

# Code of Conduct

Revised 1-12-2008

**Kinesiology**, as we know it today and is practiced in our country, had its origins in the original work of Dr George Goodheart DC [dec'd 6<sup>th</sup> March 2008]; also incorporating original research by Dr Terrence Bennett DC and Dr Frank Chapman DO from the 1930's, as well as ancient Chinese Acupuncture principles. Dr John Thie DC [dec'd 3<sup>rd</sup> August 2005] and Dr Sheldon Deal DC, both Chiropractors from the USA founded the Touch For Health Foundation in Pasadena California, as registered training for nurses, teachers and Chiropractors. Touch For Health (TFH) was originally designed by Dr Thie for self-help home use between chiropractic visits and was taught through the TFH Foundation since 1970. In 1976 the International College of Applied Kinesiology (I.C.A.K.) was established solely for Chiropractors to break away from The TFH Foundation. Applied Kinesiology now remains in the field of the Chiropractic Profession.

Since then many practitioners from many therapies around the world; chiropractic, medicine, dentistry, psychology, physiotherapy, sports medicine, education, counselling, massage, religion, etc. have developed proprietary Kinesiology programs and this has projected Kinesiology into the professional health care arena very rapidly because of its effectiveness and simple no-equipment philosophy, enabling effective outcomes with its application. As a result guidelines, via a Code of Conduct, are required to protect both the client and the Practitioner. It is a requirement for Insurance Companies to see that Kinesiology Practitioners are on equal footing with all other Allied Health Care Providers. As a profession we must present ourselves as professional and ethical in our communication with fellow Kinesiologists, other professional practitioners and the general public.

**The Australian Institute of Kinesiologists Ltd was established in 1998 as a National Industry Body Representative for Kinesiology;**

- To provide an industry based Association for persons engaged in the practice of Kinesiology.
- To monitor, maintain, set and improve professional standards in Kinesiology education and practice.
- To establish Branches throughout all states of Australia.
- To be a self regulatory body providing registration of members in three categories; Associate, Ordinary and Professional levels.
- To accredit Kinesiology courses taught by Kinesiology Instructors.
- To provide a mechanism for dealing with complaints about Members.
- To liaise with Government for the benefits of Members and the public.
- To liaise with Insurance Companies for Members benefits.
- To promote Kinesiology through advertising on the internet via its website, yellow/white pages and the print media with honesty and integrity.
- To be managed responsibility by a National Executive comprising elected Directors from each Branch, according to the Constitution and By-Laws of The Institute.
- To communicate with other professional bodies, Registered Training Organisations and practitioners.
- To present as a Peak Industry Body representing Kinesiology and Kinesiologists to the Government, Insurance Companies and the general public.

**Definition:**

**A client:** A person or persons who agrees to pay for a Kinesiology treatment or session with a qualified Kinesiologist, regardless of place or time.

This **Code of Conduct** has been developed by The Institute for its Members to establish ethical and professional guidelines for a successful, legal and rewarding profession as a Kinesiologist. This Code has its roots in proven principles of ethical Professional Conduct across the Medical and Allied Health Professions and is incorporated in relation to common law and statute law, allowing for fairness and uniformity of a Kinesiology Practice in all states of Australia. Membership of The Institute commits Members to adhere to The Institute's **Code of Conduct** and **Code of Ethics**. The **Code of Conduct** applies to Kinesiology work-related activities, including practice conduct, teaching, research, supervision of trainees, public demonstrations, and other activities that relate to overall general training, practice and employment of the Kinesiology profession. Members who abide by these principles will be free from involving themselves in any legal actions for their activities and clinical skills.

This **Code of Conduct** must be read and understood in its entirety, then signed by the Member for successful Membership Application. A copy is to be kept on hand at all times. Should a Member breach any of these Principles and a complaint be made by a client/member of the public/other professional, the Member may be contacted by The Institute to give an explanation of the complaint. This may then proceed as per the Constitution / By-Laws for further investigation. If not resolved satisfactorily the Membership/Member may be censured or terminated.

### **Equal Opportunities Policy Statement**

The Institute is committed to promoting Equality of Opportunity of access and participation for all its Members in all of its structures and workings. The Institute has due regard for those groups of people who feel that they may have identifiable characteristics which may associate to visible and/or invisible barriers or restrictions which could make them feel inhibited or hesitant to joining and having full participation in The Institute. Barriers can include age, colour, creed, culture, disability, education, ethnicity, gender, information, knowledge, mobility, money, nationality, race, religion, sexual orientation, social class and status.

The work of The Institute aims to reflect this commitment in all areas including services to Members, employer responsibilities, the recruitment of and working with volunteers, setting, assessing, monitoring and evaluating standards and the implementation of the complaints procedures. This is particularly important as The Institute is the voice of Kinesiology in Australia. The guiding function of The Institute will be in The Institute Constitution and the By-Laws. The Institute will promote and encourage commitment to Equality of Opportunity by its Members.

### **Ethical Principles**

The helping relationship constitutes the effective and appropriate use of the practitioner's skills that are for the benefit and safety of the client in his or her circumstances. Therefore, as Members/Kinesiologists, regardless of level of Membership of The Institute, we will offer a non-judgmental, professional service, free from discrimination, honoring the individuality of the client.

### **As Kinesiology Practitioners we will;**

- Conduct ourselves ethically and professionally at all times.
- Render our professional services in accordance with holistic principles for the benefit and wellbeing of clients.
- Do no harm to client in accordance with the Hippocratic Oath.
- Ensure client understands the purpose, process and boundaries of the Kinesiology relationship.
- Offer a promise of confidentiality and explain the limits of duty of care.
- For the purpose of advocacy, receive written permission from the client before divulging any information or contacting other parties.
- Respect an individual's autonomy, needs, values, culture and vulnerability in the provision of complementary medicine treatment.
- Accept the rights of individuals and encourage them to make informed choices in relation to their healthcare, and support clients in their search for solutions to their health problems.
- Recognise our limitations and the competence of other healthcare professionals, and when indicated, recommend that additional opinions and services be sought.

- Treat all patients with respect, and do not engage in any form of exploitation for personal advantage whether financial, physical, sexual, emotional, religious or for any other reason.
- Have a commitment to continuing professional education to maintain and improve our professional knowledge and accountability, skills and attitudes through Continuing Professional Education, be it courses, seminars, conferences, books or further clinical training updates.
- Not act as or practice legal council on behalf of or to a client when practicing as a Kinesiologist or act as an agent for a client.
- Not initiate, develop or pursue a relationship, be it sexual or non sexual, with past or current clients, within two (2) years of the last Kinesiology session.
- Consider the need for professional indemnity insurance and when appropriate take out and maintain adequate cover.
- Display qualifications of relevance for the viewing of the client to validate what service is being offered.
- Be committed to the above ethics and recognise that procedures for withdrawal of Membership will be implemented for breaches.

### Duty of Care

- The highest level of professional and ethical care shall be given to clients. Remember the Golden Rule.
- The practitioner will exercise utmost care to avoid unconscionable behaviour.
- The client has the right to receive treatment that is provided with skill, competence, diligence and care.
- In the exercise of care of the client, the practitioner shall not misrepresent or misuse their skill, ability or qualification.
- Kinesiologists must take all reasonable steps to ensure that the client does not suffer physical, emotional or psychological harm during a kinesiology session.
- Ensure room is well lit, ventilated and have a comfortable temperature and seating, with easy exit and comfortable working space between client and practitioner.

### Professional Conduct of a Kinesiologist

As kinesiologists we must always remember that the client is placing all their trust in you the practitioner and you have a responsibility to honour that in all aspects of the treatment. This **Code of Conduct** applies these values and ethical principles outlined here to more specific situations which may arise in the practice of Kinesiology. No clause or section should be read in isolation from the rest of the **Code of Conduct**, The Institute Constitution and By-Laws. The **Code of Conduct** will assist you to work with integrity in this relationship if followed closely in all aspects.

- The practitioner-client relationship is the foremost ethical concern, and ultimately, what is best for the client, not the practitioner, must be recognised and honoured.
- The practitioner must have achieved a level of competence before commencing a Kinesiology session for payment
- Competence includes being able to recognise when it is appropriate to refer a client elsewhere.
- The practitioner is responsible for working in ways that respect and promote the client's ability to make decisions in light of his/her own beliefs, values and context.
- The practitioner shall not discriminate on the basis of race, age, religion, gender, ethnicity, sexual preference, political views, medical condition, socioeconomic status, culture, marital status, physical or mental disability.
- The practitioner is responsible for ensuring that any problems with mutual comprehension due to language, cultural differences or for any other reason are addressed at an early stage. Use of an interpreter needs to be carefully considered at the outset of the Kinesiology consultation. Suggest the client brings a friend with them.
- The practitioner must behave with courtesy, respect, dignity and discretion towards the patient, at all times respecting the diversity of individuals and honouring the trust in the therapeutic relationship.
- The practitioner has a responsibility to consider and address their own prejudices and stereotyping attitudes and behaviour and particularly to consider ways in which these may be affecting the Kinesiology consultation.
- The practitioner must not humiliate nor abuse a client under any circumstances.

- If necessary the practitioner will notify the client that the consultation has ended and request that the client vacate the premises if necessary.
- The practitioner should not lead a client to believe that a service is being offered to deal with their issues unless it is relevant to their needs.
- The practitioner must dress in appropriate attire and maintain a high level of personal hygiene in a clinical situation with the client.
- The practitioner must not smoke in the presence of a client in a professional clinical session.
- Practitioner Members must adhere to all of the requirements of this **Code of Conduct** and State, Territory and Federal law within the scope of their practice.
- The practitioner must obtain a Blue Card in their relevant state if applicable, when working with children.
- If working with children under the age of consent a parent, guardian or adult should always be present during a consultation and therapy to prevent any claims against you.
- The practitioner shall not denigrate other Members of the Kinesiology profession.
- The practitioner shall not denigrate other members of allied healthcare professions.
- The practitioner shall not engage in activity, whether written or verbal, that will reflect improperly on the Kinesiology profession or The Institute.
- In the conveying of scientific or empirical knowledge to a patient, the practitioner shall act responsibly, and all personal opinions shall be advised as such.
- In the clinical setting, the practitioner shall not be under the influence of any substance capable of impairing professional judgment, whether drugs, alcohol or medication.
- The practitioner shall be responsible for the actions of all persons under their employ, whether under contract or not.
- The medicines and medical devices used by the practitioner must be in accordance with Therapeutic Goods Law.
- The practitioner should ask the client about other therapies that are being undertaken in relation to the reason for the consultation, to prevent clashes of treatment which may be conflicting.
- Deliberate non-disclosure by the client of any past history including injuries, trauma, medication, abuse etc. will negate any responsibility by a practitioner in the event of a litigation related to the non-disclosure.
- The practitioner should assist the client find another healthcare professional if required.
- Should a conflict of interest or bias arise, the practitioner shall declare it to the client, whether the conflict or bias is actual or potential, financial or personal.
- Telephone or Internet consultations, without a prior face-to-face consultation, must not be conducted.
- The fee for service and medicines charged by the practitioner must be reasonable, avoiding any excess or exploitation.
- All appointments by the client should be kept in records, e.g., an appointment book and client should be made aware of this fact.
- The practitioner will be clear to the client about fees being charged, services offered, arrangements for payment of fees and products, cancellation of appointments and other significant matters. The communication of essential terms and any negotiations should be concluded by having reached a clear agreement before the client incurs any commitment or liability of any kind.
- Under no circumstances may a student, staff member or another practitioner use someone else's Membership number or tax invoice book for purposes of issuing a health fund rebate tax invoice. The Member is responsible for the issue of their own tax invoices.
- For complaints and conflicts between Kinesiology Practitioners a Formal Disciplinary & Complaints Procedure is to be followed in writing to The Institute National Executive as per the Constitution and By-Laws.

### **Professional Boundary**

- The client will never be required to be naked for any Kinesiology therapy, however minimal removal of clothing may be required from time to time as the Kinesiology modality may require.
- The practitioner will not enter into an intimate or sexual relationship with a client.
- The practitioner will not engage in contact or gestures of a sexual nature to a client.
- Mammary glands and genitalia of a client will not be touched or massaged and only professional techniques applied to surrounding tissue as relevant to the Kinesiology training for the modality practiced.

- Any internal examination of a client, excluding oral (mouth), even with the consent of the patient, is regarded as indecent assault which is a criminal offence.
- Any therapy pertaining to body orifices, excluding oral (mouth), where the Kinesiology modality training is indicated, is regarded as indecent assault and is a criminal offence.
- Any approaches of a sexual nature by a patient must be declined and a note made in the client's record.

**Personal Information and Confidentiality**

- The practitioner will consult a client in a private setting unless the client gives permission otherwise.
- The session must not be overheard, recorded or observed by anyone (except in the case of children) other than with informed consent by the client.
- The practitioner will abide by the requirements of State, Territory and Federal privacy and client record law.
- The practitioner shall honour the information given by a client in the therapeutic relationship.
- The practitioner shall ensure that there will be no wrongful disclosure, either directly or indirectly, of a client's personal information.
- Client records must be securely stored, archived, passed on or disposed of in accordance with State, Territory and Federal client record law.
- Appropriate measures shall be in place to ensure that client information provided by facsimile, email, mobile telephone or other media shall be secure.
- The client has a right to be adequately informed as to their treatment plan and medicines, and access to their information as far as the law permits.
- The practitioner must act with due care and obtain consent when conveying a client's information to another healthcare professional.
- Exceptional circumstances may arise which give the practitioner good grounds for believing that serious harm may occur to the client or to other people. In such circumstances the client's consent to make a change in the agreement about confidentiality should be sought whenever possible unless there are also good grounds for believing the client is no longer willing or able to take responsibility for his/her actions. Referral to a Medical Practitioner or other authority may be required for the sake of all concerned. A note in the client's file should be made for the record.
- When case studies are used for reports/seminars/lectures or publications the client's informed consent must be obtained wherever possible and their identity must be effectively disguised.
- Client records must be properly maintained with adequate information of a professional standard.

**Advertisements about Kinesiology, whether printed or electronic, must not:**

- Be false, misleading or deceptive, i.e., all advertising and public statements must be true and accurate,
- Abuse the trust or exploit the lack of knowledge of consumers,
- Make claims of treatment that cannot be substantiated,
- Make claims of cure,
- Use the title of Doctor, unless registered with an Australian Medical Registration Board,
- Encourage excessive or inappropriate use of medicines or services,
- List therapies for which the practitioner does not have qualification if The Institute logo or name is used.

**Commitment**

As a Professional Kinesiologist and Member of The Institute I agree to abide by the **Code of Conduct** and accept the consequences should I be in breach of these requirements.

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 PRINT NAME CLEARLY

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 SIGNATURE

Date...../...../.....