

## Fact sheet

# Unregistered Health Practitioners: Code of Conduct

From 14 March 2013 health practitioners who are not within the ambit of the Australian Health Practitioners' Regulation Agency (AHPRA) will have to comply with a Code of Conduct and display certain information where they practise. The Code of Conduct for Unregistered Health Practitioners (Code of Conduct) establishes a range of minimum standards for unregistered health practitioners.

If a health practitioner is found to have breached the Code of Conduct following an investigation, the Health and Community Services Complaints Commissioner (the Commissioner) may make a prohibition order. A prohibition order can be made when the Commissioner is of the opinion that the health practitioner poses an unacceptable risk to the health or safety of members of the public. An order may prohibit a health practitioner from providing health services, or specified health services, for a specified period of time or permanently. An interim order may also be made.

### Background

The Code of Conduct is based on the scheme that has been in place in New South Wales since 2008. The South Australian Code of Conduct is very similar to the New South Wales Code of Conduct.

The South Australian Code of Conduct also contains a requirement that health practitioners must publicly display a document that is evidence of a relevant qualification held by that health practitioner.

### Who has to comply with the Code of Conduct?

Any health practitioner who is not within the ambit of AHPRA is required to comply with the Code of Conduct.

Health practitioners whose registration has been suspended or cancelled by AHPRA and who seek to practise in an area where they do not need registration, are required to comply.

Registered health practitioners who also provide health services that are unrelated to their registration, for example a physiotherapist who also practises reiki therapy or a medical practitioner who prescribes homeopathic therapies, are also required to comply.

A diverse range of health practitioners are covered by the Code of Conduct, including but not limited to: social workers, speech therapists, psychotherapists, counsellors, assistants in nursing, naturopaths, homeopaths, hypnotherapists, therapeutic masseurs, audiologists, doulas and dieticians among others.

In fact, any person providing a service in South Australia to benefit or promote human health, who is not covered by AHPRA is covered by the SA Code of Conduct.

### What is the purpose of the Code of Conduct for unregistered health practitioners?

The purpose of the Code of Conduct is to promote safety and quality in the provision of services.

Registered health practitioners such as medical practitioners, dentists or optometrists among others, may have their registration suspended or cancelled if their national registration board considers this is necessary to protect the public.

In the case of unregistered health practitioners, the Code of Conduct and the law now provides for action to be taken by the Health and Community Services Complaints Commissioner to protect the public if necessary.



If a health practitioner breaches the Code of Conduct, the breach itself does not make a health practitioner liable to civil or criminal action. However, if an investigation by the Commissioner reveals that the Code of Conduct has been breached, and the Commissioner considers that the health practitioner poses an unacceptable risk to the health or safety of the public, then an order may be made to limit or prohibit the provision of services.

It is recognised that the majority of health practitioners provide appropriate services. However, some unregistered health practitioners provide services that are unsafe or unethical. The Code of Conduct and the associated powers for the Commissioner aim to protect the public from these health practitioners.

In New South Wales in 2011-2012 the Health Care Complaints Commission received a total of 7,253 complaints. Of these complaints 88 concerned unregistered health practitioners. Seven prohibition orders were subsequently made.

The experience in New South Wales illustrates that prohibition orders are only made in a very small number of cases. Most unregistered health practitioners practise safely and ethically and complying with the Code of Conduct will not be problematic for these practitioners.

### **How to comply with the requirements of the Code of Conduct, effective from 14 March 2013**

From 14 March 2013 all unregistered health practitioners will be required to comply with the Code of Conduct. In addition to complying with the Code of Conduct, practitioners are required to display:

- > A copy of a plain English version of the Code of Conduct.
- > A document that gives information about the way in which a health service user may make a complaint to the Commissioner (as seen at the end of the plain English version of the Code of Conduct).
- > A document that is evidence of a relevant qualification held by the health practitioner.

A document that combines both the Code of Conduct and information about how to make a

complaint is available on the [SA Health](#) website. It must be displayed in a position and manner that makes it easily visible and accessible to a person entering the health practitioner's premises. A copy of the health practitioner's relevant qualifications should be placed next to this document.

### **Who is exempt from the requirement to display this material?**

The requirement to display this material does not apply to any of the following premises:

- > Premises of any private or public hospital (within the meaning of the *Health Care Act 2008*).
- > Premises of any health service established or licensed under the *Health Care Act 2008*.
- > Premises of any day procedure centre.
- > Premises of the SA Ambulance Service Inc.
- > Premises of an approved aged care service provider within the meaning of the Aged Care Act 1997 of the Commonwealth.

### **Why does the Code of Conduct say that a health practitioner should have reasonable indemnity insurance?**

It is preferable that all unregistered health practitioners obtain indemnity insurance. However, it is recognised that some health practitioners may not be able to obtain indemnity insurance. Those practitioners who are able to obtain indemnity insurance should do so.

The Health and Community Services Complaints Commissioner's (HCSCC) website:

[www.hcsc.sa.gov.au](http://www.hcsc.sa.gov.au)

The *Health and Community Services Complaints Act 2004* is available at:

[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)

The Health and Community Services Complaints Regulations 2005, that contain the Code of Conduct are available at:

[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)

## **For more information**

**Policy and Legislation Unit  
Policy and Commissioning  
11 Hindmarsh Square  
Adelaide 5000  
Telephone: 08 8226 6717**

© Department for Health and Ageing, Government of South Australia.  
All rights reserved.



**Government  
of South Australia**

SA Health