



ATMS Members' Code of Conduct July 2019

This Code of Conduct supersedes any previous Code of Conduct

Preamble

The aim of this Code of Conduct (Code) is to advise Members of conduct by Members towards clients, colleagues, the natural medicine profession, the broader community that is acceptable to the Australian Traditional-Medicine Society Limited ABN 46 002 844 233 (ATMS), as well as what constitutes unacceptable behaviour. This Code also reflects the values of the ATMS and should be read in conjunction with the ATMS Constitution (as amended from time to time). In any situation where this Code or any of the elements within it appear to be in conflict with any applicable national, state, territory or local law, that law will prevail.

Adherence to the Code is a requirement of ATMS Membership. All accredited ATMS Members are bound by this Code. ATMS is ethically compelled to enforce the Code, and any breach of the Code may leave a Member open to the imposition of various sanctions by ATMS, which may include expulsion from ATMS. In addition to this Code, Members must comply with the ATMS Constitution, any other policies or procedures adopted by ATMS from time to time and all applicable local, state, territory and national legislation. It is the responsibility of Members to be aware of which legislation applies to their practice. A Member's failure to comprehend this Code or a Member's lack of awareness of any element of this Code, or applicable legislation, is no defence against a breach of this Code.

Copies of any ATMS Guidelines or Policy referred to in this Code (as applicable from time to time) may be viewed on the ATMS website.

1. Ethical Principles

- 1.1 Members must conduct themselves ethically and professionally at all times.
- 1.2 Members must render their professional services in accordance with holistic principles for the benefit and wellbeing of clients.
- 1.3 Members must do no intentional harm to clients. Members must not knowingly undertake any action or treatment that might adversely affect the wellbeing of a client.
- 1.4 Members must maintain current professional knowledge, skills and attitudes through continuing professional education. The Member must undertake such continuing professional education as required by ATMS from time to time having regard to their class of membership and area of practice.
- 1.5 Members must respect a client's autonomy, needs, values, culture and vulnerability in the provision of natural medicine. The health services provided by a Member must be provided in a manner that is culturally sensitive to the needs of the client.



- 1.6 Members must acknowledge the rights of clients and encourage them to make informed choices in relation to their healthcare.
- 1.7 Members must recognise the limitations of the treatment they can provide and refer clients to other appropriate healthcare professionals when necessary.
- 1.8 Members must treat clients with respect and must not engage in any form of exploitation whether financial, physical, sexual, emotional, religious or for any other reason.
- 1.9 Members must have a sound understanding of any adverse interactions between the therapies and/or treatment provided or prescribed and any other medications or treatment the client is taking or receiving.
- 1.10 Members must work within their scope of practice.
- 1.11 Members must behave with courtesy, respect, dignity and discretion towards the client, at all times respecting the diversity of individuals and honouring the trust in the therapeutic relationship.
- 1.12 Should a conflict of interest or bias arise, the Member must declare it to the client, whether the conflict or bias is actual or potential, financial or personal.
- 1.13 Members should take reasonable steps to ensure that any person to whom a Member refers a client for treatment has all of the capacities required to provide the care needed, prior to making the referral. Members should also take reasonable steps to ensure that, where the client has been referred to a registered medical practitioner, the treatment for which the client has been referred has been carried out. Members must ensure that all relevant details related to a referral are recorded in the client's clinical record.
- 1.14 Where a client is incapable of self-determination of their own health care needs, Members must ensure that they effectively involve and inform the parents, next of kin or guardian in administration of care and decisions about the treatment of the client.
- 1.15 Upon receipt of payment, Members must provide the client with a valid receipt which includes the name of the client, the name of the practitioner who provided the treatment, the date of the treatment, the Member's provider number where appropriate, the address and contact details of the clinic, the clinic ABN, details of the service provided, itemised costs and total cost, and applicable GST. For more on this, see the ATMS Guidelines on Receipts.
- 1.16 Members must at all times keep their clinic premises in a well maintained and appropriately clean condition. The premises must be safe, fit for the purpose for which they're intended, and must comply with all applicable legislation. The premises must allow for an effective level of therapy and an appropriate level of privacy.
- 1.17 The minimum requirements for a professional clinic shall be a separate clinic space for private consultations, a separate waiting area, and hygienic washroom and toilet facilities in accordance with local government requirements for healthcare treatment rooms.



- 1.18 Members shall not solicit clients from another practice or exploit their relationship as an employee, contractor or lessee of a clinic space with a view to soliciting clients from that practice.
- 1.19 Member must avoid expressing personal beliefs to people in ways that exploit the person's vulnerability, are likely to cause them unnecessary distress, or may negatively influence their autonomy in decision-making.
- 1.20 Members must ensure that clients are aware of their right to make a complaint about any matter related to a potential breach of this Code or any applicable legislation. Members who receive a complaint in regard to their clinical practice should be guided by the ATMS Complaints Handling Guidelines.
- 1.21 Members must avoid performing any act or creating any impression that could be taken by a reasonable person that the Member holds a professional qualification to which she or he is not entitled.
- 1.22 Where a Member's clinical work regularly brings the Member into contact with children, Members must acquire a Working With Children Check clearance (or State or Territory equivalent) before doing so and ensure that this is renewed as required by law. The Member must also ensure that any employees or volunteers engaged by the Member have current Work With Children Check clearances (or State or Territory equivalent).
- 1.23 The Member must ensure that a current schedule of fees, cancellation policy and/or penalties and any other relevant conditions of their treatment, is displayed in a prominent place in the clinic and/or on the clinic website.

2. Duty of Care

- 2.1 Prior to commencing an assessment or treatment, the Member must ensure that implied or expressed informed consent, appropriate to that assessment or treatment, has been obtained.
- 2.2 In providing assessments and treatment to clients, the Member must exercise reasonable skill, competence, diligence and care.
- 2.3 Members must not misrepresent or misuse their skill, ability or qualification.
- 2.4 Members must not attempt to dissuade a client from seeking or continuing medical treatment.
- 2.5 A Member who forms the reasonable belief that another Member has placed or is placing clients at serious risk of harm must refer the matter to ATMS or an appropriate authority.
- 2.6 Members must adopt Standard Precautions for the control of infection. It is the Member's responsibility to be aware of Standard Precautions.
- 2.7 Members who carry out skin penetration must comply with the skin penetration legislation applicable in the State or Territory in which they carry out such procedures.



- 2.8 Members should use reasonable endeavours to assist a client to find other appropriate healthcare services if required.
- 2.9 Members must advise clients of the possible risks and benefits of any treatment offered and encourage the client to make an informed choice about the treatment.
- 2.10 Members must advise a client with a notifiable disease to seek immediate medical attention.
- 2.11 Members must maintain a safe and hygienic practice.
- 2.12 Members must take appropriate action in response to adverse events. See the ATMS Guidelines on Dealing with Adverse Reactions for more on this.
- 2.13 Members must communicate and co-operate with colleagues and other health service providers and agencies in the best interests of their clients.
- 2.14 Members must be aware that as soon as they agree to treat a client, they have a duty of care to that client. Inherent in this is that, in the event that the treatment of the client is interrupted, the Member must take all reasonable steps to ensure continuity of care, and ensure that all relevant details related to this are recorded in the client's clinical record.
- 2.15 Members must not use, in treatment that they provide, products or devices that do not comply with applicable legislation.

3. Professional Conduct

- 3.1 Members who hold a doctorate or are by any other means legally able to use the title, Dr or Doctor, in Australia, must not, unless they are an Australian registered medical practitioner, use this title without providing a clear indication that she or he is not a medical doctor.
- 3.2 A Member's membership number and/or health fund provider number(s) shall only be used by that Member and no other person.
- 3.3 Members shall not provide false, misleading or incorrect information or documents, including without limitation, information or documents regarding health fund rebates, to any person or entity.
- 3.4 Members shall not advertise their accreditation with ATMS in relation to any modality or modalities for which they are not accredited with ATMS.
- 3.5 Members shall not denigrate any person or entity of the healthcare industry (including but not limited to other ATMS Members).
- 3.6 Members shall not engage in any activity, whether written or verbal, that will reflect inaccurately or improperly on natural medicine or ATMS, its Directors, or staff.



- 3.7 Members must not provide treatment or care to clients while under the influence of alcohol or unlawful substances.
- 3.8 Members who are taking prescribed medication must obtain advice from the prescribing practitioner or dispensing pharmacist of the impact of the medication on their ability to practise and must refrain from treating or caring for clients in circumstances where their capacity is or may be impaired.
- 3.9 All medicines supplied to clients by Members must be supplied in accordance with the relevant therapeutic goods and consumer legislation and meet all other applicable regulatory requirements. All assessment and treatment devices must be properly maintained, must be fit for their intended purpose and meet all regulatory requirements.
- 3.10 Members offering distance consultations must conduct them in accordance with the ATMS Online Audio Visual Consultation Policy.
- 3.11 Members must ensure that they take out and maintain at all times appropriate insurance policies for themselves and their practice (including but not limited to Professional Indemnity and Public Liability insurance). Members should also be aware of the minimum policy values required for their particular provider status.
- 3.12 Members must inform ATMS immediately if they are charged or convicted of a criminal offence or are expelled or suspended from any other professional associations of which they have been a member.
- 3.13 The Member acknowledges that the making of frivolous, unsubstantiated or vexatious complaints by Members constitutes professional misconduct and is a breach of this Code.
- 3.14 Members must not engage in any activity, or transmit any communication, whether written or verbal, that will bring the natural medicine profession, the ATMS, its Directors or staff, or persons or entities of the healthcare profession, into disrepute.
- 3.15 Members must be aware that a client is not entitled to claim health fund rebates for a consultation or treatment by a family member.
- 3.16 A Member shall not use titles or descriptions that give the impression that she or he holds qualifications to which she or he is not entitled.

4. Professional Boundaries

- 4.1 A Member must not engage in a sexual or other inappropriate personal, physical or emotional relationship with a client.
- 4.2 A Member must ensure that a reasonable period of time has elapsed since the conclusion of any therapeutic relationship before engaging in an intimate and/or sexual relationship with a former client.



4.3 Any approaches of a sexual nature by a client must be declined and documented in the client's clinical record.

4.4 Members should be aware of the risks inherent in providing treatment to relatives, friends, employees, employers or anyone else with whom they have a close personal or professional relationship. Such relationships, when combined with therapeutic relationships (otherwise known as "dual relationships") are often associated with a dilution of the quality and effectiveness of the therapeutic relationship.

5. Personal Information and Confidentiality

5.1 Members must comply with all applicable privacy legislation.

5.2 Subject to clause 5.1, Members must keep confidential the information given by a client in the therapeutic relationship.

5.3 Client records must be securely stored, archived, passed on or disposed of in accordance with applicable privacy and health records legislation. Client records must be maintained and managed in accordance with the ATMS Records Keeping Guidelines. Members must ensure that all details related to treatments, referrals, consent, and all other matters related to interactions with clients are effectively recorded in the client's clinical record.

5.4 Members must maintain accurate, legible, objective, comprehensive, contemporaneous and up to date records in English of each client. Any later modifications to these records must be signed and dated by the Member.

5.5 Members must take all reasonable steps to ensure the proper maintenance and secure storage of client records including but not limited to data protection and protection against cyber threat.

6. Advertising and Claims

6.1 Advertisements in print, electronic, or any other form of media, must not be false, misleading or deceptive and must be in accordance with applicable legislation.

6.2 Members shall not make claims of a cure.

6.3 Members must not make claims as to the merits or outcomes of any treatment that they provide that cannot be substantiated.

6.4 Members must not advertise, by any means, products or devices that do not comply with applicable legislation.

7. Miscellaneous

7.1 Members must comply with all reasonable directions given to them by ATMS from time to time.



- 7.2 Members must conduct themselves in a professional and courteous manner at all ATMS events, including but not limited to any general meeting of ATMS.
- 7.3 This Code governs all activities of Members, including activities undertaken online and using social media.