

Frequently asked questions

Code of Conduct: Unregistered Health Practitioners

The *Health and Community Services Complaints Act 2004* was amended in March 2011 to enable the Health and Community Services Complaints Commissioner to issue prohibition orders against unregistered health practitioners who breach the Code of Conduct. The Code is based on a similar Code which is in force in NSW. Prohibition orders may prohibit a practitioner from practising for a limited period of time, or permanently, or place conditions on a practitioner for a limited period of time, or permanently. Answers to some Frequently Asked Questions are provided below.

Why is the Code of Conduct for unregistered health practitioners in South Australia being introduced?

The vast majority of unregistered health practitioners are honest and competent. There is however a small minority who are not and these laws are designed to protect the public from them.

The Social Development Committee of the South Australian Parliament released its 'Inquiry into Bogus, Unregistered and Deregistered Health Practitioners' in 2009. This inquiry highlighted the need for better protection of the health and safety of the community when using the services of unregistered health practitioners.

The Health and Community Services Complaints Commissioner receives a small number of complaints against unregistered health practitioners each year. It is likely that more people are harmed than complain, as many people may feel embarrassed about what has happened to them.

Currently there are no laws which prevent unregistered health practitioners from continuing to practise, or that require them to modify their practices if they are placing the health and safety of the public at risk. Health practitioners registered under the National Registration and Accreditation Scheme (eg doctors, nurses, dentists etc)

can be held accountable for their actions by their Registration Board and the SA Health Practitioners Tribunal.

A similar scheme is currently operational in NSW.

My profession has been self-regulating for many years. Why do we need these new laws?

Many professions and occupations operate under a system of self-regulation designed to maintain standards. In most cases self-regulation works well, however it is a voluntary scheme. If a member of a profession or occupation behaves in a manner that puts the health and safety of the public at risk they cannot be forced to either stop work, or modify their practices.

Under the new laws, the South Australian Health and Community Services Complaints Commissioner will have the power to issue an order against a person behaving like this. The person against whom the order is made will be able to appeal against it. It is not expected that many orders will be made each year.

My profession is hoping to join the National Registration and Accreditation Scheme. If we become nationally registered will these laws still apply to us?

No, but see question 4 below. The laws generally only apply to professions and



occupations that are not registered. Registration Boards have the power to prevent a registered person from working in order to protect the health and safety of the public. Therefore if your profession becomes registered, these laws will no longer apply to you.

The following groups will become part of the national scheme on 1 July 2012:

- > Aboriginal and Torres Strait Islander Clinical Health Practitioners
- > Occupational Therapists
- > Medical Radiation Practitioners
- > Chinese Medicine Practitioners.

Until these groups join the national scheme, they are unregistered health practitioners (with the exception of occupational therapists who are currently registered in SA) and will therefore be covered by the scheme under discussion. Once registered, members of each profession will be subject to their national board.

Does that mean that these new laws (the Code of Conduct) don't apply to registered health practitioners at all?

The new laws only apply to registered health practitioners if they also practice in an area which is unrelated to their registration. For example, a chiropractor or nurse who also practises hypnotherapy is covered by the laws when they are practising hypnotherapy as it is unrelated to the area in which they are registered.

What impact will the Code of Conduct have on my practice as an unregistered health practitioner?

You must adhere to all provisions in the Code of Conduct. If some provisions are not relevant to your practice, they cannot be complied with. For the vast majority of practitioners adhering to the Code of Conduct will not require any change in practise as they are already practising in a safe and ethical manner.

All practitioners, with the exception of those specifically excluded by the Code, will be required to display the Code of Conduct, a document which is evidence of a relevant qualification held by the health practitioner and a document which gives information about how a health service user may complain to the Health and Community Services Complaints Commissioner.

