2 Application of code of conduct

This code of conduct applies to the provision of health services 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 for the provision of health services and who provide health services that are unrelated to their registration.

Health practitioners may be subject to other requirements relating to the provision of health services to which this Code applies, including, for example, requirements imposed by Divisions 1 and 3 of Part 7 of the Act and by Part 4 of the Health Practitioner Regulation National Law.

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 subclause (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 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 prescribe only treatments or apparatus that serve the needs of the client,

(f) a health practitioner must recognise the limitations of the treatment he or she can provide and refer clients to other competent health practitioners if the limitations place clients at risk of harm.

4 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 has been diagnosed with a medical condition that can be passed on to clients must take and follow advice from an appropriate medical practitioner in respect of the 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 make claims to cure certain serious illnesses.

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

(3) A health practitioner may make a claim as to his or her ability or willingness to treat or alleviate the symptoms of those Illnesses if that claim can be substantiated.

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 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.

(3) A health practitioner who carries out any procedure (whether medical or not) that involves skin penetration (such as an acupuncture, tattooing, ear 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 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 to a patient,

(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 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 disclose to patients the best interests of their clients.

(4) A health practitioner who has serious concerns about the treatment provided to any of his or her clients by another health practitioner must make a referral to a registered health practitioner and must refrain from treating clients in circumstances where his or her ability to practice may be impaired.

8 Health practitioners not to practise under influence or 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 in relation to 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 to practice may be impaired.

9 Health practitioners not to provide prescriptions or dispensing services to other health practitioners or to the suppliers of medications or therapeutic goods or devices.

(1) A health practitioner must not provide prescriptions or dispensing services 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.

10 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) A health practitioner must not 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 engage in any form of advertising or promotional material, about the efficacy of treatment or services provided if those claims cannot be substantiated.

11 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.

12 Health practitioners to comply with relevant privacy laws

(1) A health practitioner cannot be subject to complaints by the Commission relating to his or her clients’ health information, including the Privacy Act 1988 of the Commonwealth and the Health Records (Privacy Protection) Act 1997 of a State or Territory.

13 Health practitioners to keep appropriate records

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

14 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.

15 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 health service, as defined in section 6 of the Health Services Act 1997:

(a) a 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 Secretary.

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

16 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 does so in accordance with a prescription from a person authorised to prescribe the optical appliance under section 122 of the Health Practitioner Regulation National Law.

(2) A health practitioner must not sell or supply contact lenses to a person unless he or she:

(a) was licensed under the Optical Dispensers Act 1962 immediately before its repeal, or

(b) has a Certificate IV in optical dispensing or an equivalent qualification.

(3) A health practitioner who sells or supplies contact lenses to a person must provide the person with written information about the care, handling and wearing of contact lenses, including advice about possible adverse reactions to wearing contact lenses.

(4) This clause does not apply to the sale or supply of the following:

(a) spectacles supplied by a registered medical practitioner,

(b) corrective lenses designed for use only in driving masks or swimming goggles,

(c) eyewear made to order that:

(i) are designed to alleviate the effects of presbyopia only, and

(ii) comprise lenses of equal power, being a power of plus one dioptre or more but not exceeding plus 3.5 dioptries.

(5) In this clause:

corrective lenses means contact lenses that are not designed to correct, remedy or relieve any refractive abnormality or defect of sight.

optical appliance has the same meaning as it has in section 122 of the Health Practitioner Regulation National Law.

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, you can make a complaint to the Health Care Complaints Commission. In most cases the health service provider will try to resolve the complaint.

If you are not satisfied with the provider’s response, you may contact the Health Care Complaints Commission or the State or Territory health services or medical dispute resolution service in your area.

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 Health Care Complaints Commission has available 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 131 450 and ask to be connected to the Health Care Complaints Commission.

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

Office address: Level 13, 323 Castlereagh Street, SYDNEY NSW 2000
Post address: Locked Mail Bag 18, STRAWBERRY HILLS NSW 2012
Telephone: (02) 9219 7444
Fax: (02) 9281 4585
Toll Free in NSW: 1800 043 159
Toll Free in ACT: 1800 043 159
E-mail: ccc@hccc.nsw.gov.au

People using telephone teypers please call (02) 9219 7444.