

### 1.1 PURPOSE

The purpose of this policy on professional conduct is to set out a Code of Professional Conduct to be observed by registered physiotherapists in their professional practice.

### 1.2 SCOPE

This policy does not stipulate all standards relating to physiotherapy; it does however cover the most common issues raised with the Board in relation to physiotherapy practice. This policy applies to any person practising physiotherapy in NSW.

### 1.3 DEFINITIONS

Health Care Professional (HCP) includes but is not limited to: Aboriginal health care worker, chiropractor, counsellor, dentist, medical practitioner, nurse, occupational therapist, osteopath, pharmacist, physiotherapist, podiatrist, psychologist, speech pathologist.

## POLICY

### 2.1 Respect for the law

Physiotherapists are required to observe and adhere to all and any legislative requirements which relate to their practice of physiotherapy<sup>1</sup>. The primary legislation guiding the practice of physiotherapy in NSW is the Physiotherapists Act 2001. The object of the Act is to protect the health and safety of members of the public by providing mechanisms to ensure that physiotherapists are competent to practise.

### 2.2 Respect for people

The primary responsibility of physiotherapists is the health, welfare and safety of their clients. Physiotherapists shall ensure that they and their support staff

- Do no harm to their clients
- Respect the right of clients to be consulted and participate in decision-making relating to treatment including the client's right to seek a second opinion and/or cease physiotherapy treatment
- Respect the right of clients to be referred to a more suitably qualified physiotherapist or HCP whenever that course is clinically appropriate
- Treat clients in a way that promotes their personal dignity and is sensitive to their individual needs
- Maintain confidentiality of client information and do not give any information about a client to a third party without the client's permission, unless such disclosure is required by law

### 2.3 Accountability

Physiotherapists must accept full responsibility for all interventions undertaken by them and staff working under their instruction or direction. No service or treatment shall be delegated to a person who is not qualified and/or competent to undertake that service or treatment.

Physiotherapists have the right to refuse to provide a service where there are reasonable grounds for doing so especially when, in their opinion, it is not in the best interests of the client.

Physiotherapists must declare any conflicts of interest to their clients.

Physiotherapists must report a member of their own or a different health profession if they believe that person has sexually abused a client, or if they have reason to believe that the person is engaging in, or has had, an inappropriate physical or sexual relationship with a client or has behaved in a sexually explicit manner towards the client.

Physiotherapists shall promote positive outcomes for client care and conduct themselves in a manner consistent with professional and ethical standards of behaviour. In so doing, they must not:

- Provide treatment from which there is no demonstrable benefit (unless with patient consent within an approved clinical trial)
- Practise in areas outside their competence
- Influence or attempt to influence the conduct of another registrant in a way that may compromise client care
- Exploit their clients through provision of services that are excessive, unnecessary or not reasonably required
- Engage in fraudulent or dishonest behaviour in the practice of the profession

- Discriminate, coerce or harass clients, colleagues or members of the public on the grounds of gender, pregnancy, age, ethnic background, religious belief, marital status, disability or sexual orientation
- Engage in sexual activities with clients<sup>ii</sup>
- Develop personal relationships with clients, where such a relationship could result in some form of exploitation of, or some perceived obligation by, the client
- Accept bribes, inducements or any gift that could act as a bribe or inducement
- Sell, supply, endorse or promote the sale of services or goods in ways which exploit their professional relationships with clients
- Engage in improper drug or alcohol use
- Condone or associate with unethical therapeutic, referral or business practices. In addition the physiotherapist shall make reasonable efforts to refer evidence of inappropriate or unethical behaviour to the relevant authorities and is also obliged to report instances where there is reason to believe that a colleague has breached the Policy on Sexual Misconduct<sup>iii</sup>

## 2.4 Standards of Practice

Physiotherapists have a responsibility to actively advance their professional knowledge and competence through participation in continuing professional development.

Physiotherapists are responsible for maintaining a level of competence that is appropriate and relevant to the services they provide. This includes the ability, as individuals, to recognise their own limitations within the clinical setting.

Physiotherapists shall ensure that their practice is conducted in a safe manner, that contraindications are taken into account, that appropriate safety tests are undertaken and recorded, and that equipment and facilities meet appropriate Standards Australia<sup>iv</sup> standards. Physiotherapists must openly discuss with clients the potential complications or adverse effects of proposed treatment.

Physiotherapists must maintain comprehensive client records<sup>v</sup>.

Physiotherapists should, as far as practicable, inform clients, or those involved in arranging 3rd party payments, in advance of any proposed services and provide a schedule of fees.

Physiotherapists must ensure appropriate hand over of client care when another physiotherapist is involved, or when referring the client to another HCP.

Physiotherapists must observe the infection control regulation in force at the time<sup>vi</sup>.

Physiotherapists must make clients aware of any potential risks before commencing a physiotherapy program, as part of the process of obtaining and documenting consent<sup>vii</sup>.

Physiotherapists must maintain adequate professional indemnity cover. The Health Care Liability Act<sup>viii</sup> provides that physiotherapy must not be practised unless the physiotherapist holds insurance or is exempt from doing so.

## 3. COMPLAINTS PROCESS

Any person may make a complaint regarding a physiotherapist concerning the professional conduct of a registered physiotherapist, or the provision of a physiotherapy service by a registered physiotherapist. This can be done by directing the complaint to the Registrar of the Board, or to the Health Care Complaints Commission. A complaint must be in writing, must identify the complainant and must be verified by the complainant. It must contain particulars of the allegations on which it is founded. The physiotherapist must make themselves aware of the NSW Physiotherapists Registration Board Frontline Complaints Handling document<sup>ix</sup>.

## 4. ACKNOWLEDGEMENTS

This policy has been developed with acknowledgement to the Physiotherapists Registration Board of Queensland, Australian Physiotherapy Association, NSW Department of Health (Circular 98/79), and the NSW Medical Board.

<sup>i</sup> Although the list is not intended to be exhaustive, the following legislation may be pertinent to this Code of Conduct: Anti-Discrimination Act 1977; Children (Care and Protection) Act 1987; Crimes Act 1900; Freedom of Information Act 1989; Guardianship Act 1987 (NSW); Health Care Complaints Act 1993; Health Services Act 1997; Independent Commission Against Corruption Act 1988; Mental Health Act 1990; Occupational Health and Safety Act 1983; Ombudsman Act 1974; Protected Disclosures Act 1994; Health Records and Information Privacy Act 2002; Poisons and Therapeutic Goods Act 1966; Poisons and Therapeutic Goods Regulation 2002; Public Health Act 1991; State Records Act 1998

<sup>ii</sup> NSW Physiotherapists Registration Board, Policy No. 1. Physiotherapists and Sexual Misconduct

<sup>iii</sup> NSW Physiotherapists Registration Board, Policy No. 1. Physiotherapists and Sexual Misconduct

<sup>iv</sup> Standards Australia. GPO Box 5420, Sydney NSW, 2001. [www.standards.org.au](http://www.standards.org.au)

<sup>v</sup> NSW Physiotherapists Registration Board, Policy on Clinical Records

<sup>vi</sup> Physiotherapists Regulation 2002, Schedule 2: Infection control standards

<sup>vii</sup> NSW Dept Health Policy 2004/84 Patient Information and Consent to Medical Treatment

<sup>viii</sup> Health Care Liability Act 2001, Section 25

<sup>ix</sup> NSW Physiotherapists Registration: Frontline Complaints Handling Brochure