



# A Code of Professional Conduct

For Credentialed Health Care Professionals  
at Mater Health Services North Queensland Ltd

This code is based on the  
“Good Medical Practice: A Code of Conduct for Doctors in Australia”  
adopted by the Medical Board of Australia

This Code must be read in conjunction with the  
By-Laws of Mater Health Services North Queensland Ltd

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## I About this code

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### **1.1 Purpose of the code**

A *Code of Professional Conduct* describes what is expected of all Health Care Professionals credentialed to practise health care at Mater Health Services North Queensland Ltd. It sets out the standard of ethical and professional conduct expected of Health Care Professionals by their professional peers and the community. It is addressed to Health Care Professionals and is also intended to let the community know what they can expect from Health Care Professionals. The code also sets out the principles that characterise good health care practice in Australia. The context and application of these principles will vary, but their intention should not be compromised. These principles are not a substitute for the provisions of law and case law. If there is any doubt, the legislative provisions take precedence.

### **1.2 Use of the code**

It is the responsibility of all Health Care Professionals to be familiar with A *Code of Professional Conduct* and to follow the guidance it contains. The use of the term 'you' in the text is intended to convey this sentiment. A *Code of Professional Conduct* describes what the community and the health care profession believe constitutes proper and ethical conduct for a registered health care practitioner.

You must be prepared to explain and justify your decisions and actions. Serious or persistent failure to meet these standards may have consequences for your health service or health profession registration or accreditation as a credentialed Health Care Professional at Mater Health Services North Queensland Ltd.

### **1.3 Terminology used in the code**

In the code, the terms *you must* and *you should* are addressed to individual Health Care Professionals and are used in the following ways:

**You must** is used for an overriding duty or principle.

**You should** is used to provide an explanation of how you will meet the overriding duty. It is also used where the duty or principle will not apply in all situations or circumstances, or when there are factors outside your control that affect whether or how you can comply with the guidance.

The opening sentence in each paragraph is a statement of principle. Each subsequent numbered subparagraph provides guidance based on this statement.

When the document refers to *the patient* this may include their legal agent or statutory decision maker.

### **1.4 Core ethical principles and qualities of good Health Care Professionals**

There are many qualities that make a good health care professional who is trusted, who has the confidence of patients and colleagues, and who practises effectively and safely.

Traditionally, Health Care Professionals have been expected to base their practice on four ethical pillars, typically defined as follows:

- *respect* — respecting a patient's autonomy, the right of individuals to make decisions on their own behalf
- *beneficence* — the duty to do the best for the individual patient
- *non-maleficence* — the duty to do no unnecessary harm
- *justice* — the duty to treat your patients who have similar conditions equitably taking into account responsibilities to the community.

Clinical practice is complex and multifaceted. Professional judgements are made about the application of these principles, and at times these principles may conflict.

Health Care Professionals have also been expected to base their practice on some fundamental qualities:

- *Integrity*, which means being honest and trustworthy at all times, never misusing the health care professional–patient relationship for improper purposes (financial, sexual or social) and respecting the rights of patients in matters such as confidentiality and privacy.
- *Truthfulness*, which should characterise the health care professional–patient relationship. Patients expect their Health Care Professionals to tell them the truth. You should deal honestly with your patients and seek to nurture a health care professional–patient relationship in which the patient may fully disclose all relevant information.
- *Fidelity*, which means placing the interests of patients ahead of personal interests, and not abandoning the patients under your care.
- *Compassion*, which means having a sympathetic understanding of others' suffering and distress, and a desire to alleviate it.
- *Confidentiality*, which means not disclosing information about patients without their consent.

Three other principles to good health care practice are: patient-centeredness, good communication and clinical judgement.

Patient-centeredness is a way of characterising how Health Care Professionals interact and communicate with patients on a more personal level. Core features include understanding the patient as a unique person, exploring the patient's experience of illness, finding common ground about treatment through shared decision making, and placing an emphasis on building the health care professional–patient relationship. Patient-centeredness involves perceiving and evaluating health care from the patient's perspective and then adapting care to meet the needs and expectations of that patient.

Good communication is highly valued by patients and other health workers, and is an important skill for maintaining a good health care professional–patient relationship.

Clinical judgement brings together clinical knowledge, clinical skills, communication skills and ethical appreciation.

At Mater Health Services North Queensland Ltd all credentialed health care professionals agree to adhere to the Philosophy, Values, Mission and Objectives of the Sisters of Mercy, and the Code of Ethical Standards for Catholic Health and Aged Care Services in Australia.

## 2 Providing good care

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### 2.1 Introduction

Good patient care is the core of good health care practice. Providing good patient care includes:

- assessing the patient's condition/s, taking account of the history (including symptoms and psychological, social and cultural factors), the patient's views, and an appropriate physical examination
- formulating a suitable management plan (including providing advice and arranging investigations or treatment as appropriate) and being prepared to revise it
- ensuring effective continuity and coordination of care
- referring a patient to another practitioner when this is in the patient's best interests.

### 2.2 Good patient care

Good patient care requires Health Care Professionals to maintain a high level of health care competence and professional conduct. You must:

- 2.2.1 Recognise and work within the limits of your competence and ensure you have adequate knowledge, skills, and equipment to provide safe clinical care.
- 2.2.2 Maintain adequate records (see paragraph 8.5).
- 2.2.3 Consider the balance of benefit and harm, and only prescribe drugs or treatment when you have adequate knowledge of the patient's health.
- 2.2.4 Provide treatments based on the best available evidence.
- 2.2.5 Take steps to alleviate patient symptoms and distress, whether or not a cure is possible.
- 2.2.6 Respect the patient's right to seek a second opinion.
- 2.2.7 Be readily accessible when you are on duty, having assessed competing priorities as best you can.
- 2.2.8 Consult and take advice from colleagues, when appropriate.
- 2.2.9 Make responsible and effective use of the resources available to you (see paragraph 5.2).
- 2.2.10 Encourage patients to take interest in, and responsibility for, their health, and support them in this.

- 2.2.11 Ensure that your personal views do not adversely affect your professional relationship with patients.

### **2.3 Shared decision making**

Making decisions about health care is the shared responsibility of the patient and their health care professional. It may also involve the patient's carer or family and other members of the health care team. You must:

- 2.3.1 Base the investigations or treatment you provide or arrange on the assessment that you and the patient make of their needs and priorities, and on your clinical judgement about the impact and consequences of the available management options.

### **2.4 Decisions about access to health care**

Decisions about patients' access to health care need to be free from a health care professional's personal biases and discrimination, and should be made in a timely manner. You must:

- 2.4.1 Treat your patients with respect, whatever their life choices and beliefs.
- 2.4.2 Not refuse or delay treatment because you believe that a patient's actions have contributed to their condition.
- 2.4.3 Uphold your duty to your patient and not allow considerations of age, disease or disability, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other factor to affect the care you provide.
- 2.4.4 Give priority to investigating and treating patients on the basis of clinical need and effectiveness of the proposed investigations or treatment. If inadequate resources, policies or systems prevent you from doing this, and patient safety is, or may be, seriously compromised, you must follow the guidance in paragraph 5.2.
- 2.4.5 Maintain your personal safety and that of your staff when caring for patients. If a patient poses a risk to your health or safety, you should take reasonable steps to protect yourself before investigating their condition or providing treatment. Nevertheless, you must not refuse to treat a patient who poses such a risk when reasonable steps can be taken to protect you and your staff from the risk.

### **2.5 Treatment in emergencies**

Treating patients in emergencies requires Health Care Professionals to consider a range of issues, in addition to the patient's best care. You must:

- 2.5.1 Offer assistance in an emergency (wherever it arises) that takes account of your own safety, your scope of practice, the availability of other options and the impact on any other patients under your care.



## 3 Working with patients

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### **3.1 Introduction**

Relationships based on openness, trust and good communication will enable you to work in partnership with your patients (or their parent, guardian or person responsible for decision making) to address their individual needs.

### **3.2 Health care professional–patient partnership**

A good health care professional–patient partnership requires high standards of personal conduct. You must:

- 3.2.1 Be courteous, respectful and honest.
- 3.2.2 Treat patients with dignity.
- 3.2.3 Treat each patient as an individual.
- 3.2.4 Respect patients' privacy and right to confidentiality, unless legal considerations prevent this.
- 3.2.5 Support patients and, when relevant, their carer or family, in caring for themselves and managing their health.
- 3.2.6 Encourage patients to be well informed about their condition and to use this information when they are making decisions about their wellbeing.
- 3.2.7 Recognise that there is a power imbalance in any health care professional–patient relationship.

### **3.3 Good communication**

An important part of the health care professional–patient relationship is good communication. You must:

- 3.3.1 Listen to patients, ask for and respect their views about their health, and respond to their concerns and preferences.
- 3.3.2 Inform patients of the nature of, and need for, all aspects of their clinical management, including examination and investigations, and give them adequate opportunity to question or refuse intervention and treatment.
- 3.3.3 Provide patients, in a way they can understand, with the information they want or need about their condition, its likely progression, and the management options, including their potential benefit and harm.

- 3.3.4 Ensure that patients are informed of the risks associated with any part of the proposed management plan.
- 3.3.5 Respond to patients' questions and keep them informed about their progress.
- 3.3.6 Make sure that patients are informed about how information about them is shared within teams and among those who will be providing their care.
- 3.3.7 Make sure, wherever practical, that arrangements are made to meet patients' language, cultural and communication needs, and be aware of how these needs affect understanding. Be especially mindful of these responsibilities when working with vulnerable patients and with those whose culture and language differ from yours.
- 3.3.8 Familiarise yourself with, and use whenever necessary, qualified language interpreters or cultural interpreters to help you to meet patients' communication needs. Information about interpreter services is found at <https://www.tisnational.gov.au/>

### **3.4 Confidentiality and privacy**

Patients have a right to expect that their Health Care Professionals will hold information about them in confidence. You must:

- 3.4.1 Treat information about patients as confidential, including after a patient has died.
- 3.4.2 Respect statutory or professional guidelines about confidentiality and patient information exchange.
- 3.4.3 Share information appropriately between members of a health care team to promote effective patient care.

### **3.5 Informed consent**

Informed consent is a person's voluntary agreement to health care that is made with knowledge and understanding of the benefits and risks involved. This issue is covered by policy at state and hospital level, for example

<https://www.health.qld.gov.au/consent/documents/ic-guide.pdf>

You must:

- 3.5.1 Provide information to patients in a way they can understand before asking for their consent.
- 3.5.2 Be satisfied that you have informed consent or other valid authority before you undertake any examination or investigation, provide treatment, or involve patients in teaching or research.
- 3.5.3 Inform your patients about your fees and charges.
- 3.5.4 If the treatment you arrange involves other practitioners, wherever possible provide patients with the estimated fees of other practitioners.

- 3.5.5 Indicate clearly any potential out-of-pocket expenses that may be incurred.  
This should be done before treatment begins, unless it is impractical to do so.

### **3.6 Children and other vulnerable patients**

The principles that underpin the guidance in this section relate to the patient's competence to make a decision about their health. These principles apply to children and other vulnerable groups, which can include those living with disabilities and the elderly. You must:

- 3.6.1 Safeguard and protect the health and wellbeing of children and other vulnerable patients.
- 3.6.2 Be aware of the welfare of children who may be at risk when you see patients who may pose a danger to them.
- 3.6.3 Ensure that, when communicating with a child or other vulnerable patient, you:
- treat them with respect and listen to their views
  - answer their questions to the best of your ability
  - provide information in a way they can understand.

### **3.7 Relatives, carers and partners**

Good patient care extends to relatives, carers, partners and other people who are close to the patient. You must:

- 3.7.1 Be considerate to relatives, carers, partners and others close to the patient, and be sensitive and responsive in providing information and support, including after a patient has died.
- 3.7.2 Ensure that the patient has consented to the release of information you intend to provide. This involves recognising the fundamental role of the patient, parent, guardian or person responsible for decision making about and treatment of the patient, while maintaining clinical responsibility for their care.

### **3.8 Openness and honesty**

When health care does not go as planned, you have a responsibility to your patient to be open and honest in your communication with them, and to review and report any adverse events. When something goes wrong you must:

- 3.8.1 Explain fully and promptly to the patient what has happened and the likely short-term and long-term effects, acknowledge any distress, and communicate in accordance with the Australian Open Disclosure Framework: <http://www.safetyandquality.gov.au/our-work/open-disclosure/the-open-disclosure-framework/>
- 3.8.2 Act immediately to put matters right, if that is possible.
- 3.8.3 Understand that patients who complain about their care have a right to a prompt, open, constructive and honest response, including an explanation and, if appropriate, an apology. You must not allow a patient's complaint to affect adversely the care you provide

or arrange. It may sometimes be wise to arrange referral to another health care professional.

- 3.8.4 Review adverse events and implement changes to reduce the risk of recurrence (see Section 6).
- 3.8.5 Report adverse events to the relevant authority, as necessary (see Section 6).
- 3.8.6 Be open to feedback from patients and others about aspects of your practice to improve the standards of your care.
- 3.8.7 Ensure that patients are aware of the processes for making a complaint (for example, internally through Mater Health Services North Queensland, or externally to the Office of Health Ombudsman, Australian Health Practitioner Regulation Agency or Medical Board).
- 3.8.8 Cooperate with any complaints policies, procedure and regulations that apply to your practice.

### **3.9 End-of-life care**

Health Care Professionals have a vital role in leading the community to deal in a healthy manner with the reality of death and its consequences. The death of a patient does not usually represent a personal failure. In caring for patients towards the end of their life, you must:

- 3.9.1 Remember that palliation at the end of life is a core responsibility of all Health Care Professionals.
- 3.9.2 Understand the limits of medicine to prolong life and recognise when efforts to prolong life may not benefit the patient.
- 3.9.3 Communicate effectively with patients and their families so they are able to understand the outcomes that can and cannot be achieved.
- 3.9.4 Continue to provide support for patients and their families even when it is not possible to deliver the outcome they wish for.
- 3.9.5 Be prepared to communicate bad news to patients and their families, and to provide support for them while they deal with this news.
- 3.9.6 Understand that you do not have a duty to try to prolong life at all cost. However, you do have a duty to know when not to initiate and when to cease attempts at prolonging life, while ensuring that your patients receive appropriate relief from distress.
- 3.9.7 Accept that competent patients have the right to refuse health care treatment or to request the withdrawal of treatment already started.
- 3.9.8 When a patient dies, the health professional should be willing to explain, to the best of their knowledge, the circumstances of the death to appropriate members of the patient's family and carers, unless you know the patient would have objected.

### **3.10 Ending a professional relationship**

In some circumstances, the relationship between a health care professional and patient is no longer effective. This can impair the health care professional's capacity to deliver the best care, and you may need to end the professional relationship. You must:

- 3.10.1 Avoid ending a relationship with a patient solely because of a complaint the patient has made about you or your team, or because of the resource implications of the patient's care.
- 3.10.2 Ensure that you offer to make arrangements for the continuing care of the patient and make available any information relevant to their continuing clinical care.

### **3.11 Closing your practice**

When a practice is closing or relocating, patients need their health care professional's help to make a smooth transition to a new health care professional or practice. When closing or relocating your practice, you must:

- 3.11.1 Facilitate arrangements for the continuing health care of all your current patients, including the transfer or appropriate management of all patient records.

### **3.12 Personal relationships**

Treating people who are close to you (such as partners, family, close friends and your staff) can compromise the care of the patient. You should not:

- 3.12.1 Provide health care to anyone with whom you have a close personal relationship, including your family, unless it is an emergency.

## 4 Working with other health care professionals

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### 4.1 Introduction

Working with other health care professionals requires respect for colleagues and teamwork, as well as a willingness to share information and resources, and to refer patients to other health care professionals when needed.

Good relationships between health care professionals further strengthen the health care professional–patient relationship by promoting good communication and trust.

### 4.2 Respect for colleagues

Good patient care is enhanced when there is mutual respect and clear communication between different Health Care Professionals involved in the care of the patient. You must:

- 4.2.1 Seek to communicate clearly, effectively and promptly, and in so doing make clear the scope of each health care professional's role in the care of the patient.
- 4.2.2 Treat your colleagues fairly and with respect.
- 4.2.3 Be careful not to make malicious or unfounded criticisms of colleagues that may undermine trust in the care they provide.

### 4.3 Delegation, referral and information sharing

Sharing information with other health care professionals is important for safe and effective patient care. *Delegation* involves asking another health professional to provide care on your behalf. *Referral* involves sending a patient to obtain opinion or treatment from another health care professional. It usually involves the transfer (in part) of responsibility for the patient's care, usually for a defined time and for a particular purpose, such as additional investigation, or care that is outside your area of expertise. When you delegate or refer care, you must:

- 4.3.1 Be satisfied that the person to whom you delegate has the qualifications, experience, knowledge and skills to provide the care required.
- 4.3.2 Understand that, although you will not be accountable for the decisions and actions of those to whom you delegate, you will still be responsible for the overall management of the patient, and will be accountable for your decision to delegate.
- 4.3.3 Always communicate enough information about the patient and the treatment they need to enable the continuing care of the patient.
- 4.3.4 Provide, in your referral, all relevant information about the patient, with their consent, to facilitate their effective continuing care. This information includes the results of investigations and treatments.

- 4.3.5 Make it clear to all parties the purpose of referral and the role and responsibility of the person to whom you are referring.
- 4.3.6 Inform the patient's general practitioner of the results of all investigations and treatments provided. You should also inform their general practitioner of any other information necessary for the continuing care of the patient, unless the patient requests otherwise. In this circumstance, you should explain to the patient the potential disadvantage to their continuing care when information is not provided to their general practitioner.
- 4.3.7 If a general practitioner has not referred the patient to you, ask for the patient's consent to inform their general practitioner before starting treatment — although this may not be practical in emergencies. If you do not inform the patient's general practitioner, you will be responsible for providing or arranging all necessary after-care.
- 4.3.8 Be aware of guidelines regarding confidentiality and patient information exchange (see paragraph 3.4).

#### **4.4 Teamwork**

Most Health Care Professionals work closely with a wide range of health professionals. The care of patients is improved when there is mutual respect and clear communication, as well as an understanding of the responsibilities, capacities, constraints and ethical codes of each other's professions. Teamwork does not change a health care professional's personal accountability for professional conduct and the care provided. When working in a team, you must:

- 4.4.1 Ensure that there is a clear delineation of roles and responsibilities for each participant; there is an appointed team leader or coordinator with whom ultimate responsibility for the outcomes of the team efforts rests; you understand your particular role in the team and attend to the responsibilities associated with that role; and you communicate clearly with the patient and other team members your understanding of your role and responsibilities within the team management of each particular patient.
- 4.4.2 Respect the skills and contributions of fellow team members.
- 4.4.3 Communicate effectively with other team members.
- 4.4.4 Seek to act as a positive role model for your fellow team members.

## **5 Working within the health care system**

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### **5.1 Introduction**

Health Care Professionals work as individuals, as members of teams, and as participants in the health system locally, regionally and/or nationally. They have a responsibility to contribute to the effectiveness and efficiency of the system.

### **5.2 Wise use of health care resources**

An important component of good health care practice is using health care resources wisely and fairly, and being aware of the effect that your clinical decisions may have on other people's access to resources. Any rationalisation of health care resources should be transparent and, where possible, directed by established guidelines, research and audit. You must:

- 5.2.1 Strive to use health care resources effectively and efficiently, and avoid providing services that are unnecessary or do not have a proven benefit.
- 5.2.2 Recognise that the use of resources can affect the access of other patients to those resources.
- 5.2.3 Work constructively with health care managers towards the patient's and the community's benefit.
- 5.2.4 Whenever possible, uphold the patient's right to gain access to the necessary level of health care and help them to do so, regardless of their ability to pay.

### **5.3 Patient advocacy**

In Australia, disparities remain in the health status of different social and cultural groups. In particular, Health Care Professionals work in a context in which the Indigenous people of Australia bear the burden of gross social, cultural and health inequity.

- 5.3.1 As health advocates, Health Care Professionals should use their expertise and influence responsibly to protect and advance the health and wellbeing of individual patients, communities and populations.

### **5.4 Public health**

Health Care Professionals have a responsibility to promote public health through disease prevention, education and screening.

- 5.4.1 You should participate in efforts to promote the health of the community and be aware of your obligations in disease prevention, screening and reporting notifiable diseases.
- 5.4.2 You should understand the principles of health education, disease prevention and screening.



## **5.5 Culturally sensitive services**

Health Care Professionals are responsible for the care of their patients by preventing and treating illness, assisting with the health education of the community, being judicious in the use of health resources, and working with a wide range of health professionals and other agents. These services need to be provided equitably to all people who seek them, regardless of their cultural, financial or personal backgrounds (see paragraph 2.4). To provide these services effectively, Health Care Professionals must recognise the cultural needs and sensitivities of different groups. You should:

- 5.5.1 Have knowledge of, respect for and sensitivity towards, the cultural needs of the community you serve, including those of Indigenous Australians.
- 5.5.2 Acknowledge the social, economic, cultural and behavioural factors influencing health, both at individual and population levels.
- 5.5.3 Be aware that your own cultural assumptions may not be relevant in other cultures.

## 6 Minimising patient risk

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### **6.1 Introduction**

Minimising risks to patients requires that Health Care Professionals understand what to do if patient care is compromised for any reason, as well as the importance of reporting adverse events so that risks can be minimised in the future.

### **6.2 Risk prevention**

If a health care professional has good reason to think that patient safety is or may be compromised by inadequate equipment, premises, personnel or other resources, policies or systems — or through misadventure — the health care professional has a responsibility to take all available steps to put the matter right, if possible. You should:

- 6.2.1 Take part in systems of quality assurance and improvement.
- 6.2.2 Contribute to inquiries, analysis and reporting of adverse events to help reduce future risk to patients.
- 6.2.3 Cooperate with requests for information from organisations monitoring public health.
- 6.2.4 Report suspected adverse drug reactions and faulty appliances and equipment using the relevant reporting systems.
- 6.2.5 If you have management responsibilities, make sure that systems are in place through which colleagues can raise concerns about risks to patients. This involves being aware of the importance of the principles of open disclosure and a non-punitive approach to adverse event management.
- 6.2.6 Work in your practice and within systems to reduce error and improve patient safety.

### **6.3 Adverse events**

Reporting adverse events is an essential part of good health care practice. You should:

- 6.3.1 Follow the method used in your workplace to report and follow up adverse events and near-misses to an appropriate person.
- 6.3.2 Give an accurate and honest account of an adverse event in your workplace and share your experiences about reporting adverse events and near-misses with other workers.

### **6.4 Conduct and performance of colleagues**

Good health care practice requires that you must:

- 6.4.1 Endeavour to protect patients from risk of harm posed by a colleague's conduct, performance or health.

- 6.4.2 Take appropriate steps, without delay, if you have concerns that a colleague may not be fit to practise so that the concerns are investigated and patients protected where necessary.
- 6.4.3 If you are not sure what to do, discuss your concerns with an impartial colleague or contact bodies such as advisory services, professional indemnity insurers, your registration authority or a professional organisation.

## **7 Maintaining good standards of health care practice**

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### ***7.1 Introduction***

Keeping up to date is essential for maintaining good standards of health care. This includes participating in continuing professional development, practice improvement, audit, responding constructively to appraisals of your professional performance and ensuring that any professional standards or certifications are met.

### ***7.2 Continuing professional development***

Development of your knowledge and skills must continue throughout your working life. You must:

- 7.2.1 Keep your knowledge and skills up to date.
- 7.2.2 Regularly participate in activities that maintain and further develop your competence and performance.
- 7.2.3 Ensure that your knowledge and practice aligns with the core evidence based practice of your peers.

### ***7.3 Credentialling and scope of practice***

Participating in credentialling and scope of practice processes is essential for ensuring that the health care profession is able to deliver the highest quality care. You must:

- 7.3.1 Keep up to date with, and adhere to, the laws and codes of practice relevant to your work, including the By-Laws at Mater Health Services North Queensland Ltd.
- 7.3.2 Participate in relevant credentialling and scope of practice-definition processes and not work outside your approved scope of practice.

## 8 Professional behaviour

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### 8.1 Introduction

In professional life, Health Care Professionals must display a standard of behaviour that justifies the respect and trust of the community. This includes observing and practising the principles of moral and ethical conduct.

The guidance contained in this section emphasises the core qualities and characteristics of good Health Care Professionals outlined in Section 1.

### 8.2 Professional behaviour and boundaries

Maintaining professional behaviour and boundaries is an important part of maintaining a safe workplace and providing good patient care. You must:

- 8.2.1 Maintain appropriate and professional behaviour at all times in interactions with colleagues, hospital executive and staff, patients, relatives of patients and other individuals, including comply with Mater Health Services North Queensland Ltd policies, comply with the AMA's position statement with respect to a culture of professionalism and zero tolerance to all forms of bullying and harassment (<https://ama.com.au/position-statement/workplace-bullying-and-harassment>), comply with the relevant Medical College policies, codes and position statements with respect to professional behaviour, discrimination, bullying and sexual harassment, be aware of and comply with legal obligations with respect to these matters.
- 8.2.2 Maintain professional boundaries and not abuse your professional position to establish or pursue a sexual or other inappropriate relationship with anybody under your care. This includes those close to the patient, such as their carer, guardian or spouse.
- 8.2.3 Avoid expressing your personal beliefs, including political, spiritual, religious or moral beliefs, to your patients in ways that exploit their vulnerability or that are likely to cause them distress.

### 8.3 Statutory obligations

Health care registration requires disclosure of proceedings or findings against Health Care Professionals. You must:

- 8.3.1 Inform any health care registration authority with whom you are currently registered without delay if, anywhere in the world:
  - you have been charged with or found guilty of a criminal offence
  - another professional body has made a finding against you or placed conditions on your health care registration.

## **8.4 Professional obligations**

In addition to statutory obligations, Health Care Professionals must fulfil professional obligations to ensure good patient care. You must:

- 8.4.1 Inform, without delay, any other organisations for which you undertake health care work if an organisation suspends you from a health care position or places restrictions on your practice. When such restrictions could affect your care of a patient, you must inform the patient. You must also advise any professional associations that make membership conditional on unrestricted practice.
- 8.4.2 Comply with policies, procedures and professions guidelines relevant to your practice.

## **8.5 Health care records**

Maintaining clear and accurate health care records is essential for the continuing good care of patients. You must:

- 8.5.1 Keep accurate and legible records that report relevant clinical history, clinical findings, decisions made, information given to patients, and any drugs prescribed or other investigation or treatment pursued.
- 8.5.2 Ensure that your health care records reflect your respect for your patients.
- 8.5.3 Ensure that the records facilitate continuity of patient care by you and by any other Health Care Professionals involved in the patient's care.
- 8.5.4 Make records at the same time as the events you are describing or as soon as possible afterwards.
- 8.5.5 Facilitate patient access to health care records when this is required and in the patient's best interests, recognising different legal obligations in different Australian states and territories. Remember that, although the record belongs to the health service, the information belongs to the patient.

## **8.6 Insurance**

Maintaining professional indemnity insurance or an equivalent is in the interests of patients as well as Health Care Professionals. You must:

- 8.6. Maintain adequate insurance or professional indemnity cover for the content and context of your professional practice — this must include any part of your practice not covered by an employer's indemnity scheme.

## **8.7 Advertising**

Advertisements for health care services must be approached with caution and should provide the information that patients need to improve their knowledge and choice without misrepresenting the quality or outcomes of treatments or services. You must:

- 8.7.1 Make sure that any information you publish about your health care services is factual and verifiable.
- 8.7.2 Not make unjustifiable claims about the quality or outcomes of your services in any information you provide to patients — you must not inappropriately guarantee cures, exploit patients' vulnerability or lack of health care knowledge, or raise unrealistic expectations.
- 8.7.3 Not exploit or inappropriately induce people towards use of a particular service, for example, by arousing ill-founded fears about their future health or by claiming unique abilities.

## **8.8 Writing reports and giving evidence**

The community places a great deal of trust in Health Care Professionals. Consequently, Health Care Professionals have been given the authority to sign a variety of documents, such as death certificates and sickness certificates, on the assumption that they will only sign statements that they know or reasonably believe to be true. You must:

- 8.8.1 Not sign documents that you believe to be false or misleading.
- 8.8.2 Do your best to make sure that any documents you write or sign are not false or misleading. This means that you must take reasonable steps to verify the statement before you sign the document and that you must not deliberately leave out relevant information.
- 8.8.3 Be honest and trustworthy when writing reports and when completing or signing forms, reports and other documents.
- 8.8.4 Prepare reports, complete or sign documents, or provide evidence, if you have agreed to do so, without unreasonable delay.
- 8.8.5 Be honest in all your spoken and written statements if you are asked to give evidence or act as a witness in litigation or inquiries. You must make clear the limits of your knowledge or competence.
- 8.8.6 When acting as an expert witness make clear the limits of your knowledge and not give opinion beyond those limits.

## **8.9 Curriculum vitae**

Good health care practice includes providing accurate, credible and verifiable information about yourself and your health care qualifications. You must:

- 8.9.1 Not misrepresent your experience, qualifications and position.
- 8.9.2 Ensure that any curriculum vitae you provide are accurate and complete in relation to your experience and qualifications.

### **8.10 Investigations**

Health Care Professionals have rights and responsibilities relating to any investigation of their practice or that of a colleague. You must:

- 8.10.1 Cooperate fully with any inquiry into the treatment of a patient and with any complaints procedure that applies to your work.
- 8.10.2 Disclose, to anyone entitled to ask for it, any information relevant to an investigation into your own or a colleague's conduct, performance or health.
- 8.10.3 Assist the coroner when an inquest or inquiry is held into a patient's death by responding to their enquiries and by offering all relevant information.
- 8.10.4 Remember that you are entitled to remain silent when your evidence may lead to criminal proceedings being taken against you or when proceedings attract legal professional privilege.

### **8.11 Health care professionals and commercial dealings**

Health Care Professionals must be honest and open in financial arrangements with patients. You must:

- 8.11.1 Not exploit patients' vulnerability or lack of health care knowledge when making charges for treatment or services.
- 8.11.2 Not encourage patients to give, lend or bequeath money or gifts that will benefit you directly or indirectly.
- 8.11.3 Avoid financial involvement, such as loans and investment schemes, with patients.
- 8.11.4 Not put pressure on patients or their families to make donations to other people or organisations.
- 8.11.5 Tell patients if any part of the fee goes to another health care professional.
- 8.11.6 Be straightforward, honest and open in financial and commercial matters relating to your work, including in your dealings with employers, insurers and other organisations or individuals. In particular:
  - before taking part in discussions about buying, selling or using goods or services, you must declare any relevant financial or commercial interest that you or your family might have in the transaction
  - if you endorse or sell products from your practice, you must declare your professional and financial interest in these products to your patients and not make an unjustifiable profit from the sale.

### **8.12 Conflicts of interest**

A conflict of interest exists when a person entrusted with the interests of a patient, other individuals or the public violates that trust by promoting their own interests or the interests of



third parties. Conflicts of interest may be financial, professional, personal, ethical, moral or religious.

Multiple interests may pull people in different directions but a conflict of interest exists when such interests compromise known obligations and interfere with objective professional judgement.

Health Care Professionals must resolve such conflicts in accordance with the best interests of the patient. Patients rely on the independence and trustworthiness of Health Care Professionals for any advice or treatment offered. You must:

- 8.12.1 Act in your patients' best interests when making referrals and when providing or arranging care.
- 8.12.2 Not ask for or accept any inducement, gift or hospitality from companies that sell or market drugs or appliances that may affect, or be seen to affect, the way you prescribe for, treat or refer patients (see Appendix I).
- 8.12.3 Not offer such inducements to colleagues.
- 8.12.4 Not ask for or accept fees for meeting sales representatives.
- 8.12.5 Not allow any financial or commercial interest in a hospital, other health care organisation, or company providing health care services or products to affect the way in which you treat patients. When you or your immediate family have such an interest and that interest may be perceived to influence the care you provide, you must inform your patient.

### ***8.13 Process for dealing with complaints of poor standard of behaviour***

Complaints will be:

- Made in writing
- Investigated by the Chief Executive Officer, Director of Medical Services, Executive Director of Nursing or nominated person, as appropriate for the circumstances.
- If the matter is not resolved to the satisfaction of the Board and the Chief Executive Officer the matter may be dealt with pursuant to the By-Laws of Mater Health Services North Queensland Ltd.

## 9 Ensuring Health Care Professionals' health

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### 9.1 Introduction

As a health care professional, it is important for you to maintain your own health and wellbeing. Only then can you recognise when you are not able to function effectively or provide safe patient care.

### 9.2 Your health

Health Care Professionals can provide good health care to patients only if they maintain their own health.

- 9.2.1 You must conform to the legislation in your state or territory in relation to self-prescribing. You should not treat yourself, other than in the way that any other member of the community would undertake self-treatment.
- 9.2.2 You should have a general practitioner outside your family and practice to ensure that you have access to independent and objective health care.
- 9.2.3 You should protect your patients, your colleagues and yourself by being immunised against communicable diseases.
- 9.2.4 You must take the following actions, if you know or suspect that you have a health condition that could adversely affect your judgement or performance:
  - consult a suitably qualified health care professional about whether, and in what ways, you should modify your practice
  - follow the health care professional's advice about investigations, treatment and changes to your practice that are considered necessary
  - not rely on your own assessment of the risk you pose to patients.
- 9.2.5 If you need assistance, you must contact the Health Care Professionals' health program in your state for advice about where and how to seek help.

### 9.3 Other Health Care Professionals' health

Health Care Professionals have a responsibility to look after the health of their colleagues. This will also help ensure that good patient care is provided at all times. A health care practitioner is not subject to any civil or criminal liability for making a report to the relevant registration board or Australian Health Practitioner Regulation Agency about a colleague's health in good faith. You must:

- 9.3.1 Treat colleagues as well as you treat your other patients who are not health care professionals.

- 9.3.2 Exercise your ethical, and in some states, statutory, duty to notify the relevant registration board or Australian Health Practitioner Regulation Agency if you are treating a practising health care professional whose ill health may be impairing their ability to practise.
- 9.3.3 Report any concerns to an appropriate authority if you are not in a treating relationship but become aware that a colleague may be ill and impaired. In this case, the appropriate authority may be the health care professional's employer, the relevant registration board or Australian Health Practitioner Regulation Agency.

#### **9.4 Other health professionals' health**

Similarly, Health Care Professionals have a responsibility to look after the health of other health professionals. You may be required depending on the circumstances to:

- 9.4.1 Notify the relevant health registration authority if you are treating another health professional and are concerned about your patient's ability to practise safely. You should inform yourself of the mandatory reporting obligations imposed upon Health Care Professionals.

## **10 Teaching, supervising and assessing**

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### **10.1 Introduction**

Teaching, supervising and assessing Health Care Professionals, other health professionals and health care students are important for the care of patients now and in the future. You should be willing to contribute and facilitate these activities and be involved in providing support, mentoring, feedback and supervision for junior Health Care Professionals and students.

### **10.2 Teaching and supervising**

Teaching and supervising require particular communication skills, as well as a responsibility to make sure the supervision you provide is appropriate.

10.2.1 If you are involved in teaching, you should develop the skills, attitudes and practices of a competent teacher; and accept feedback on your own clinical teaching style.

10.2.2 You must make sure that all staff, for whom you are responsible, including locums or other Health Care Professionals and students, are supervised properly.

### **10.3 Assessing colleagues**

Assessing colleagues is an important part of making sure that the highest standards of health care practice are achieved. You must:

10.3.1 Be honest, objective and constructive when appraising or assessing the performance of colleagues, including students. Patients will be put at risk if you describe as competent someone who has not reached or maintained a satisfactory standard of practice.

10.3.2 Provide only honest, justifiable and accurate comments when giving references for, or writing reports about, colleagues. When providing references, you must do so promptly and include all information that is relevant to your colleague's competence, performance or conduct.

### **10.4 Health care students**

Health care students can make an important contribution to patient care as part of the clinical team. Students are learning how to best care for patients; allowing them opportunities to do this will improve their clinical practice and nurture the future workforce. You should:

10.4.1 Treat your students with patience and respect.

10.4.2 Make clear the scope of the student's role in patient care when communicating with patients and other members of the health care team.

## 11 Undertaking research

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### 11.1 Introduction

Research is vital in improving the health of individuals and the population as a whole.

### 11.2 Research ethics

Being involved in the design, organisation or conduct of research has particular responsibilities. You must:

- 11.2.1 Follow the appropriate national research governance guidelines and Mater Health Services North Queensland HREC Policy.
- 11.2.2 Act with honesty and integrity, and ensure that the research is not contrary to the participants' interests.
- 11.2.3 Adhere to the National Health and Medical Research Council's statement on human and other research.
- 11.2.4 Ensure that the research protocol has been approved by a properly constituted human research ethics committee registered by the National Health and Medical Research Council.
- 11.2.5 Adhere to the National Health and Medical Research Council's requirements on informed consent.
- 11.2.6 Seek advice when research involves children or adults who are not able to give informed consent to ensure that there are appropriate safeguards in place. This includes ensuring that a person empowered to make decisions on the patient's behalf has given informed consent or that there is other lawful authority to proceed.
- 11.2.7 Follow all aspects of the research protocol, including reporting adverse events promptly.
- 11.2.8 Accept only those payments approved by a research ethics committee.
- 11.2.9 Report evidence of fraud or misconduct in research to an appropriate person or authority.
- 11.2.10 Disclose to the patient any financial benefit you gain by the research.
- 11.2.11 Abide by the Mater Health Services North Queensland Ltd Human Research Ethics Policy.

See Appendix 2 for more information on responsible research conduct.

<sup>11</sup> See the *National Statement on Ethical Conduct in Research Involving Humans* (National Health and Medical Research Council; <https://www.nhmrc.gov.au/guidelines-publications/e35>).

## **Appendix I Independence from pharmaceutical and health care device promotion and other advertising**

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Pharmaceutical and health care device marketing and their influence on a health care professional's prescribing may affect the health care professional–patient relationship and best outcomes for patients by compromising trust, judgment and the objectivity of decisions. Therefore, to maintain their professional independence from industry, Health Care Professionals must be aware of the considerations listed below.

- Health care practitioners should not accept a fee or equivalent consideration from representatives of the industry for seeing them in a promotional capacity.
- Acceptance of drug samples from pharmaceutical representatives should be avoided in most cases.
- Gifts and offers of entertainment should be rejected.
- Offers of industry sponsorship to attend conferences, scientific meetings and other gatherings should be considered carefully before being accepted. Acceptance usually should be restricted to those in which the professional is to make a formal contribution. In other cases, steps should be taken to reduce the risk of perceived impropriety by obtaining agreement from institutional committees and making appropriate public declarations.
- Accepting sponsorship to cover the cost of travel, attendance or meals at conferences or meetings for family or friends is inappropriate.
- Remuneration for services provided to industry should be appropriate and transparent. It should be declared to employers and to patients, where relevant.
- Endorsement of specific products through advertisements and advertorials should be avoided.
- Obtaining benefit from the sale of a health care device to one's own patients is inappropriate.
- Where a conflict of interest could arise through recommending the use of a particular device, such recommendation should be made independently of the sale or distribution of the device.

## Appendix 2 Responsible research conduct

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For Health Care Professionals and other health professionals who are involved in research, responsible research conduct involves making sure the wellbeing of research participants is protected and that the results of the research are disseminated in an appropriate way.

The National Health and Medical Research Council's *Australian Code for the Responsible Conduct of Research*<sup>12</sup> provides information on these responsibilities. Health Care Professionals must consider the issues listed below.

- In general, it is undesirable for Health Care Professionals engaged in research involving their own patients to be primarily responsible for the process of seeking informed consent. Information about the project and about informed consent should be provided to the research participants, and discussion about the pros and cons of involvement should be done through third parties who do not have direct clinical responsibilities for the patients involved.
- Financial compensation for participating as an investigator in a clinical trial should be commensurate with the work performed.
- The benefits gained by a health care professional from an industry-sponsored clinical trial should be subject to review and approval by an appropriately constituted ethics committee.
- Research grants from industry should be made to the institution and not to individuals, and all forms of support should be acknowledged appropriately in research and other publications.
- Any research project done by private Health Care Professionals should include an investigator with an institutional affiliation and should be assessed by an ethics committee associated with that institution. Alternatively, some other arrangement must be made to ensure that ethics committee review and oversight occur, and that there are clearly defined and transparent processes for managing funds.
- It should be a condition of both agreements to participate by researchers and approval by ethics committees that there is a commitment to make publicly available all results (negative as well as positive) that are potentially relevant to clinical practice, including reasons for any termination of the research project. All clinical research projects must be entered on all available clinical trial registers, within and outside Australia.
- Responsibility for decisions concerning the publication of results should rest with objective investigators who should consider all possible conflicts of interest, not solely those with the sponsoring company.

<sup>12</sup> See <https://www.nhmrc.gov.au/guidelines-publications/r39>

## Bibliography

The following publications are commended to you for informative reading:

- Medical Ethics, Sources of Catholic Teachings, *Kevin D O'Rourke and Phillip Boyle*
- A Catholic Guide to Medical Ethics, *Eugene F Diamond 2005*
- Patients, Medical Treatment and Christian Ethics, *Australian Catholic Record*, 84.2 (April 2007): 2009-222, *Fr Norman Ford*.

Other information can be sourced from [www.catholicmedicine.com](http://www.catholicmedicine.com)