

## ***CODE OF ETHICS***

In all matters the podiatrist must consider the welfare of the patient to be of paramount importance.

### **Why have a Code of Ethics?**

A code of ethics provides a framework for professional conduct and a reference in questionable situations. It is an act of goodwill that provides good practice and equality for practitioners and safety to the public.

The fundamental principles underlying ethical behaviour are not dissimilar to the basic moral duties that guide our society in general. However these principles impose a specific personal and professional responsibility within podiatry as detailed in the Code of Ethics. The underlying principles:

- honesty and trustfulness
- keeping promises and agreements
- loyalty and acting in the best interests of those who have placed faith in you
- fairness and justice
- doing no harm through negligent or intentional conduct.

A Code of Ethics therefore guides professional practice to ensure quality in all we do.

## Professional Responsibility

Podiatrists are professionals and as such should recognise their responsibilities and obligations to their patients, colleagues, professional associations and to the profession of podiatry.

It is the aim of the Association to uphold the standards of the profession and promote and safeguard the interest of each member. Therefore, any breach of the Association's rules may be dealt with under the Articles of Association (See Article 21).

In all areas of your practice you will:-

### *Standards of Care*

- conduct yourself to the best of your ability and recognise the limits of your expertise.
- continue professional development to maintain your currency of practice.
- follow current accepted standards of health care such as sterilisation protocols.
- maintain the clinical area at an appropriate level of cleanliness.
- comprehensively assess and evaluate every patient.
- maintain accurate up-to-date clinical records.

### *Respect of Patients*

- ensure that your professional conduct is above reproach.
- not exploit patients for sexual, emotional or financial reasons.
- treat your patients with compassion and have respect for human dignity.

## Responsibility to Patients

You should:

- not deny treatment to any patient on a discriminatory basis such as race, religion or illness.
- respect patients' right to choose their podiatrist freely and to accept or reject advice.
- respect a patient's right to consult any podiatrist at any time and to change practitioners at will, even in the middle of treatment.
- endeavour not to influence patients of another podiatrist seen for an emergency consultation into becoming patients of theirs or some other podiatrist.
- educate your patient regarding the nature of presented medical conditions, the probable causes and the available treatments, together with their likely benefits and risks.
- gain your patient's consent to proceed with treatment.
- keep in confidence information derived from your patient or from a colleague regarding your patient, and divulge this information only with the patient's permission, except when a court demands.
- recommend only those diagnostic procedures which are necessary to assist in the care of your patient and only recommended therapies which are necessary for their well being.
- recommend to your patient that additional opinions and services be obtained when treatment is beyond your expertise.
- make available to another health professional upon request by your patient, a report of your findings and treatment.
- inform your patient if you have a personal moral or religious barrier in recommending some form of therapy, and advise they may seek alternative care.

- be responsible for setting fees appropriate to your services, ensuring your patient is aware of your fee and be prepared to discuss a fee at any time.
- not refer patients to institutions or services in which you have a financial interest without full disclosure of such interest.

## Responsibility to the Community

You should:

- have a commitment to the improvement of podiatric standards and quality of services in the community.
- be involved in your profession's responsibility to public health and safety through health education and legislative processes.
- if called as a witness, recognise your responsibility to assist a court in arriving at a just decision certifying only that which has been personally verified.

## *The Podiatrist And The Profession*

### Professional Conduct

- Build a professional reputation based on integrity and ability and be aware that your personal conduct may affect your reputation and that of your profession.
- Refrain from making comments which may needlessly damage the reputation of a colleague or cause anxiety to a patient.
- Report to an appropriate body any conduct by a colleague which may be considered unethical or unprofessional.
- Indicate when presenting any personal opinion which is contrary to the generally held opinion of the profession.
- Recognise you have a responsibility to maintain your personal health, both mental and physical, so as not to compromise your professional conduct and patient care.
- Refer patients back to their regular podiatrist following relief of immediate disability when consulted in an emergency.
- Do not alter the treatment plan of a patient of another podiatrist seen in an emergency, except when it is clear that a change has occurred obviously not anticipated by the patient's regular podiatrist.
- Report in detail any findings and recommendations to a referring health profession when an opinion has been requested.
- Recognise your responsibility to properly supervise the work of employees.
- Be aware of legal considerations affecting your professional practice.

## Advertising

Podiatrists must not advertise, by any method or in any manner which:

- a) is false, misleading, deceptive; or
- b) creates an unjustified expectation of the outcome of treatment; or
- c) promotes the unnecessary or inappropriate use of the services of a podiatrist; or
- d) compares their practices with that of another podiatrist; or
- e) mentions specialisation of practice except those approved by the Council of Australian Podiatry Association (Vic). (This does not preclude advertising the different services available at a practice.)

## Clinical research

- Accept a professional responsibility to further medical advances by participating in developed clinical research studies involving human participants where appropriate.
- Ensure that a responsible independent committee appraises the scientific merit of any clinical research and an institutional ethics committees evaluates its ethical implications.
- Obtain the prior consent of all research participants or their agents, after explaining the purpose of the clinical research and any reasonably foreseen health hazards.
- Recognise that participants should be allowed to withdraw from a study at any time without prejudice.
- Ensure that research results are communicated through recognised scientific channels to enable an informed group to establish an opinion on the merits of the results.

## Clinical Teaching

- Pass on your professional knowledge and skills to students and colleagues.
- Obtain patients consent before embarking on any clinical teaching involving patients.
- Do not allow a refusal to participate in teaching to prejudice a podiatrist-patient relationship.
- Ensure your patient is treated by the best diagnostic and therapeutic methods and that your patient's comfort and dignity are maintained.

## State Acts and Regulations

- Many matters of conduct are covered by State Registration Acts and the Regulations made thereunder. Such matters shall be deemed to be a portion of this Code and shall be read in conjunction therewith.
- All rules in this Code shall be strictly observed by members of the Association and a breach of any such rule may be dealt with under the Articles of Association.

## Disciplinary Procedures under the Code of Ethics

### Ethics & Legislation Committee

An Ethics & Legislation Committee shall be appointed by Council at the first meeting of the Council after the Annual General Meeting in each year.

The Ethics & Legislation Committee of each year shall remain in office until the succeeding committee is appointed.

### Ethics Tribunal

An Ethics Tribunal being a sub-committee of the Ethics & Legislation Committee shall be constituted in each year and comprise of three councillors, the President, one public and one private practitioner.

Proceeding of the Ethics Tribunal will be held in confidence and details will not be made public.

It shall be the duty of the Ethics Tribunal to investigate all questions or matters arising as to whether a person has

- ◆ been guilty of conduct detrimental to the honour or interests of the profession
- ◆ been guilty of conduct detrimental to the honour or interests of the Association
- ◆ been guilty of conduct calculated to bring the profession into disrepute or contempt
- ◆ been guilty of professional misconduct

Members of the Ethics Tribunal must declare a conflict of interest should a case in which they may have a personal interest come before the Tribunal. Such member will withdraw from all matters associated with the particular case in point. A suitable replacement to sit on the case will be made by the President.

## Complaints

Complaints regarding the professional conduct of individual members of the Association shall be addressed to the Executive Officer. Complaints shall be in writing and signed by the complainant.

A complaint should contain the name of the member complained of, the names and particulars of other persons concerned, together with particulars of times and places in so far as may be required for the purpose of the investigation.

A copy of the complaint shall be sent to the member whose conduct is complained of (the respondent) by the Executive Officer with a covering letter advising the member that the matter will be placed before the Ethics Tribunal for investigation and requesting an answer to the complaint within 10 days, also advising that said response may be forwarded to the complainant

A meeting of the Ethics Tribunal shall be convened for 14 days time from receipt of the complaint to consider all relevant documentation.

### Ethics Tribunal Meeting

The complaint and response shall be considered by the duly constituted meeting of the Ethics Tribunal.

The Ethics Tribunal shall have the sole and final right to determine whether the form of the complaint, statement, answer or reply is sufficient to consider the case. The Tribunal may ask for further documentation from any party to the investigation which it may deem necessary or desirable.

The Tribunal shall upon receipt of such documents proceed to investigate the facts of the case as appearing therefrom.

### Attendance at Tribunal Meetings

Should the Tribunal deem it necessary, parties to a case may be asked attend a meeting of the Ethics Tribunal.

Parties to a case may be permitted to have a lay advocate attend in their presence but in no circumstances will legal representation be permitted.

The Ethics Tribunal shall have the sole and final right to grant permission to attend its meetings.

### **Role of Executive Officer**

The Executive Officer shall act as the agent of the Ethics Tribunal in all matters relating to an investigation.

The Executive Officer shall conduct all relevant correspondence and solicit such documentation as deemed necessary on behalf of the Ethics Tribunal.

The Executive Officer shall counsel complainants as to what actions are available to them under the Association's Code of Ethics.

The Executive Officer shall counsel respondents as to what actions are available to them under the Association's Code of Ethics.

The Executive Officer shall on direction from the Ethics Tribunal counsel both complainant and respondent with respect to the determinations of the Ethics Tribunal in respect of the case under investigation.

### **Duties of Members**

It shall be the duty of every member of the Association to afford all reasonable assistance to the Ethics Tribunal and to the Council in the investigation of complaints regarding the professional conduct of individual members of the Association.

### **Disciplinary Procedures**

If the deliberation of the Ethics Tribunal finds a member to be in breach of the Code of Ethics or guilty of misconduct as stated previously, it is the responsibility of the Ethics Tribunal to decide on the action to be taken.

Such action may involve written advice to the member as to professional misconduct, loss of membership of the Australian Podiatry Association (Vic), advice to a complainant to take the matter to the Chiropodists registration Board of Victoria, or other sanctions as the Ethics Tribunal deems fitting in the circumstances.