



Revision preview

Organisational Wide Policy - Org 89 - Health Professional Boundaries Policy

Policy Statement:

Good healthcare practice depends on trust between the healthcare professional and clients (which includes patients and residents)

The public and the health professions have an expectation that the therapeutic relationship is safe for client and their families. The appropriate and professional relationship between a client, their families and a healthcare professional is one where the health of the client is paramount and where the healthcare professional acts in ways which enhance the wellbeing of clients and which do not detract from it.

It is the responsibility of the healthcare professional to behave ethically at all times, and to maintain professional boundaries with clients, their immediate family and significant others.

Relationships of direct care staff and patients/residents of Beechworth Health Service will remain professional and within recognised industry & professional boundaries at all times.

The Health Practitioner Regulation National Law Act 2009 ('the National Law') requires practitioners, employers and education providers to report breaches of professional boundaries or 'notifiable conduct', as defined in s. 140 of the National Law, to the National Agency in order to prevent the public being placed at risk of harm. These guidelines explain how the boards will interpret these mandatory notification requirements. They will help practitioners, employers and education providers understand how to work with these requirements; that is, whether they must make a notification about a practitioner's conduct and when.

The threshold to be met to trigger the requirement to report notifiable conduct in relation to a practitioner is high; and the practitioner or employer must have first formed a reasonable belief that the behaviour constitutes notifiable conduct. The aim of the notification requirements is to prevent the public from being placed at risk of harm. The intention is that practitioners notify the Agency if they believe that another practitioner has behaved in a way which presents a serious risk to the public. The requirements focus on serious instances of sub-standard practice or conduct by practitioners or serious cases of impairment of students or practitioners; this is, behaviour that puts the public at risk of harm, rather than not liking the way someone else does something or feeling that they could do their job better.

The National Law also provides for voluntary notifications for behaviour that presents a risk but does not meet the threshold for notifiable conduct (see ss. 144 and 145 of the National Law).

Clients may at times be vulnerable, especially when their health care makes it necessary for them to reveal themselves intimately to their healthcare professional, physically or emotionally. The healthcare professional/client

relationship can lead some clients to depend emotionally on their healthcare professional. Clients give their healthcare professional access to their homes and private thoughts and must be able to trust their healthcare professional.

S. 140 of the National Law defines 'notifiable conduct' as where a practitioner has:

'(a) practised the practitioner's profession while intoxicated by alcohol or drugs; or

(b) engaged in sexual misconduct in connection with the practice of the practitioner's profession; or

(c) placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment; or

(d) placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.'

It is always wrong for a health professional and a client to enter into an improper emotional or sexual relationship. It is also wrong for a health professional to enter into a relationship with a former client or a close relative of a client, if this breaches the trust the client placed in the health professional and is in breach of the Beechworth Health Service Code of Conduct or National Health Professional Registration Agency Guidelines on mandatory notification.

All direct care staff at Beechworth Health Service are aware that they can be challenged to find the appropriate professional relationship for every individual client without crossing the boundaries set by professional groups and National Health Professional Registration Agency .

Beechworth Health Service recognises that in our rural environment many staff may have a close relationship with clients prior to and after the episode of care due to the nature of small communities, however this does not negate the health professional responsibilities with regard to professional conduct.

Applicable to: All nurses, allied health professionals and assistants, medical officers, activity officers and personal care worker.

Process

Throughout episode of care.

During the episode of care, staff will take all reasonable precautions to prevent professional boundaries being breached. This includes accepting gifts and favours (Refer also Employee Code of Behaviour), spending time with the client outside of working hours, forming the opinion that only the one professional understands the client, etc.

Following the Episode of Care

Staff will not use information and or the therapeutic relationship for the benefit of the staff member. This includes creating a dependency of the client by offering staff personal home based contact details to clients on discharge.

Staff will endeavour to delineate as to what are normal relationships with members of their community and that which has arisen directly from the therapeutic relationship. Those that have arisen from therapeutic relationships remain bound by the requirements of registration boards and by Beechworth Health Service.

Breaches of Professional Boundaries

Reasonable belief that a breach of professional boundaries or 'notifiable conduct' by a health professional or student has occurred, can be reported by a member of the community, another health professional or an employer to the organisations Chief Executive or through the organisations Complaints Officer or may notify the National Agency. **Note.** Section 237 of the National Law provides protection from civil, criminal and administrative liability for persons who, in good faith, make a notification under this Law.

Breaches of professional boundaries or "notifiable conduct will be subject to the disciplinary process and reported to the National Registration Agency.

Outcome:

Therapeutic relationships will be based on trust, professional behaviour & knowledge.

Quality & Risk Management

An organisation-wide risk management program helps ensure that safe and/or appropriate practice is considered in all activities across BHS. This policy will be integrated into these processes.

There are developed continuous quality improvement systems and activities to demonstrate a commitment to improving performance in care and service delivery.

Issues and resulting actions identified through the auditing and risk analysis processes are to be linked into the various Quality processes (e.g Quality Cycle, Annual Business Plans, Continuous Improvement Plans, and Quality Project Proposals and Reports etc).

Standard:

NSQHS: Std 1

Aged Care Standards Standard 1.6 - Human Resource Management

NSMH: Standard 1. Rights

CCCS: Std 1

Other:

References:

BHS Policy – Employee Code of Conduct

Nursing and Midwifery Board of Australia - Guidelines for Mandatory Notifications - 2011

Podiatry Board of Australia - Guidelines for Mandatory Notifications - 2011

Physiotherapy Board of Australia - Guidelines for Mandatory Notifications - 2011

Occupational Therapy Board of Australia - Guidelines for Mandatory Notifications - 2011

Medical Board of Australia - Guidelines for Mandatory Notifications - 2011

CONSULTATION:

Quality Client Services Committee

Validated By: Cameron Butler, Acting Chief Executive
Date: 3rd October 2013

Date Initiated: January 2005

Signing this document signifies that you have read and understood the outlined policies and undertake to abide by them.

Applicants Name (Print):

Department:

Signed: Dated:
.....

Authorised by:

.....

Executive member (CNO, Primary Health Manager, Services Manager, Quality & Risk Manager, Chief Accountant, CEO)

.....

Printed Name

Focus Area(s):

- ACHS EQuIP 4 - 2 Support
- Operational

- STD 1: Residential Aged Care Services - Management Systems, Staffing & Org Dev

Departments:

- Human Resources

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Unit Manager: [Primary Health](#)
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