



NEW SOUTH WALES

## **OSTEOPATHS REGISTRATION BOARD**

### **OSTEOPATHS CODE OF PROFESSIONAL CONDUCT**

The Osteopaths Registration Board has established the following Code of Professional Conduct under section 19 of the Osteopaths Act 2001. The Code sets out the rules of conduct that should be observed by registered osteopaths in their professional practice.

1. An osteopath must conduct himself or herself in his or her professional duties in accordance with the Osteopaths Act 2001 and Regulations and in accordance with this code as approved by the Board, and in accordance with any guidelines that may be issued by the Board from time to time.
2. An osteopath must maintain his or her knowledge and practice at an acceptable level of competence, as monitored and assessed by a peer review.
3. An osteopath must only perform or participate in those procedures that are within his or her competency and for which he or she is appropriately qualified, and refer those patients whose needs or requests are outside his or her competency.
4. All professional services and functions practised by an osteopath must be provided in accordance with this code.
5. An osteopath's ordinary place of practice must provide privacy and confidentiality for his or her patients and their records, in accordance with the Commonwealth Privacy Act 1988 (and the National Privacy Principles outlined in that Act).
6. An osteopath must not exploit his or her relationship with a patient in any way. In particular there must not be a sexual relationship with a patient during the professional relationship.
7. An osteopath must refrain from criticising colleagues in public or in a clinical setting in a manner which casts doubts on the colleague's professional competence. This does not apply to the critical evaluation of published works, or to expert testimony in court, or to the provision of an opinion as an expert for any legitimate purpose.
8. An osteopath must not, unless required by law divulge information about a patient unless the patient specifically authorises the release in writing, in accordance with the Commonwealth Privacy Act 1988 (and the National Privacy Principles outlined in that Act). Even under these circumstances, an osteopath should be aware of the necessity of preserving confidentiality as much as possible. For example, in Court, an osteopath may request the judge or magistrate to permit the suppression of information not relevant to the matter being decided.
9. An osteopath must inform his or her patients at the commencement of a course of osteopathic management of the reasonable foreseeable implications, including risks, complications and reactions, and explain the nature and purpose of the osteopathic management. An osteopath must receive informed consent from his or her patient before commencing any form of osteopathic management.
10. An osteopath must not undertake research involving human subjects without the research protocol being approved by a properly constituted ethics committee. This applies in particular to students or trainees who are being considered as subjects for research. Research must comply with guidelines issued under section 95A under the Commonwealth Privacy Act 1988.
11. An osteopath must not approve of, or collaborate in the use of osteopathic techniques by unregistered persons, except when those persons are in direct supervision by the osteopath.
12. An osteopath must not disrespect the ethical, religious and political beliefs of his or her patients. Osteopaths must not discriminate in employment or in the provisions of service on irrelevant grounds including race, sex (including pregnancy discrimination or sexual harassment), marital status, transgender status, disability, responsibilities as a carer, homosexuality or age.
13. An osteopath must respect the wish of a patient for a second opinion and must, if practicable, help the patient obtain a competent second opinion.

14. If an osteopath has reason to believe that a colleague is behaving in an unprofessional manner, or that his or her standard of practice falls substantially below acceptable standards then, if practicable, the colleague must be approached in a helpful way. If this is impracticable, then the matter must be reported to the Osteopaths Registration Board or the Health Care Complaints Commission.
15. An osteopath must not undertake any osteopathic management of a patient whilst his or her ability to do so is impaired by the influence of alcohol or drugs, or other impairments, as outlined in Section 10 of the Osteopaths Act 2001.
16. An osteopath must not teach spinal manipulative techniques (whether by manual or mechanical means), nor supervise osteopathic treatment, of any part of a person's body that affects a joint or segment of the vertebral column, to any person who is not a registered chiropractor, osteopath, physiotherapist or medical practitioner or student enrolled in an approved course in any of the aforesaid disciplines.
17. An osteopath in practice and for a minimum of seven years after retiring from practice must maintain a minimum of \$10,000,000.00 in Professional Indemnity Insurance coverage.
18. An osteopath must disclose any material pecuniary interest in any business or service provider to which he or she makes a referral or gives a recommendation.
19. An osteopath must comply with Section 21 of the Osteopaths Act 2001 by immediately advising the Board in the event of any of the following.
  - o If convicted of a criminal offence or subject to a criminal finding in New South Wales or elsewhere, excluding offences relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the Road Transport (General) Act 1999), except for the following offences.
    - An offence under section 42 of the Road Transport (Safety and Traffic Management) Act 1999 relating to driving a motor vehicle upon a public street furiously or recklessly or at a speed or in a manner which is dangerous to the public.
    - An offence under section 42 of the Road Transport (Safety and Traffic Management) Act 1999 relating to driving a motor vehicle upon a public street negligently if the osteopath is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200.
    - Any offence under section 19 (2) of the Road Transport (General) Act 1999 (which relates to refusing to produce a driver licence when required or to state name and home address, or stating a false name and home address).
    - Any offence under section 12 (1) of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to driving etc while under the influence of alcohol or any other drug).
    - Any offence under section 25A (1), (2) or (3) of the Road Transport (Driver Licensing) Act 1998 (which relates to driving while unlicensed).
    - Any offence under section 70 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to failing to stop after an accident).
    - Any offence under section 9 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to presence of prescribed concentration of alcohol in person's blood).
    - Any offence under section 43 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to menacing driving).
    - Any other offence under the road transport legislation if the court orders the disqualification of the osteopath from holding a driver licence.
  - o If any criminal proceedings are commenced against him or her for a sex/violence offence alleged to have been committed in the course of the practice of osteopathy.
  - o If any criminal proceedings are commenced against him or her for a sex/violence offence alleged to have been committed against a minor or to involve child pornography (whether or not alleged to have been committed in the course of the practice of osteopathy).
  - o If suffering from any significant illness that may reasonably be thought likely to detrimentally affect his or her physical or mental capacity to practice osteopathy.
  - o If refused registration/licensure, or his or her registration/licensure is suspended or removed, in another jurisdiction of Australia or elsewhere.
  - o If restrictions or conditions are imposed on his or her registration/licensure in another jurisdiction of Australia, or elsewhere.
  - o If a complaint relating to his or her conduct as a provider of osteopathic services is made to a registration authority, or Health Care Complaints Commission, in another jurisdiction of Australia or elsewhere.
  - o If named as a defendant in a Court action for negligence or other malpractice in the provision of osteopathic services.
  - o If subject to adverse findings relating to conduct as a provider of osteopathic services, or character, by a court, or royal commission in New South Wales or elsewhere, or the NSW Independent Commission Against Corruption.