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OSTEOPATHS ACT 2005

Osteopaths Registration Board of Western Australia

CODE OF PRACTICE

Guidelines on professional conduct;
protecting patients and guiding osteopaths

December 2009

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OSTEOPATHS ACT 2005**CODE OF PRACTICE****DUTIES AND RESPONSIBILITIES OF OSTEOPATHS**

This Code of Conduct (the Code) describes the principles of good osteopathic practice, and standards of care and conduct expected of you in all aspects of your professional work. It has been developed to help you and the community understand your duties as a registered osteopath in Western Australia, in relation to your patients, colleagues and authorities. Guidance on specific issues and areas of practice is also contained in policy statements and other documents published by the Board.

Serious or persistent failures to meet the standards in this Code may put your osteopathic registration at risk.

Notes—

- when the words ‘appropriate’ or ‘adequate’ are used in this Code, they mean what would be reasonably expected by an osteopath’s professional peers and community standards; and
- the Code sets out the high-level principles that underpin good osteopathic practice. The context and application of these principles will vary, however their intention should not be compromised.

GOOD OSTEOPATHIC PRACTICE

Patients are entitled to good standards of osteopathic practice. They must be able to trust their osteopaths.

To justify that trust, as an osteopath you must—

- make the care of the patient your primary concern;
- treat every patient politely and considerately;
- respect patients’ dignity and privacy;
- be aware of and maintain professional boundaries;
- listen to patients and respect their views as well as their religious and cultural beliefs;
- give patients information in a way they can understand;
- respect the right of patients to be fully involved in decisions about their care;
- keep your professional knowledge and skills up-to-date;
- recognise the limits of your professional competence;
- respect and protect confidential information;
- make sure that personal beliefs do not prejudice your patients’ care;
- take reasonable steps to protect patients from risk if there is good reason to believe you or a colleague may not be fit to practise;
- not abuse your position as an osteopath;
- work with colleagues in ways that best serve patients’ interests; and
- be honest and trustworthy.

1. Possess and apply adequate knowledge and skill in the practice of osteopathy**1.1 Good clinical care includes**

- conducting an adequate assessment of the patient’s condition, based on an appropriate history and examination;
- providing or arranging investigations or treatment, as appropriate;
- taking suitable and prompt action when necessary;
- referring the patient to another practitioner when indicated; and
- communicating with patients respectfully, and using the assistance of an appropriately skilled interpreter when necessary and available.

1.2 In providing care

- explain to your patients what you are doing and why;
- recognise and work within the limits of your clinical competence or supervision;
- keep clear, accurate and contemporaneous patient records;
- be willing to consult colleagues;

- communicate appropriately when sharing the care of patients;
- pay regard to the available evidence;
- prescribe only the treatment or appliances that serve the needs of patients;
- do your best to provide appropriate treatment in an emergency; and
- as far as possible, allow adequate time to provide appropriate care.

1.3 Maintaining your competence (knowledge and skills)

- participate in educational activities, relevant to your area of practice, which develop and maintain your competence and performance throughout your working life;
- keep records of the continuing professional development you have undertaken; and
- observe and keep up-to-date with the laws and codes which affect your work.

1.4 Maintaining your performance

- take the steps you can to ensure you do not work excessive hours that might compromise your ability to provide safe patient care;
- maintain your personal health so you can work effectively;
- work with colleagues to monitor and maintain your awareness of the quality of the care you provide;
- regularly review your practice (e.g. by clinical audit or incident monitoring) and respond to the results; and
- respond constructively to assessments and appraisals of your professional competence and performance.

2. Observe professional and ethical obligations in the practice of osteopathy

This includes—

- maintaining trust with your patients;
- acting in your patients' best interests;
- providing factual information about your services;
- respecting the right of patients to make informed decisions, and providing sufficient, accessible information to enable them to do so;
- responding appropriately to situations in which a complaint is made about treatment provided by you, or treatment that is unsuccessful;
- seeking a second opinion, if necessary, for the optimal care of the patient;
- arranging appropriate alternative treatment if the osteopath/patient relationship deteriorates;
- not abusing your professional position through improper dealings with patients;
- ensuring that your health does not put patients at risk;
- taking reasonable steps if you become aware that another practitioner is placing patients at risk through their health, behaviour, conduct or performance;
- providing honest assessment of the performance of colleagues when requested; and
- undertaking education, training and as appropriate, teaching responsibilities.

2.1 Maintaining trust with and providing information to patients

Successful relationships between osteopaths and patients depend on trust. To establish and maintain that trust—

- listen to patients and respect their views;
- treat patients politely and considerately;
- respect your patients' privacy and dignity;
- observe professional boundaries with patients. This includes not engaging in improper personal relationships or sexual behaviour with patients;
- treat information about patients as confidential;
- give patients appropriate information about their condition and treatment, outlining the risks and benefits and prognosis in a way they can understand. You should provide this information to the parent, guardian or person responsible when patients lack the maturity or ability to understand;
- whenever possible, check that the patient, parent, guardian or person responsible has understood the information given and the course of action proposed, and that they consent before you provide treatment or investigate a patient's condition;
- respect the right of patients to be fully involved in all decisions about their care;
- respect the right of patients to decline treatment or decline to take part in teaching or research;
- respect the right of patients to seek information about their treatment, whether as part of receiving health services, or more formally if a patient requests access to or transfer of their records under the *Health Records Act 2001*, the *Privacy Act 1988 (Commonwealth)* or other laws; and
- be accessible to patients and colleagues when you are on duty.

2.2 Putting patients first

The investigations or treatment you provide or arrange should be based on your clinical judgment of the patient's needs and the likely effectiveness. This includes—

- recognising the fundamental role of the patient, parent, guardian or person responsible in decision-making about and treatment of the patient, while maintaining clinical responsibility for patient care;
- not allowing your views about a patient's lifestyle, culture, beliefs, race, colour, gender, sexuality, age, religion, social, economic, intellectual or insurance status, to prejudice the treatment you provide or arrange;
- if you think your personal beliefs may prejudice your patient's care, telling them of their right to see another osteopath and where appropriate, refer;
- not refusing or delaying treatment because you believe that a patient's actions have contributed to their condition;
- taking reasonable steps to protect yourself before investigating the patient's condition or providing treatment, if they pose a risk to your health or safety; and
- acting in your patient's best interests when making referrals and providing or arranging treatment or care. You must not ask for or accept any inducement, gift or hospitality which may affect or be seen to affect your judgment. You must not offer such inducements to colleagues.

2.3 Education, teaching and training

- encourage patients and members of the public to be aware of and understand health issues;
- contribute to the education and training of other osteopaths, osteopathic students and colleagues;
- if you have special responsibilities for teaching, develop the skills, attitudes and practices of a competent teacher;
- make sure that students and junior colleagues under your supervision are properly supervised;
- be honest and objective when assessing the performance of those you have supervised or trained. Patients may be put at risk if you confirm the competence of someone who has not reached or maintained a satisfactory standard of practice; and
- ensure you do not exploit students or junior colleagues.

2.4 References

- think carefully before consenting to provide a reference for a colleague. If you provide a reference, your comments should be honest and include information that has a bearing on the colleague's competence, performance, reliability and conduct.

2.5 If things go wrong

If a patient under your care suffers harm, whether as a result of osteopathic misadventure or otherwise, that patient has a right to expect a prompt and appropriate response. You have a professional responsibility to—

- act immediately to do what is possible to put matters right, if a patient under your care has suffered serious harm. Explain fully to the patient what has happened, and the likely short and long-term effects. When appropriate, express regret. If the patient cannot understand what has happened, explain the situation honestly to those with parental or guardianship responsibility;
- deal with complaints constructively and honestly;
- ensure that information is available to patients about how to make a complaint (for example, the Board or Office of Health Review);
- cooperate with any complaints procedure which applies to your practice;
- review adverse events and implement changes to reduce the risk of recurrence; and
- ensure that a patient's complaint does not prejudice the care or treatment you provide or arrange for that patient. It may sometimes be wise to arrange a referral to another health professional.
- cooperate fully with any formal inquiry into the treatment of a patient, subject to appropriate advice from your malpractice and professional indemnity insurer; and
- maintain adequate insurance or professional indemnity cover.

2.6 If the osteopath/patient relationship deteriorates

- do your best to maintain a relationship of trust with your patient;
- ensure that arrangements are made quickly for the continuing care of the patient, if you decide it is no longer appropriate to continue the osteopath/patient relationship; and
- transfer relevant information to the patient's new osteopath on request.

2.7 Abuse of your professional position

You must not abuse your patient's trust by—

- using your position to establish improper personal relationships with patients or their close relatives;
- putting pressure on your patients to give or lend money or to provide other benefits to you or other people;

- improperly disclosing or misusing confidential information about patients;
- recommending or providing to patients investigations or treatment which are not in their best interests;
- deliberately withholding appropriate investigation, treatment or referral;
- putting pressure on patients regarding their insurance status;
- delegating to anyone who is not a registered osteopath tasks which should only be done by an osteopath; and
- failing to disclose any pecuniary interest you may have in making a referral or recommendation to a patient.

2.8 Your duty to protect all patients

To protect your patients and the public, take reasonable steps if you become aware that another practitioner is placing patients at risk through their health, behaviour, conduct or performance. This may include—

- advising an appropriate person in authority. This may be the principal of a practice or a health registration board. Your comments about colleagues must be honest but if you are unsure, ask an experienced colleague, a lawyer or your insurer for advice; and
- reporting adverse events that reflect on the health, professional performance or conduct of colleagues to the relevant health professional registration board or other relevant authorities or agencies.

2.9 If your own health may put patients at risk

If you have a serious condition that could adversely affect patients, or if your judgment or performance could be significantly affected by a condition or illness, you should—

- take and follow advice from an appropriate health professional on whether, and in what ways, you should modify your practice. Do not rely on your own assessment of the risk you pose to your patients; and
- consult an appropriate medical practitioner about your illness.

2.10 Providing information about your services

If you publish or broadcast information about services you provide—

- ensure that the information can be substantiated on an objective basis;
- only provide information in a way that conforms with advertising or restrictions set out in the *Osteopaths Act 2005*;
- ensure that the information is not false, misleading or deceptive and does not create an unreasonable expectation of beneficial treatment, or promote the unnecessary or inappropriate use of osteopathic services;
- do not make comparisons with other services or service providers that are not fair, accurate and current; and
- ensure you have reasonable grounds to make statements about future matters, including the effects of treatments.

3. Maintain effective working relationships with colleagues

To improve health outcomes for patients, maintain effective working relationships with colleagues in health care teams by—

- treating colleagues with respect, and working constructively with other health professionals;
- when you are responsible for patient care, ensuring patient treatment is covered during your absence or unavailability;
- striving to ensure a patient's care is coordinated; and
- ensuring appropriate delegation and referral of care of a patient.

3.1 Working with colleagues

- always treat your colleagues fairly and in accordance with anti-discrimination laws. You must not allow your views of a colleague's lifestyle, culture, beliefs, race, colour, gender, sexuality, religion or age to prejudice your professional relationship;
- ensure students or practitioners under your supervision are not abused or harassed in the workplace;
- avoid making unnecessary or unsustainable comments about other registered osteopathic or health professional colleagues to patients or others; and
- if you believe a decision will harm the patient, tell someone who can take action or take action yourself to protect the patient's safety or health.

3.2 Working in teams

Health care is increasingly provided by multi-disciplinary teams, although you remain accountable for your own professional conduct and the care you provide. You should—

- work constructively and respect the skills and contributions of all team members;
- communicate effectively with other members of the health care team; and
- endeavour to resolve conflict within the team.

If you are a team leader, you should

- take responsibility for ensuring the team provides care which is safe, effective and efficient and is tailored to the patient's needs;
- do your best to make sure the whole team understands the need to provide a polite, responsive and accessible service, and to treat patient information as confidential; and
- make sure that colleagues understand their roles and responsibilities in the team.

3.3 Arranging cover

- you should be satisfied, when you are off duty, suitable arrangements are made for your patients including effective handover procedures and clear communication between osteopaths; and
- as far as possible, satisfy yourself that your locum osteopath has the qualifications, experience, knowledge and skills to perform the duties for which they will be responsible.

3.4 Use of assistants

Assistants may be used to assist osteopaths in the efficient delivery of services to patients. When you employ an assistant—

- take appropriate steps to be satisfied the assistant is competent to carry out the procedure or provide the therapy involved;
- ensure the assistant understands the scope and limits of their responsibilities; and
- recognise you are accountable for the care the patient receives from the assistant.

3.5 Referral

Referral involves sending a patient to seek the opinion or treatment of another osteopath or healthcare worker. When you refer a patient, with the consent of the patient, provide the referring healthcare worker with the results of the investigations, the treatment provided, and any other information necessary for the continuing care of the patient.

4. Display proper standards of probity (integrity and honesty) in your professional practice

4.1 Financial and commercial dealings

You must be straightforward and honest in financial and commercial matters relating to your work—

- provide patients with accurate information about your fees. This is best done before treatment begins; and
- avoid financial involvement such as loans and investment schemes with patients.

4.2 Accepting gifts or other inducements

- do not ask for or accept any material gifts, loans or inducements.

4.3 Research

If you take part in clinical trials or other research involving patients or volunteers—

- ensure the research protocol has been approved by a properly constituted human research ethics committee;
 - conduct all research with honesty and integrity, adhering to the Australian Health Ethics Committee's guidelines for research involving humans;
 - ensure participants have given informed, written consent to take part in the trial;
 - ensure the research is not contrary to the participants' interests;
 - seek advice when research involves children, or adults who are not able to give informed consent, to ensure there are appropriate safeguards in place. This includes ensuring a person empowered to make decisions on the patient's behalf has given informed consent, or there is other lawful authority to proceed;
 - follow all aspects of the research protocol including reporting adverse events promptly;
 - accept only those payments approved by a research ethics committee; and
 - report evidence of fraud or misconduct in research to an appropriate person or authority.
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