

Code of Professional Ethics

INTRODUCTION

The Acupuncture NZ (formerly NZRA) Code of Professional Ethics is based upon relevant Codes of Practice and Acts of Parliament including but not limited to –

- Code of Health and Disability Consumers Rights 1994
- Human Rights Act 1993
- Health Information Privacy Code 1994
- Care of Children Act 2004
- Health and Safety Act 1992
- Smoke Free Environments Act 1990
- Health and Disability Commissioner Act 1994
- Commerce Act 1986
- Fair Trading Act 1986

Acupuncture NZ members are required to abide by all Accident Compensation Corporation (ACC) requirements as set out in the Treatment Providers Handbook and the ACC Acupuncture Treatment Profiles.

Acupuncture NZ recognises the importance of the Treaty of Waitangi (Te Tiriti o Waitangi) as it establishes a fair basis for two peoples in one country, promoting duality (distinctive cultural development) and unity (common purpose and community).

Acupuncture NZ recognises and respects the historical and philosophical origins of Traditional Chinese Medicine (TCM). All members, regardless of country of origin or place of training, will be treated equally.

All Acupuncture NZ members are required to be familiar with and abide by all aspects of the Acupuncture NZ Code of Professional Ethics.

This document was reviewed in February 2016 and will again be reviewed in February 2019.

1 Rules and Regulations

- 1.1 These rules and guidelines are created to maintain standards of ethical conduct and behaviour of Acupuncture NZ members.
- 1.2 Any transgression that results in a complaint to Acupuncture NZ is referred to the Resolutions Committee to make decisions on behalf of Acupuncture NZ.

2 Members and the Law

- 2.1 Members accept a share of the profession's responsibility in matters relating to the health and safety of the public, health education, and legislation affecting the health or wellbeing of the community.
- 2.2 Members must at all times behave and work in accordance with the laws of New Zealand and any local council by-laws.
- 2.3 Members are reminded of the requirements contained within the legislation outlined above. Copies of the appropriate sections of the Acts are available through the Acupuncture NZ office.

3 Consent and Informed Consent

- 3.1 Consent: The treatment of a patient is legally permitted only with his or her express or implied consent. Acupuncture NZ encourages that consent is obtained in writing and that treatment is explained to the patient throughout every treatment.
- 3.2 Informed Consent: Members should therefore take care in explaining the diagnosis and treatment they propose to administer, and why it is necessary, in language the patient can understand. Patients have the right to refuse treatment, to ask that treatment be halted at any time or to ignore advice.
- 3.3 Treating Minors: A minor is any person under the age of sixteen (16) years. Members must obtain the written consent of the parent or guardian of all patients under the age of sixteen wherever this is possible. A parent/guardian should be encouraged to accompany any minor throughout the treatment.

4 Confidentiality

- 4.1 All records, medical and personal information a member learns from a patient shall be confidential, between the patient and practitioner, except when: -
 - a) Required to be released by court order.
 - b) In an emergency where the information may assist in the saving of the client's life or a member of the public's life.
 - c) It may assist in the prevention of damage or disease to the client or any member of the public.
 - d) The client has consented to the nature and extent of the disclosure.
- 4.2 When a patient is not legally or medically competent to give consent to disclosure of information, the consent may be obtained from the patient's legal representative.

- 4.3 All clinical records must be stored safely and must not be accessible to the public. While records (written or electronic) relating to a patient's treatment are the property of the member, the patient is entitled to copies of the information on those records. The member should keep the original records.
- 4.4 Clinical records must be kept for a period of 10 years from the last consultation.
- 4.5 Clinical records can be transferred to:
- a) The individual to whom the information relates; or
 - b) Another provider, with the permission of the individual to whom the information relates; or
 - c) If that individual is dead, the personal representative of that individual
- 4.6 If a member dies without leaving clear instructions as to the disposal of all clinical records, the executor of the estate should advise Acupuncture NZ of where the records are to be stored.
- 4.7 When information is used for other purposes, eg teaching, the identity of any patient must be protected.

5 Professional Conduct

- 5.1 Members must not take physical, emotional or financial advantage of any patient.
- 5.2 Acupuncture NZ continues to support touch/palpation as a crucial part of acupuncture diagnosis and treatment.
- 5.3 The member must take the history, examine and treat in a manner which is respectful, sensitive and appropriate.
- 5.4 It is required that an extra person be present during a physical examination if a patient's breasts or genitals will be exposed either during the examination or the treatment itself. Members must appropriately drape the body using towels or light blankets.
- 5.5 Should the member and patient mutually agree to a relationship outside of their professional relationship, then the member should ensure the patient is first referred to another practitioner.
- 5.6 It is always the responsibility of the member to ensure that interaction with each patient occurs in a context in which the patient is informed and has given consent.
- 5.7 Members must not
- a) suggest that a condition is worse than it really is
 - b) suggest that a condition is not actually present or
 - c) suggest that a condition will get worse unless treatment continues indefinitely when such is not the case.

6 Responsibility

- 6.1 Members must not bring the profession of acupuncture and Chinese medicine into disrepute. All members must maintain the highest standard of professional integrity.
- 6.2 Members must not discriminate on the basis of race, colour, disability, ethnic group, culture, gender, sexual orientation, social class, religious or political belief, or on any other basis.
- 6.3 When personal moral judgement or religious conscience prevents treatment, the patient must be referred to another practitioner or professional modality.

7 Professional Relations

- 7.1 Members must only treat within their level of competence and refer the patient on to another practitioner when appropriate.
- 7.2 A member of Acupuncture NZ shall never criticise, berate, condemn or belittle a colleague's method of examination, diagnosis or treatment.
- 7.3 If a member has a concern about the professional integrity, behaviour or effectiveness of another acupuncturist they should contact the Acupuncture NZ office in the first instance.
- 7.4 The patient has the right to choose or change their practitioner, or seek a second opinion.
- 7.5 With the patient's consent, members shall assist and co-operate with health professionals of other modalities, in order that patients receive the best possible treatment.
- 7.6 It is neither ethical nor desirable to suggest that a patient alter or discontinue medication prescribed by a medical practitioner. If unexpected side effects are seen from medication or the patient wishes to discontinue a regular medicine, they should be referred to the prescribing medical practitioner.

8 Members and Patient Health

- 8.1 Members must endeavour to maintain their personal wellbeing and not attend a patient if unwell or suffering from a communicable illness.
- 8.2 Members must not treat any patient when under the influence of alcohol or drugs.
- 8.3 Members must use their discretion when deciding whether it is appropriate to treat a patient who may be under the influence of alcohol or drugs.

9 **Competence**

- 9.1 It is the duty of every member to keep abreast of new technical skills and knowledge and strive to improve the standards and quality of acupuncture services in the community.
- 9.2 Members are required to undergo 20 hours of Continuing Professional Development in every year.

10 **Advertising and the Media**

- 10.1 Advertising must not bring the profession of acupuncture or Chinese Medicine into disrepute.
- 10.2 Members must ensure that all advertisements are accurate to the best of their knowledge and belief.
- 10.3 Advertising must enable patients or colleagues to make an informed decision about the availability and/or appropriateness of members' services.
- 10.4 Members must exercise caution when endorsing any particular commercial goods or services.
- 10.5 Members must not use the Acupuncture NZ name in any advertising or promotion of any commercial goods/devices or training program without the express written consent of the Acupuncture NZ Council.
- 10.6 Advertising should not denigrate, belittle or bring into disrepute any other person, profession or treatment.
- 10.7 When communicating with the media members must not hold themselves out to represent Acupuncture NZ, or its position on an issue, unless explicitly authorised by the Acupuncture NZ Council to do so.

11 **Fees**

- 11.1 Members must not charge or a commission when patients are referred to a colleague.
- 11.2 Members must not accept or pay a commission payment when referring a patient on to a colleague.
- 11.3 When dealing with any third party insurer including ACC, members must only claim for treatment provided. Members, at their discretion, may charge ACC patients a reasonable co-payment.

12 **Treatment of Family members**

12.1 Whilst it is considered that it is not good clinical practice to treat family members, Acupuncture NZ acknowledges that there are some exceptions.

- a) In an emergency, members may provide treatment to themselves and family members until another practitioner is available.
- b) If a member is in an isolated community where there are family members and there are no other practitioners available.
- c) It is acceptable for members to treat themselves or family members for minor or self-limiting conditions.

12.2 All treatments for family members should be recorded in full.

12.3 Members must be aware that ACC and other third party insurers would not normally pay for treatment of family members.

13 **Treatment of Animals**

13.1 Acupuncture NZ members are only registered for the treatment of humans.

13.2 If a member has specialised in the treatment of animals any such service should be conducted separately from their clinical practice for human patients.

14 **Clinical Research**

14.1 When clinical research is to be undertaken, advice and guidance may be sought through the Acupuncture NZ Research Group.

14.2 An application of research topic and content must be sent to an appropriate external Research Ethics Committee for approval.