



Standards of Professional Conduct for Chinese Medicine Practitioners

Introduction

The Chinese Medicine Council of New Zealand (The Council) is the Responsible Authority (RA) for Chinese Medicine (CM) practitioners in New Zealand, drawing its authority from the Health Practitioners Competence Assurance Act 2003 (the Act). The Council's primary focus is to protect the health and safety of members of the public by providing mechanisms to ensure that CM practitioners are competent, safe, and fit to practise. The Council has the responsibility for registering CM practitioners, issuing annual practicing certificates (APCs), and receiving information about the practice, conduct, or competence of practitioners and acting on it if it is appropriate to do so, amongst other things.

The Council recognises and seeks to give effect to Te Tiriti o Waitangi as the foundational governance document in Aotearoa New Zealand, and affirms the rights of iwi, hapū, and Māori in the shaping and governance of our nation. Te Tiriti o Waitangi also influences our roles and responsibilities as citizens in our community and shapes personal and professional conduct. The Council recognises its obligations under Te Tiriti o Waitangi and confirms its commitment to them. The Council also recognises and respects the historical and philosophical origins of Chinese Medicine (CM).

In this document the term 'tangata whai ora' (which means 'a person seeking health') has been used instead of the term's patient/client/health consumer/service user. This is to encompass persons who may be engaging with CM in both clinical and/or non-clinical settings.

The Standards of Professional Conduct (The Standards) is a set of standards defined by the Council that describe the behaviour or conduct that Chinese medicine practitioners are expected to uphold. The Standards provide guidance on appropriate behaviour for all CM practitioners and can be used by Tangata Whai ora, CM practitioners, employers, the Council and other bodies to evaluate the behaviour of CM practitioners. The failure to uphold these standards of behaviour could lead to a disciplinary investigation.

CM practitioners are expected to uphold exemplary standards of conduct while undertaking their professional role. Because CM practitioners must have the trust of the public to undertake their professional role, they should also carry these high standards into their personal lives

These Standards may also be relied upon in other contexts such as employment disputes or court proceedings as a measure against which a CM practitioner can be held accountable. It is important for CM practitioners to understand that, as a registrant with the Council, it is the practitioner's responsibility to always comply with these Standards.

These Standards augment the legal obligations of registered CM practitioners working under the Act, the Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996, He Korowai Oranga (Māori Health Strategy), Pae Ora (Healthy Futures) Act 2022, the Accident Compensation Act 2001, and the Health Information Privacy Code 2020.

Values underpinning professional conduct

Respect

Tangata whai ora, whānau, families and colleagues have the right to be treated with respect and to have their privacy respected. This enables respectful relationships between health practitioners and tangata whai ora and promotes services that support health and wellbeing. Any services provided will consider the needs, values, dignity, uniqueness, and beliefs of diverse cultural, religious, social, and ethnic groups. Respect forms the fundamental basis of professional relationships and ethical conduct.

Trust

Everyone using a health or disability service has the right to know that their practitioner is safe and competent to practise, will not wilfully harm them, and within their ability will protect them from harm. Trust between tangata whai ora and practitioners is established over time and is embodied in the duty of care provided by practitioners. Trust is about respecting privacy, being aware of physical, mental, and cultural boundaries, confidentiality, and providing appropriate physical and emotional support for the tangata whai ora and their whānau and families. CM practitioners are responsible for establishing trusting and responsible therapeutic relationships with tangata whai ora to provide appropriate and professional care involving touch. By establishing rapport and trust, CM practitioners will maintain the public's trust in the competence of an individual practitioner and the CM profession.

Partnership

Partnership is about mutual respect and equality between tangata whai ora and their practitioner. Tangata whai ora have the right to be fully informed and involved in their own care and treatment, in a manner they can understand, to make an informed choice or give informed consent. Within a therapeutic partnership, autonomy, views, and preferences are respected. CM practitioners should be aware of the inherent power imbalance in health care relationships, especially when tangata whai ora have limited knowledge, may be socially, culturally, or medically vulnerable, or are part of a marginalised group.

Integrity

Every practitioner must act with integrity, according to the values, ethical standards, and accountability of their profession. As health professionals, CM practitioners are personally responsible and accountable for actions and omissions in their practice and must be able to justify their therapeutic decisions. Being honest, behaving professionally and consistently will deliver safe and competent care that demonstrates integrity to tangata whai ora.

These Standards establish standards of ethical and professional conduct. It sets out ethical guidelines and best practices for practitioners to follow regarding honesty, equity, integrity, and professionalism. The eight key principles and associated standards provided within this are a set of technical definitions, specifications, and guidelines for practitioners, against which disciplinary action can be measured. These principles are based on the values underpinning professional conduct and are of equal importance.

Principles	Standards
<p>1. Act with integrity and honesty</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Comply with all legal, professional, and ethical obligations, including those in the Act. ii. Maintain high standards of professional and personal behaviour. iii. Provide competent, appropriate, and necessary services to benefit tangata whai ora. iv. Provide truthful, accurate and relevant information, and fully disclose any interests, including financial interests, held in products and services recommended to tangata whai ora. v. Not misuse their professional position or exploit vulnerability or lack of knowledge when promoting or providing services or selling products. vi. Work within the limits of own scope/s, skills, and competence (including knowledge of CM contraindications and precautions) and recognise when to refer to another practitioner or stop treatment. vii. Recognise that there is a power imbalance in the health care relationship, and not exploit tangata whai ora physically, emotionally, sexually, or financially. viii. Not engage in sexual or intimate behaviour or relationships with tangata whai ora in your care or with those close to them. ix. Recognise and maintain professional boundaries with tangata whai ora, their whānau, and families, in order to maintain your objectivity when providing care and foster client-centred autonomy within therapeutic relationship. Ensure that tangata whai ora have the right to be free from discrimination, coercion, harassment, physical and verbal abuse, bullying, humiliation, intimidation, sexual, financial, or other exploitation, including on social media platforms (HDC, Right 2). x. Comply with national advertising requirements and relevant legislation on consumer protection, fair trading, and therapeutic goods advertising, to ensure ethical promotion of therapeutic products and services. xi. Accurately represent the nature, care and skill of the services or care provided, to comply with legal, professional, ethical, and other relevant standards (HDC, Right 4). xii. Not practise under the influence of drugs and alcohol.

	<p>xiii. Only claim remuneration for the services provided including when being funded by a third party, such as ACC (Accident Compensation Corporation), ensuring that these services would be deemed necessary and appropriate.</p>
<p>2. Respect the cultural needs and values of tangata whai ora, their whānau, and families</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Demonstrate commitment to Te Tiriti o Waitangi by recognising the unique status of Māori, acknowledging Māori history, te reo Māori and tikanga Māori. ii. Acknowledge Māori models of health in practice when developing care plans and promote access to services to meet the needs of Māori tangata whai ora. <ul style="list-style-type: none"> l. Practise in a way that respects difference and does not discriminate against, or impose their own viewpoints on those in their care, based on ethnicity, religion, gender and gender identity, sexual orientation, political or other opinion, disability, or age (HDC, Right 2) iii. Demonstrate respect for the identity of tangata whai ora and their right to hold personal beliefs, values, and goals (HDC, Right 1). iv. Be aware of the impact of health inequities within different cultural groups, including Māori, and be aware of and pay attention to the health needs of local communities in which they practice. v. Recognise that New Zealand is a multicultural society and ensure that CM care is culturally safe and acceptable to tangata whai ora, and their whānau, and families. vi. Communicate effectively with tangata whai ora in a form and manner that enables tangata whai ora to understand the information provided, including providing a competent interpreter where necessary. Communication should occur in an environment that enables tangata whai ora and practitioners to communicate openly, honestly, and effectively (HDC, Right 5).
<p>3. Work in partnership with tangata whai ora, whānau and families, and respect their dignity, individuality, and rights</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Work in partnership with tangata whai ora, their whānau and families being respectful of their roles and shared involvement in provision of care (HDC, Rights 1, 8). ii. Provide services in a manner that allows understanding for both tangata whai ora and support persons, and that respects the dignity, individuality, and rights of the individual (HDC, Rights 3, 8). iii. Provide competent services in clinical practice in a physical environment that maintains privacy and dignity, is consistent with the needs of tangata whai ora, and minimises potential harm (HDC, Rights 1, 4). iv. Respect the individuality of tangata whai ora by listening, asking relevant questions, and respecting views about their health, and where practicable respond to their concerns and preferences to enable the ability to make an informed treatment decision (HDC, Right 6).

	<ul style="list-style-type: none"> v. Provide tangata whai ora with the information that a reasonable person, in that person’s circumstances would expect to receive, including an explanation of their condition, the options available and the risks and benefits of each option. vi. the Provide tangata whai ora with the information they require to make an informed decision to decline or withdraw from treatment at any time (HDC, Right 7). vii. Provide services that minimise harm and meet the Council’s standards of clinical care, regardless of the condition or any pre-disposing factors of tangata whai ora (HDC, Right 4). viii. Respect tangata whai ora confidentiality and privacy by seeking informed consent before disclosing information, including formally documenting such consent (Privacy Act). Acknowledge, and practically implement, that informed consent is an on-going, interactive process between provider and tangata whai ora. ix. Be alert to the ways in which mental capacity can impact on informed consent, ensure that any informed consent is freely given and refer tangata whai ora for a capacity assessment where required. x. Where a person has diminished competence, under HDC Right 7(3), Chinese Medical practitioners must ensure that tangata whai ora retains the right to make an informed choice and give informed consent to the extent appropriate to their competence. Where tangata whai ora are not competent to make an informed choice and give informed consent, the Chinese Medical practitioner must comply with Right 7(4) and, where relevant, Right 7(5).
<p>4. Maintain the trust of the tangata whai ora by providing safe and competent care</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Practise within their registered scope/s of practice, and ensure clinical premises meet the Council’s professional and clinical standards and local council bylaws (HDC, Right 4). ii. Whenever possible, provide surroundings that protect the audio and visual privacy of tangata whai ora during the consultation and treatment processes. iii. Maintain a current First Aid Certificate from a provider approved by the Council. iv. Understand and apply the principles of infection prevention and control, including health education, health promotion, standards of waste disposal, handling of blood and body fluids, and general hygiene as set out in the Council’s professional and clinical standards. v. In the case of any adverse event/s or treatment injury occurring, be competent to respond appropriately; maintain appropriate records and report to the appropriate parties if required (e.g., ACC) and implement principles of open disclosure and no blame in practice. vi. Consider the best available evidence in practice decision-making and maintain up to date professional knowledge and skills in accordance with the Council’s recertification requirements.

	<ul style="list-style-type: none"> vii. Ensure all communication (oral, written, inter-professional, and electronic) with tangata whai ora, whānau, families and colleagues remain confidential in professional and non-professional situations, and meets all legislative privacy obligations (Privacy Act). viii. Access and store own clinical records for 10 years (written or electronic) securely where they are not available to unauthorised access, and only access those of other practitioners when authorised to do so. ix. Not transmit, share, reproduce or post online any information or images relating to tangata whai ora, even when anonymous or anonymised, without first obtaining written consent to do so. x. Recognise that clinical notes legally belong to tangata whai ora; and while a practitioner can hold the original notes, it is the right of tangata whai ora to access a copy of any information contained in their health records. xi. Facilitate arrangements for the confidential transfer, management, or disposal of health records in accordance with privacy obligations, when closing or relocating a practice. xii. Ensure access to information about the processes for making a complaint, or notification, or raising a concern (HDC, Right 10). xiii. Facilitate the fair, simple, speedy, and efficient resolution of complaints about their service (HDC, Right 10) xiv. Respond to any communication from the Council, when notified of a complaint or notification made against them and their care, and comply with relevant legislation, policies, and procedures. xv. Review any adverse events, learn from, reflect, and act on the outcomes and implement any disciplinary outcomes to reduce the risk of recurrence.
<p>5. Maintain excellence in CM practice including being competent and responsible for own professional development</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Practise within an evidence-informed¹ and person-centred framework. ii. Continue to update and maintain scope specific CM knowledge and skills, to provide safe and competent care. iii. Maintain professional behaviour and ongoing learning, including self-reflection, peer review, participation in relevant professional activities, and update professional capabilities accordingly.

¹ An evidence-informed approach to practice can be defined as the integration of research evidence alongside practitioner expertise and the needs of the tangata whai ora. This type of approach allows for innovation and adaptation based on factors and context at individual, organisational, and service levels, while reducing inherent biases.

Alla, K. A., & Joss, N. (2021, March). *What is an evidence-informed approach to practice and why is it important?* AIFS. Retrieved December 8, 2022, from <https://aifs.gov.au/resources/short-articles/what-evidence-informed-approach-practice-and-why-it-important#footnote-003>

	<ul style="list-style-type: none"> iv. Keep accurate, up-to-date, factual, objective, and legible/electronic records that record all consultations detailing the relevant clinical history, clinical findings, investigations, diagnosis, and treatment, relevant demographic and contact information, and treatment instructions e.g., use of medication, in a form that can be understood and used by other practitioners and agencies. v. Ensure that records are sufficiently detailed to facilitate continuity of care, prevent misunderstanding, and protect both tangata whai ora and practitioner. vi. Ensure that clinical records meet all legislative requirements and adhere to relevant health guidelines, including ACC's and the Council's guidelines for clinical records.
<p>6. Work collaboratively with colleagues, agencies, and communities to provide competent care of tangata whai ora</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Consult, refer and accept advice from CM colleagues and other health professionals when appropriate. ii. Support inter professional and inter sectoral communication within the context of consented collaborative care arrangements for tangata whai ora. iii. Work co-operatively with other providers to ensure quality and continuity of services (HDC, Right 4(5)). iv. Acknowledge and respect inter-disciplinary collaboration and co-operation in the shared care of tangata whai ora, including working within the limitations of their own scope/s of practice and referring to other health providers where appropriate. v. Build a respectful, collaborative, and professional culture of trust with CM colleagues and other health practitioners, including when using social media.

<p>7. Take responsibility for maintaining own health and wellbeing</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Recognise and minimise the risks of illness, fatigue and /or burnout, including complying with relevant occupational health and safety legislation and seeking appropriate health care when required. ii. Not assess or treat any suspected personal health condition or impairment, that might pose a risk to the safety of tangata whai ora, or competent CM practice. iii. Understand that mental or physical impairments may impact on their own fitness to practise under the Act (s 46), or on the fitness of any other CM colleague’s ability to practise (s 45); and notify these concerns in writing to the Registrar of the Council.
<p>8. Support ethical research</p>	<p>CM practitioners will:</p> <ul style="list-style-type: none"> i. Notify tangata whai ora of any proposed participation in teaching or research (HDC, Rights 6, 9), informed consent must also be in writing if tangata whai ora are to participate in any research (HDC, Rights 7, 9). ii. Understand the role of ethical and evidence-informed research to inform quality health care and policy development. iii. Recognise opportunities to participate in research that supports ethical and sustainable principles, and respects the decision-making of research participants (HDC, Right 9). iv. Ensure that any involvement in research protects the public and has approval from an appropriately accredited research Ethics Committee.

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