



NEW SOUTH WALES

CHIROPRACTORS REGISTRATION BOARD

CHIROPRACTORS CODE OF PROFESSIONAL CONDUCT

SECTION 19 CHIROPRACTORS ACT 2001

IMPACT ASSESSMENT STATEMENT FOR COMMUNITY CONSULTATION

17 JUNE 2002

TABLE OF CONTENTS

BACKGROUND	2
CHIROPRACTIC IN AUSTRALIA AND NEW ZEALAND	2
TRAINING	2
OTHER INTERESTED BODIES	2
REGISTRATION	2
CHIROPRACTORS ACT 2001	3
THE BOARD	4
CURRENT SITUATION	4
OBJECTIVES SOUGHT TO BE ACHIEVED	5
REASONS FOR OBJECTIVES.....	5
RATIONALE FOR PARTICULAR MATTERS.....	5
ECONOMIC COSTS AND BENEFITS	9
CONSULTATION PROCESS TO BE UNDERTAKEN	9
SUBMISSIONS.....	10
APPENDIX A – DRAFT CHIROPRACTORS CODE OF PROFESSIONAL CONDUCT.....	11

BACKGROUND

CHIROPRACTIC IN AUSTRALIA AND NEW ZEALAND

Chiropractors are primary contact health professionals who, in their own practice, have the authority to make independent judgements in the examination, diagnosis, management, prevention and care of conditions of the human body to the extent of their individual competence. Chiropractors work in private practice, and the majority of private health insurance providers cover chiropractic management.

TRAINING

Chiropractic training in Australia and New Zealand is offered at the following educational institutions.

JURISDICTION	INSTITUTION	AWARD
NSW	Macquarie University (MU)	Degree of Master of Chiropractic
NZ	NZ School of Chiropractic (NZSC)	Degree of Bachelor of Science in Chiropractic
Victoria	RMIT University (RMIT)	Degrees of Bachelor of Applied Science (Clinical Science)/Bachelor of Chiropractic Science

OTHER INTERESTED BODIES

The other bodies that have an interest in this area include professional associations and non-statutory advisory bodies, as follows.

INTERESTED BODY
Chiropractors Association of Australia (CAA)
Council for Chiropractic Education Australasia (CCEA)
New Zealand Chiropractic Association (NZCA)

REGISTRATION

Chiropractors have been registered in New South Wales since 1979. From 1979 to 1991 registration was under the Chiropractic Act 1978, and from 1991 to date registration was under the Chiropractors and Osteopaths Act 1991. As at 30 June 2001 there were 1011 registered chiropractors, and 223 registered chiropractors and osteopaths in New South Wales.

Chiropractors and osteopaths are registered under the same legislation in each jurisdiction of Australia, except Queensland, Victoria and Western Australia where chiropractors are separately registered, and New Zealand where osteopaths are not registered. "Chiropractic, or the "practice of chiropractic", is not generally defined. Only persons registered as chiropractors may use the title "chiropractor". In some jurisdictions, for example NSW, only persons registered as chiropractors and/or osteopaths [and physiotherapists and medical practitioners] may manipulate the bones of the human spinal column or its immediate articulations. In South Australia "osteopathy" is part of the definition of chiropractic but the Register is divided into separate categories for chiropractors and osteopaths. In other jurisdictions of Australia the Registers are divided into "chiropractors" and "osteopaths" and practitioners may be registered as both.

The statutory registration Boards that have an interest in registration of chiropractors therefore number 9, as follows.

BOARD
ACT Chiropractors and Osteopaths Board
NSW Chiropractors Board
NZ Chiropractors Board
NT Chiropractors and Osteopaths Board
Qld Chiropractors Board

SA Chiropractic Board
Tas Chiropractors and Osteopaths Board
Vic Chiropractors Board
WA Chiropractors Board

Generally speaking, there are three avenues for obtaining registration, as follows.

- Recognised/prescribed qualifications

Each local Act or Board maintains a list of qualifications prescribed or recognised for registration as a chiropractor. Historically this has been as a consequence of accreditation of courses. The chiropractic courses conducted by MU and RMIT have been accredited and their graduates are entitled to be registered in each Australian jurisdiction. The chiropractic course conducted by the NZSC has been accredited and registration Boards are considering their positions with respect to recognition of the course for registration purposes. It is anticipated that accreditation of courses will be undertaken by the CCEA.

Overseas courses in chiropractic are recognised in most jurisdictions, but the registration Boards are moving to remove recognition/prescription of overseas courses. The NSW Chiropractors and Osteopaths Board previously recommended to the Health Department that all qualifications from outside of Australia cease to be recognised for registration. This recommendation, although approved by the Health Minister, was not supported by the Government because the Chiropractors and Osteopaths Act 1991 was under review and one of the recommendations of the review was that the proposed separate registration Boards for chiropractic and osteopathy undertake a review of courses that are currently prescribed for registration and, under the circumstances, the proposed amendment was premature and should be further examined under the auspices of that review; and the practical effect of the proposed amendment may also place a restriction on competition in the industry. The Health Department has advised that the Minister did not intend to pursue the matter in the meantime.

- Examination

Some jurisdictions provide for an examination for registration as a chiropractor. The chiropractic profession has developed examination processes for holders of unrecognised qualifications. In general the processes provide that applicants be individually assessed taking into account all relevant qualifications and experience, and the regulatory framework, education and accreditation standards, and qualifying examinations of the applicant's country of origin would be taken into account, and experience in practice would be given due weight. It is anticipated that examination of applicants with unrecognised qualifications will be undertaken by the CCEA.

- Mutual recognition

Chiropractors registered in one jurisdiction of Australia, or New Zealand, are entitled to be registered in the other jurisdictions subject to any conditions applying to their registration in the original jurisdiction. These arrangements are made possible by mutual recognition legislation passed in each jurisdiction of Australia and New Zealand.

CHIROPRACTORS ACT 2001

The Chiropractors Act 2001 provides for the registration of chiropractors. The object of the Act is to protect the health and safety of members of the public by providing mechanisms to ensure that chiropractors are fit to practise.

Certain sections of the Act were commenced on 1 February 2002 to allow the Board to meet in order to consider procedural matters, including the Chiropractors Code of Professional Conduct, leading up to the commencement of the Act later in 2002. The Chiropractors and Osteopaths Act 1991 will be repealed upon commencement of the Chiropractors Act 2001 and the cognate Osteopaths Act 2001.

Section 19 of the Act provides as follows.

- o The Board may establish a Code of Professional Conduct setting out the rules of conduct that should be observed by registered chiropractors in their professional practice.
- o The Board may from time to time amend or replace a Code of Professional Conduct.
- o The Minister for Health may require the Board to develop guidelines relating to any conduct of registered chiropractors that the Minister for Health considers should be the subject of a Code of Professional Conduct.
- o For that purpose, the Minister for Health may direct the Board to establish a Code of Professional Conduct, or direct the Board to amend or replace a Code of Professional Conduct, so that the Code includes guidelines relating to that conduct.
- o The Board is to comply with any such direction of the Minister.
- o The provisions of a Code of Professional Conduct are a relevant consideration in determining for the purposes of the Chiropractors Act what constitutes proper and ethical conduct by a chiropractor.
- o The procedure for the establishment of a Code of Professional Conduct is as follows:
 - (a) the Board is to prepare a proposed Code in draft form and is to prepare a impact assessment statement for the proposed Code in accordance with such requirements as the Minister may from time to time determine,
 - (b) the draft Code and impact assessment statement are to be publicly exhibited for a period of at least 21 days,
 - (c) the Board is to seek public comment on the draft Code during the period of public exhibition and public comment may be made during the period of public exhibition and for 21 days (or such longer period as the Board may determine) after the end of that period,
 - (d) the Board is to submit the draft Code to the Minister for approval together with a report by the Board giving details of public comment received during the period allowed for public comment and the Board's response to it,
 - (e) the Board is not to establish the draft Code as a Code of Professional Conduct unless the Minister approves the draft.
- o The procedure for the amendment or replacement of a Code of Professional Conduct is the same as for the establishment of the Code unless the Minister otherwise directs in respect of a particular amendment.

THE BOARD

The Chiropractors Registration Board is the independent statutory body created by the Chiropractors Act 2001 to maintain the Register of chiropractors of New South Wales and administer the Act generally. Section 86 of the Act provides that the functions of the Board are as follows.

- o Such functions as are conferred or imposed by the Chiropractors Act 2001, or any other Act.
- o To promote and maintain standards of chiropractic practice in New South Wales.
- o To advise the Minister for Health on matters relating to the registration of chiropractors, standards of chiropractic practice and any other matter arising under or related to the Chiropractors Act or Chiropractors Regulation.
- o To publish and distribute information concerning the Chiropractors Act and Chiropractors Regulation to chiropractors, consumers and other interested persons.

Members of the Board were appointed for a four-year term of office on and from 19 December 2001.

CURRENT SITUATION

The Minister for Health has approved a proposal that impact statements in relation to proposed health professional codes contain the following.

- o A statement of the objectives sought to be achieved and the reasons for them.
- o A rationale for the particular matters included in the code.
- o An assessment of the economic costs and benefits of the proposed code, including the costs and benefits to the community.
- o A statement of the consultation program to be undertaken.

The Board has resolved to adopt as its own draft the Chiropractic Code of Professional Conduct approved by the Chiropractors and Osteopaths Registration Board under section 27 of the Chiropractors and Osteopaths Act 1991, as amended, a copy of which is Appendix A.

OBJECTIVES SOUGHT TO BE ACHIEVED

The objectives of the proposed Code are as follows.

- o To set out the rules of conduct that should be observed by registered chiropractors in their professional practice.
- o To better inform consumers to make choices on the conduct of registered chiropractors.
- o To provide guidance to registered chiropractors as to community expectations of proper and ethical conduct.

REASONS FOR OBJECTIVES

The objectives are consistent with the object of the Act, that is to protect the health and safety of members of the public, and the function of the Board, that is to promote and maintain standards of chiropractic practice in New South Wales.

RATIONALE FOR PARTICULAR MATTERS

<i>Matter</i>	1. A chiropractor must conduct himself or herself in his or her professional duties in accordance with the Chiropractors Act 2001 and Regulation and in accordance with this code as approved by the Board.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they comply with the Act, Regulations, and code.

<i>Matter</i>	2. A chiropractor must maintain his or her knowledge and practice at an acceptable level of competence.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they maintain their knowledge and practice at an acceptable level of competence. The CAA recommended the item be amended to require registered chiropractors to demonstrate competence “by completing a predetermined number of approved continuing education hours over each two year period”. The Board agreed the recommendation raised difficult and complex issues, which warranted considerable discussion, not the least of which was the logistics of effectively monitoring courses and recording of attendances. The Board resolved to retain the item as drafted, but agreed to canvass the recommendation in this Impact Assessment Statement.

<i>Matter</i>	3. A chiropractor must only perform or participate in those procedures that are within his or her competency and for which he or she is appropriately qualified, and refer those patients whose needs or requests are outside his or her competency.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they confine their activities to procedures that are within their individual competency, and refer those patients whose needs or requests are outside their competency. The CAA recommended the item be amended by defining the terms “appropriate qualifications”, “level of competency”, and “procedure”. The Board resolved to retain the item as drafted, but agreed to canvass the recommendation in this Impact Assessment Statement.

<i>Matter</i>	4. All professional services and functions practised by a chiropractor must be provided in accordance with this code.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure that adjunctive therapy, for example acupuncture, osteopathy, counselling, naturopathy, homeopathy etc, provided in conjunction with chiropractic treatment are provided in accordance with the code. The CAA recommended the item be deleted. The Board resolved to retain the item, but agreed to canvass the recommendation in this Impact Assessment Statement.

<i>Matter</i>	5. A chiropractor's ordinary place of practice must provide privacy and confidentiality for his or her patients and their records.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure the privacy of their patients and their records is protected. The CAA recommended the item be amended by requiring registered chiropractors to "follow the guidelines of the Privacy Amendment (Private Sector) Act 2000". The Board resolved to retain the item as drafted, but agreed to canvass the recommendation in this Impact Assessment Statement.
<i>Matter</i>	6. A chiropractor must not exploit his or her relationship with a patient in any way. In particular there must not be a sexual relationship with a patient during the professional relationship.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure professional boundaries are maintained.
<i>Matter</i>	7. A chiropractor must refrain from criticising colleagues in public or in a clinical setting in a manner which casts doubts on the colleague's professional competence. This does not apply to the critical evaluation of published works nor to expert testimony in court.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they avoid criticising colleagues in public or in a clinical setting. The Board maintains such criticism would tend to bring the profession into disrepute.
<i>Matter</i>	8. A chiropractor must not, unless required by law divulge information about a patient unless the patient specifically authorises the release in writing. Even under these circumstances, a chiropractor should be aware of the necessity of preserving confidentiality as much as possible. For example, in Court, a chiropractor may request the judge or magistrate to permit the suppression of information not relevant to the matter being decided.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure due regard for patient confidentiality. The CAA recommended the item be amended by including specific reference to the requirements "of the Privacy Amendment (Private Sector) Act 2000". The Board resolved to retain the item as drafted, but agreed to canvass the recommendation in this Impact Assessment Statement.
<i>Matter</i>	9. A chiropractor must inform his or her patients at the commencement of a course of chiropractic management of the reasonable foreseeable implications, including material risks, complications and reactions, and explain the nature and purpose of the chiropractic management.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure their patients are advised of the risks associated with chiropractic management before chiropractic management is administered. The CAA recommended the item be amended by including a written list or definition of "the reasonable foreseeable implications including material risks, complications and reactions" and a written example of an explanation regarding "the nature and purpose of the chiropractic management". The Board resolved to retain the item as drafted, but agreed to canvass the recommendation in this Impact Assessment Statement.
<i>Matter</i>	10. A chiropractor must not undertake research involving human subjects without the research protocol being approved by a properly constituted ethics committee. This applies in particular to students or trainees who are being considered as subjects for research.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they do not undertake research involving human subjects unless a properly constituted ethics committee approves the research protocol.

<i>Matter</i>	11. A chiropractor must not approve of or collaborate in the use of chiropractic techniques by untrained persons except when those persons are in supervised training in an approved chiropractic course to become a registered chiropractor.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they do not teach potentially dangerous therapy to unregistered persons. The Public Health Act 1991 prohibits spinal manipulation by persons who are not registered chiropractors, osteopaths, medical practitioners or physiotherapists.
<i>Matter</i>	12. A chiropractor must respect the ethical, religious and political beliefs of his or her patients and, if practicable, refer patients to a more suitable chiropractor should such issues seem likely to affect the professional relationship.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they respect the ethical, religious and political beliefs of his or her patients, and if practicable refer patients to a more suitable chiropractor should such issues seem likely to affect the professional relationship.
<i>Matter</i>	13. A chiropractor must respect the wish of a patient for a second opinion and, if practicable, help the patient obtain a competent second opinion.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they respect the wish of a patient for a second opinion and, if practicable, help the patient obtain a competent second opinion.
<i>Matter</i>	14. If a chiropractor has reason to believe that a colleague is behaving in an unprofessional manner, or that his or her standard of practice falls substantially below acceptable standards then the matter must be reported to the Chiropractors Registration Board or the Health Care Complaints Commission.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure miscreants in the profession are reported to the proper authorities.
<i>Matter</i>	15. A chiropractor must not undertake any chiropractic management of a patient whilst his or her ability to do so is impaired by the influence of alcohol or drugs.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they do not treat patients while their ability to do so is impaired by alcohol or drugs.
<i>Matter</i>	16. A chiropractor must not teach adjustive techniques of the human spine or its immediate articulations to any person who is not a registered chiropractor or student enrolled in an approved chiropractic course to become a registered chiropractor.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility not to teach adjustive techniques to unregistered persons. The CAA recommended the item be amended by adding the words “and that the teaching of technique can include by hand or mechanically assisted e.g. activator, drop piece (flexion distraction) etc”, and cited a known incident of a chiropractor trying to teach flexion distraction to nurses. The Board resolved to retain the item as drafted, but agreed to canvass the recommendation in this Impact Assessment Statement.
<i>Matter</i>	17. A chiropractor in practice and for a minimum of seven years after retiring from practice must maintain a minimum of \$10,000,000.00 in Professional Indemnity Insurance coverage.
<i>Rationale</i>	This matter seeks to inform registered chiropractors of their responsibility to ensure they maintain appropriate Professional Indemnity Insurance coverage. The Board considers that Professional Indemnity Insurance coverage by chiropractors to be essential in order to protect the public interest, and that the provision of service by an uninsured chiropractor would constitute “professional misconduct” on the part of the chiropractor concerned.

<p><i>Matter</i></p>	<p>18. A chiropractor must immediately advise the Board in the event of any of the following.</p> <ul style="list-style-type: none"> (i) If convicted of a criminal offence or subject to a criminal finding in New South Wales or elsewhere, excluding offences relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the Road Transport (General) Act 1999), except for the following offences. <ul style="list-style-type: none"> ▪ An offence under section 42 of the Road Transport (Safety and Traffic Management) Act 1999 relating to driving a motor vehicle upon a public street furiously or recklessly or at a speed or in a manner which is dangerous to the public. ▪ An offence under section 42 of the Road Transport (Safety and Traffic Management) Act 1999 relating to driving a motor vehicle upon a public street negligently if the chiropractor is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200. ▪ Any offence under section 19 (2) of the Road Transport (General) Act 1999 (which relates to refusing to produce a driver licence when required or to state name and home address, or stating a false name and home address). ▪ Any offence under section 12 (1) of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to driving etc while under the influence of alcohol or any other drug). ▪ Any offence under section 25A (1), (2) or (3) of the Road Transport (Driver Licensing) Act 1998 (which relates to driving while unlicensed). ▪ Any offence under section 70 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to failing to stop after an accident). ▪ Any offence under section 9 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to presence of prescribed concentration of alcohol in person's blood). ▪ Any offence under section 43 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to menacing driving). ▪ Any other offence under the road transport legislation if the court orders the disqualification of the chiropractor from holding a driver licence. (ii) If any criminal proceedings are commenced against him or her for a sex/violence offence alleged to have been committed in the course of the practice of chiropractic. (iii) If any criminal proceedings are commenced against him or her for a sex/violence offence alleged to have been committed against a minor or to involve child pornography (whether or not alleged to have been committed in the course of the practice of chiropractic). (iv) If suffering from any significant illness that may reasonably be thought likely to detrimentally affect his or her physical or mental capacity to practice chiropractic. (v) If refused registration/licensure, or his or her registration/licensure is suspended or removed, in another jurisdiction of Australia or elsewhere. (vi) If restrictions or conditions are imposed on his or her registration/licensure in another jurisdiction of Australia, or elsewhere. (vii) If a complaint relating to his or her conduct as a provider of chiropractic services is made to a registration authority, or Health Care Complaints Commission, in another jurisdiction of Australia or elsewhere. (viii) If named as a defendant in a court action for negligence or other malpractice in the provision of chiropractic services. (ix) If subject to adverse findings relating to conduct as a provider of chiropractic services, or character, by a court, or royal commission in New South Wales or elsewhere, or the NSW Independent Commission Against Corruption.
<p><i>Rationale</i></p>	<p>This matter seeks to inform registered chiropractors of their responsibility to ensure the Board is advised in the event they are convicted of an offence or made subject to a criminal finding, subject to proceedings for sex/violence offences, suffering from any significant illness, refused registration or had restrictions or conditions imposed on their registration in another jurisdiction, subject to a complaint, named as a defendant in a court action for negligence or other malpractice, or subject to adverse findings by a court or royal commission, and essentially reiterates the requirements of</p>

	sections 20 and 21 of the Act in a form that is more accessible to practitioners and the public. The Chiropractors Act 2001 requires that registered chiropractors be of “good character”. The Board maintains the issues to be advised are relevant to the determination of a chiropractor’s good character. The CAA recommended item (vii) be amended by adding the word “proven” immediately before the word “complaint”, and item (viii) be amended by deleting the words “negligence or other” immediately before the word “malpractice”. The Board resolved to retain the item as drafted, but agreed to canvass the recommendation in this Impact Assessment Statement.
--	--

Intra-professional relationships

The CAA recommended the Code include reference to intra-professional relationships between chiropractors arising from workplace contracts. The Board agreed inclusion of that matter was not warranted, but agreed to canvass the recommendation in this Impact Assessment Statement.

ECONOMIC COSTS AND BENEFITS

The draft Code is virtually identical to the Chiropractic Code of Professional Conduct approved by the Chiropractors and Osteopaths Registration Board under the Chiropractors and Osteopaths Act 1991. That Code was first issued in 1992, and updated in 2001. The draft Code imposes no additional costs on registered chiropractors.

There are no significant costs imposed on registered chiropractors or the public by the Chiropractors Code of Professional Conduct except matter 17, which requires registered chiropractors to maintain professional indemnity insurance. The NSW Government recently acknowledged the public interest in health practitioners maintaining professional indemnity insurance with the enactment of the Health Care Liability Act 2001. Information available to the Board indicates the cost of chiropractic professional indemnity insurance is approximately \$3200.00 per annum, and discounted insurance is available for members of professional associations. The benefits to both the public and practitioners that accrue from registered chiropractors maintaining adequate levels of professional indemnity insurance include the following.

1. Public confidence that registered chiropractors practice in a professional manner and that recompense is available in case of an adverse event.
2. The ready availability of recompense for injured patients allows those patients to quickly undertake treatment and rehabilitation for any injury incurred and thereby reduces the impact of those injuries on the public health system, the welfare system and the economy in general.
3. The benefits that flow to the profession from increased levels of public confidence.
4. Benefits to individual practitioners who will not face the risk of financial and professional ruin due to an adverse event.

In conclusion it is considered that the benefits that the Code of Professional Conduct deliver to the public and the profession substantially outweigh any costs that it may impose.

CONSULTATION PROCESS TO BE UNDERTAKEN

The Board has resolved that the consultation process to be undertaken include the following.

- Direct mail to each registered chiropractor in New South Wales
- Requests for advice from the Chiropractors Association of Australia (NSW), Macquarie University, Anti-Discrimination Board of NSW, Australian Consumers Association, and Privacy Commissioner
- Website

As a prelude to the commencement of the formal process of developing the Code the Board referred the draft to the Chiropractors Association of Australia (NSW), Macquarie University, and Australian Consumers Association for consideration and advice. Comments from the Chiropractors Association of Australia (NSW) were considered in developing the draft Code.

SUBMISSIONS

Submissions concerning the draft Code should be referred to the Registrar of the Board by 29 July 2002 as follows.

The Acting Registrar
Chiropractors Registration Board
PO Box K599
Haymarket NSW 1238
Facsimile: (02) 92812030
chiroreg@doh.health.nsw.gov.au

All submissions received will become the property of the Board, and may be made publicly available at the discretion of the Board.

APPENDIX A – DRAFT CHIROPRACTORS CODE OF PROFESSIONAL CONDUCT

The Chiropractors Registration Board has established the following Code of Professional Conduct under section 19 of the Chiropractors Act 2001. The Code sets out the rules of conduct that should be observed by registered chiropractors in their professional practice.

1. A chiropractor must conduct himself or herself in his or her professional duties in accordance with the Chiropractors Act 2001 and Regulation and in accordance with this code as approved by the Board.
2. A chiropractor must maintain his or her knowledge and practice at an acceptable level of competence.
3. A chiropractor must only perform or participate in those procedures that are within his or her competency and for which he or she is appropriately qualified, and refer those patients whose needs or requests are outside his or her competency.
4. All professional services and functions practised by a chiropractor must be provided in accordance with this code.
5. A chiropractor's ordinary place of practice must provide privacy and confidentiality for his or her patients and their records.
6. A chiropractor must not exploit his or her relationship with a patient in any way. In particular there must not be a sexual relationship with a patient during the professional relationship.
7. A chiropractor must refrain from criticising colleagues in public or in a clinical setting in a manner which casts doubts on the colleague's professional competence. This does not apply to the critical evaluation of published works nor to expert testimony in court.
8. A chiropractor must not, unless required by law divulge information about a patient unless the patient specifically authorises the release in writing. Even under these circumstances, a chiropractor should be aware of the necessity of preserving confidentiality as much as possible. For example, in Court, a chiropractor may request the judge or magistrate to permit the suppression of information not relevant to the matter being decided.
9. A chiropractor must inform his or her patients at the commencement of a course of chiropractic management of the reasonable foreseeable implications, including material risks, complications and reactions, and explain the nature and purpose of the chiropractic management.
10. A chiropractor must not undertake research involving human subjects without the research protocol being approved by a properly constituted ethics committee. This applies in particular to students or trainees who are being considered as subjects for research.
11. A chiropractor must not approve of or collaborate in the use of chiropractic techniques by untrained persons except when those persons are in supervised training in an approved chiropractic course to become a registered chiropractor.
12. A chiropractor must respect the ethical, religious and political beliefs of his or her patients and, if practicable, refer patients to a more suitable chiropractor should such issues seem likely to affect the professional relationship.
13. A chiropractor must respect the wish of a patient for a second opinion and, if practicable, help the patient obtain a competent second opinion.

14. If a chiropractor has reason to believe that a colleague is behaving in an unprofessional manner, or that his or her standard of practice falls substantially below acceptable standards then, if practicable, the colleague must be approached in a helpful way. If this is impracticable, then the matter must be reported to the Chiropractors Registration Board or the Health Care Complaints Commission.
15. A chiropractor must not undertake any chiropractic management of a patient whilst his or her ability to do so is impaired by the influence of alcohol or drugs.
16. A chiropractor must not teach adjustive techniques of the human spine or its immediate articulations to any person who is not a registered chiropractor or student enrolled in an approved chiropractic course to become a registered chiropractor.
17. A chiropractor in practice and for a minimum of seven years after retiring from practice must maintain a minimum of \$10,000,000.00 in Professional Indemnity Insurance coverage.
18. A chiropractor must immediately advise the Board in the event of any of the following.
 - (i) If convicted of a criminal offence or subject to a criminal finding in New South Wales or elsewhere, excluding offences relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the Road Transport (General) Act 1999), except for the following offences.
 - An offence under section 42 of the Road Transport (Safety and Traffic Management) Act 1999 relating to driving a motor vehicle upon a public street furiously or recklessly or at a speed or in a manner which is dangerous to the public.
 - An offence under section 42 of the Road Transport (Safety and Traffic Management) Act 1999 relating to driving a motor vehicle upon a public street negligently if the chiropractor is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200.
 - Any offence under section 19 (2) of the Road Transport (General) Act 1999 (which relates to refusing to produce a driver licence when required or to state name and home address, or stating a false name and home address).
 - Any offence under section 12 (1) of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to driving etc while under the influence of alcohol or any other drug).
 - Any offence under section 25A (1), (2) or (3) of the Road Transport (Driver Licensing) Act 1998 (which relates to driving while unlicensed).
 - Any offence under section 70 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to failing to stop after an accident).
 - Any offence under section 9 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to presence of prescribed concentration of alcohol in person's blood).
 - Any offence under section 43 of the Road Transport (Safety and Traffic Management) Act 1999 (which relates to menacing driving).
 - Any other offence under the road transport legislation if the court orders the disqualification of the chiropractor from holding a driver licence.
 - (ii) If any criminal proceedings are commenced against him or her for a sex/violence offence alleged to have been committed in the course of the practice of chiropractic.
 - (iii) If any criminal proceedings are commenced against him or her for a sex/violence offence alleged to have been committed against a minor or to involve child pornography (whether or not alleged to have been committed in the course of the practice of chiropractic).
 - (iv) If suffering from any significant illness that may reasonably be thought likely to detrimentally affect his or her physical or mental capacity to practice chiropractic.
 - (v) If refused registration/licensure, or his or her registration/licensure is suspended or removed, in another jurisdiction of Australia or elsewhere.
 - (vi) If restrictions or conditions are imposed on his or her registration/licensure in another jurisdiction of Australia, or elsewhere.
 - (vii) If a complaint relating to his or her conduct as a provider of chiropractic services is made to a registration authority, or Health Care Complaints Commission, in another jurisdiction of Australia or elsewhere.

- (viii) If named as a defendant in a court action for negligence or other malpractice in the provision of chiropractic services.
- (ix) If subject to adverse findings relating to conduct as a provider of chiropractic services, or character, by a court, or royal commission in New South Wales or elsewhere, or the NSW Independent Commission Against Corruption.