

**CHIROPRACTORS REGISTRATION BOARD OF VICTORIA
STANDARDS OF PRACTICE CODES**

PROFESSIONAL BOUNDARIES

October 2007

**PROFESSIONAL BOUNDARIES:
PROTECTING PATIENTS, GUIDING CHIROPRACTORS**

1. MAINTAINING TRUST IN THE PRACTITIONER/PATIENT RELATIONSHIP

Good chiropractic practice depends on trust between practitioners and patients and their families.

Patients are often vulnerable, especially when their care makes it necessary for them to reveal facts and intimate details about themselves, as well as exposing their bodies to examination and treatment. The practitioner relationship can lead some patients to depend emotionally on their chiropractors. Patients give their chiropractors access to their private thoughts and must be able to trust their chiropractor.

It is always wrong for a practitioner to abuse their position of power and trust to enter into a sexual or an improper, intimate emotional relationship with a patient. It is also wrong for a chiropractor to enter into a relationship with a former patient or a close relative of a patient, if this breaches the trust the patient placed in the practitioner. The nature and duration of the previous practitioner/patient relationship will determine whether a subsequent personal relationship is ethical.

A sexual or an improper emotional relationship, even if the patient is a consenting adult, may cloud the practitioner's judgement and make him or her less objective, and thus place the patient at risk. As a result, the quality of care the practitioner provides for the patient may be compromised.

A chiropractor has a professional responsibility not to enter into a sexual or improper emotional relationship with his or her patients. If a patient seeks such a relationship with his or her chiropractor, the chiropractor must tell the patient this cannot happen and will often advise the patient to see another practitioner.

If a practitioner abuses a patient's trust by crossing this boundary, he or she is acting unprofessionally and is liable to investigation and disciplinary action by the Chiropractors Registration Board of Victoria. Chiropractors must maintain a strict boundary between actions taken for the good of the patient and actions intended to gratify their own sexual desires. These rules apply to male and female chiropractors in their dealings with both male and female patients. Sexual assault can be reported to the police, and complaints about the transgression of professional boundaries may be made to the Health Services Commissioner and directly to the Chiropractors Registration Board.

2. THE SIGNS OF GOOD CHIROPRACTIC PRACTICE

The points below indicate what patients should expect from their practitioners.

A chiropractor should:

- explain to the patient what is to occur in a chiropractic examination and ensure the patient understands and agrees to the procedure
- obtain informed consent for the treatment from the patient
- allow a patient to undress for an examination in private and provide suitable covering during the examination and treatment
- ask for the patient's permission if anyone else is to be present during the examination and treatment
- treat patients equally, regardless of their sexual orientation
- offer the presence of a chaperone during intimate physical examinations, if this would make the patient feel more comfortable. If such an offer is declined, this should be noted in the patient's records.

A chiropractor should not:

- discuss his or her own sexual problems or fantasies
- make unnecessary comments about a patient's body or clothing or make other sexually suggestive comments by way of sexual innuendo or jokes
- ask questions or make comments about a patient's sexual performance unless this is relevant to the patient's problem or the practitioner has explained why it is necessary to discuss the matter
- request irrelevant or unnecessary details of a patient's sexual history or sexual performance
- attempt to date or otherwise enter into a sexual relationship with a patient.

Sometimes the chiropractor is acting professionally, but the patient misunderstands the chiropractor's intentions. Good, clear communication is important to prevent misunderstandings.

3. THE DANGER SIGNS

An improper emotional or sexual relationship between a practitioner and a patient can start very easily. Chiropractors and patients need to watch for warning signs that indicate that professional boundaries are being crossed.

Danger signs include:

- patients requesting or receiving non-urgent appointments at unusual hours, especially when other staff are not present
- inviting each other out socially
- a practitioner revealing intimate details of his or her life, especially personal crises or sexual desires or practices, to patients during a professional consultation
- patients who provide unnecessary intimate information.

4. CROSSING THE PROFESSIONAL BOUNDARY

Professional boundaries are crossed when any interaction of a sexual nature occurs between a chiropractor and the patient, or an immediate family member of the patient, regardless of the sex, or sexual orientation of either.

There is a wide range of behaviour that amounts to unprofessional sexual conduct, including:

- the use of inappropriate language
- inappropriate touching
- touching any part of a patient's body, when the patient has indicated that he or she does not want to be touched. Patients may change their mind during an examination, in which case the examination should stop as soon as the patient indicates this to the practitioner
- a chiropractor making sexual advances to or engaging in sexual intercourse with a patient, even if the patient believes this to be acceptable at the time.

5. THE ROLE AND POWERS OF THE CHIROPRACTORS REGISTRATION BOARD

- The primary role of the Chiropractors Registration Board of Victoria is to protect the public. All chiropractors practising in Victoria must be registered with the Board.
- In cases of unprofessional conduct, the Board has the power to:
 - Refer the matter to a Tribunal Hearing
 - Refer the matter to a Health Panel Hearing if the Panel is of the opinion that the Practitioner's ability to practice is affected
 - Caution the Practitioner
 - Reprimand the practitioner
 - Require the practitioner to undertake counselling
 - Impose conditions, limitations or restrictions on the registration or endorsement of the practitioner
 - Require the Practitioner to alter the way in which he or she practices as a health practitioner
 - That the Practitioner undertake and complete specified further education or training within a specified period
- The Board takes these actions to protect the public and to ensure high standards of conduct in the chiropractic profession are maintained. If a practitioner's conduct amounts to a crime, action to punish the practitioner may be taken in the criminal courts.
- The seven member Board is made up of four senior practitioners, at least one lawyer and two community members who are not qualified chiropractors.

- All complaints to the Board are treated seriously and are fully investigated by investigators trained to deal with complainants in a sensitive and confidential way.
- Complaints may lead to an Informal Hearing, which is closed to the media and the public.
- Serious complaints may lead to a Tribunal Hearing at VCAT, which is normally open to the media and the public. In Tribunal Hearings, special procedures are in place to ensure that patients and witnesses are treated sensitively and in confidence. The names of complainants cannot be published or broadcast. The Board provides an independent service to support complainants through what can be a difficult process. The Tribunal Hearing Panel has the power to exclude the media and the public from the hearing if evidence is of an intimate, personal or financial nature. The Panel can also suppress names of witnesses.

6. WHAT TO DO IF PROFESSIONAL BOUNDARIES ARE CROSSED

If a patient feels uneasy about the conduct of his or her chiropractor, this should be regarded as a warning sign that something may be wrong and that professional boundaries may be being crossed.

Patients should trust their own judgement, respect their own feelings, and, when in doubt, talk to someone – a trusted friend, a family member, another health care professional such as a nurse, social worker, or another health services provider or the Registration Board. Raising the issue with the practitioner at the time may clarify the situation or prevent a problem progressing.

7. BRINGING THE MATTER TO THE BOARD'S ATTENTION

It is simple to contact the Board to ask for help, if a person believes that professional boundaries have been crossed and that a chiropractor's conduct should be investigated.

Just telephone the Board on 9639 8652 or write to the Board at GPO Box 4831, Melbourne Vic 3001.

More information about the Board can be found on the Board website at www.chiroreg.vic.gov.au.

FURTHER ASSISTANCE

Help is also available from Centres Against Sexual Assault (CASA) for people who have been sexually abused.

Tel: 9344 2210 (BH)
 9349 1766 (AH)
 1800 806 292 (Rural free call)
www.casa.org.au