document in the approved form that contains information about how clients may make a complaint to the Health Care Complaints Commission.
- 2) The documents must be displayed
 - a) at all premises at which the relevant health organisation provides health services, so that the documents are easily visible to clients entering the premises, or
 - b) if the relevant health organisation has a website on the website.

More information

For more information about the Health Care Complaints Commission, please visit the website www.hccc.nsw.gov.au.

Contact the Health Care Complaints Commission

To make a complaint, visit www.hccc.nsw.gov.au and select 'make a complaint'.

For any questions or to seek more information, our enquiry service can be contacted on:

- (02) 9219 7444, select option 1
- Toll Free in NSW: 1800 043 159, select option 1
- TTY (02) 9219 7555
- by email to hccc@hccc.nsw.gov.au.

Postal address:

PO Box K549

Haymarket NSW 1240