



## **ATMS Members' Code of Conduct July 2023**

*This Code of Conduct supersedes any previous Code of Conduct*

### **Introduction**

This Code of Conduct (**Code**) outlines the ethical principles and professional conduct expected of members (**Members**) of the Australian Traditional-Medicine Society Limited (**ATMS**). The Code covers various aspects of a Member's responsibilities towards clients, colleagues, the natural medicine profession, and the broader community. 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, and national legislation.

Adherence to the Code is a requirement of ATMS Membership. All 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. A Member's lack of awareness of or inability to understand this Code, or applicable legislation, is no defence against a breach of this Code. If any part of this Code conflicts with any legislation, that legislation will prevail. Copies of any ATMS guidelines, policies or procedures 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 always conduct themselves ethically and professionally.
- 1.2 Members must render their professional services in accordance with holistic principles for the benefit and wellbeing of clients.
- 1.3 Members must act in the best interests of the client at all times and not knowingly undertake any action or treatment that might adversely affect the wellbeing of a client. Members must not intentionally harm clients.
- 1.4 Members must keep current their professional knowledge and skills 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, recognise there may be a power differential in the practitioner/client relationship, and 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 and training.
- 1.11 Members must behave with courtesy, respect, dignity, and discretion towards the client, always respecting the diversity of individuals and honouring the trust in the therapeutic relationship.
- 1.12 A Member must uphold a duty of care to the client and not discriminate based on race, religion, gender, disability, or other grounds specified in antidiscrimination legislation. 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 Where a client is screened or otherwise identified as having a history of trauma, the Member needs to understand that the client may have complex medical, behavioural health, and social service needs. In such circumstances, Members need to be able to offer appropriate care responses, including, where appropriate, referral to other practitioners experienced in trauma-informed care.
- 1.14 Members should take reasonable steps to ensure that any person to whom a Member refers a client for treatment has the qualifications required to provide the treatment needed, prior to making the referral. Members must ensure that all relevant details related to a referral are recorded in the client's clinical record.
- 1.15 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.
- 1.16 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 information, see the ATMS Guidelines - Receipts.
- 1.17 Members must always 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.



- 1.18 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.
- 1.19 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.
- 1.20 Members 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.
- 1.21 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 regarding their clinical practice should be guided by the ATMS Complaints Handling Guidelines.
- 1.22 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, professional association membership or title to which she or he is not entitled.
- 1.23 Where a Member's clinical work regularly brings the Member into contact with children, Members must obtain and maintain any legally required Working With Children Checks (or State or Territory equivalent). The Member must also ensure that any workers or volunteers engaged by the Member who regularly encounter children, also obtain and maintain the legally required Working With Children Checks (or State or Territory equivalent).
- 1.24 The Member must ensure that a current schedule of fees, cancellation policy and any other relevant terms or conditions of treatment or services, are displayed in a prominent place in the clinic and/or on the clinic website and/or otherwise made available to the client.

## **2. Duty of Care**

- 2.1 The Member must obtain a client's informed consent before the commencement of an assessment or treatment and ongoing informed consent for the duration of treatment.
- 2.2 In providing assessments and treatment to clients, the Member must exercise reasonable skill, competence, diligence, and care.
- 2.3 A Member must provide services based on clinical need and effectiveness.
- 2.4 Members must not misrepresent or misuse their skills, abilities, or qualifications.
- 2.5 Members must not attempt to dissuade a client from seeking or continuing medical treatment.
- 2.6 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.



- 2.7 Members must follow national infection control precautions. It is the Member's responsibility to be aware of and stay up to date with such infection control precautions.
- 2.8 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.
- 2.9 Members should use reasonable endeavours to assist a client to find other appropriate healthcare services if required.
- 2.10 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.
- 2.11 Members must advise a client with a notifiable disease to seek immediate medical attention.
- 2.12 Members must maintain a safe and hygienic practice.
- 2.13 Members must take appropriate action in response to adverse events. See the ATMS Guidelines on Dealing with Adverse Reactions for more information.
- 2.14 Members must communicate and co-operate with colleagues and other healthcare professionals in the best interests of their clients.
- 2.15 Members must be aware that as soon as they agree to treat a client, they have a duty of care to that client. As such, if 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.
- 2.16 Members must not treat clients with 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 at any time or in any place.
- 3.3 Members shall not provide false or misleading 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 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 remote consultations must follow the ATMS Online Audio-Visual Consultation Policy.
- 3.11 Members must obtain and maintain appropriate and/or legally required 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 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 always uphold the therapeutic relationship and respect a client's personal space, maintaining clinically appropriate boundaries in their interactions with clients.



- 4.3 A Member must not engage in any form of sexual touching or conduct of a sexual nature, including voyeurism or sexual harassment, whether the client consents or not.
- 4.4 Touching of client genitals or surrounding area is prohibited. Touching of breast tissue must only be undertaken if there is a therapeutic need. The Member must comply with this Code and follow ATMS's Breast Tissue Policy.
- 4.5 A Member must ensure that a reasonable period has elapsed since the conclusion of any therapeutic relationship before engaging in an intimate and/or sexual relationship with a former client.
- 4.6 Any approaches of a sexual nature by a client must be declined and documented in the client's clinical record.
- 4.7 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 and regulatory requirements.
- 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.