

Organisational Wide Policy

- Org 89 - Health Professional Boundaries

Policy Statement

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.

The Health Practitioner Regulation National Law Act 2009 ('the Act') requires practitioners, employers and education providers to report breaches of professional boundaries or 'notifiable conduct', as defined in s. 140 of the Act, 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.

The Act 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 Act).

S. 140 of the Act 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.

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 BHS Policy Org 55 Employee Code of Conduct), 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 Officer or through the organisations Complaints Officer or may notify the National Agency. **Note.** Section 237 of the Act 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.

Definitions

Nil.

Policy Risk Management

Goal	Risk	Rating (With controls as per this policy)	Required actions
That no breaches of professional boundaries conduct occurs at BHS	That breaches of professional boundaries conduct occurs	Freq = rare Conseq = high Rating = moderate	<ul style="list-style-type: none"> Profile policy guidelines as policy of the day at BHS

Policy Quality Improvement Action Plan

Specify accountability and responsibility	<ul style="list-style-type: none"> All staff and professional clinical service contractors
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Monitor Trends	<ul style="list-style-type: none"> • Incident reports
Education	<ul style="list-style-type: none"> • Profile policy guidelines as policy of the day at BHS / Organisational induction processes
Quality Improvement	<ul style="list-style-type: none"> • Monitor trends and analyse breaches of policy

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 (Chief Executive Officer, Director Clinical Services, Director Corporate Services.)

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Printed Name

Document Control

Standards	<ul style="list-style-type: none"> • NSQHS: Standard 1 • Aged Care Quality Standards Standard 1.6 - Human Resource Management • NSMH: Standard 1. Rights • CCCS: Standard 1
References	<ul style="list-style-type: none"> • 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
Approving Committees	Quality and Safety Committee (QSC) Approval Date: 31/05/2022 Approval Date:
Contact Point	Chief Executive Officer
Review Dates	Issue Date: 01/01/2005 Last Review: 31/05/2022 Next Review: 31/05/2025