

**MYOTHERAPY
ASSOCIATION
AUSTRALIA
CODE OF PRACTICE**

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MYOTHERAPY ASSOCIATION AUSTRALIA

CODE OF PRACTICE

TABLE OF CONTENTS

	Page
Preamble	2
01.00 Definitions	3
02.00 Application	3
03.00 Professional Conduct	3
04.00 Hygiene	4
05.00 Confidentiality and client records	5
06.00 Advertising	5
07.00 Insurance	6
08.00 First Aid	6
09.00 Complaints Resolution Procedure	6
10.00 Appeals Procedure	7

CODE OF PRACTICE

PREAMBLE

Myotherapy is a collective term describing the various soft tissue manipulations and supplementary techniques used by the myotherapist in the treatment of muscle dysfunction. The object of the Code of Practice is to enjoin a general code of professional conduct upon every person who is a member of the Myotherapy Association Australia (MA). Its purpose is to maintain the dignity and prestige of the myotherapy profession.

This Code of Practice should be observed by MA Myotherapists in the exercise of their profession, and they would be mindful that their conduct should be based upon their obligations to their patients, fellow myotherapists and other health professions. The principles of this Code are to be considered in conjunction with, but not instead of any relevant Acts, Ordinances or Regulations regarding the practice of myotherapy in an Australian State or Territory of practice. Observance of this Code in no way alleviates members responsibilities to adhere with the Trade Practices Act, Commonwealth and State Therapeutic Goods Acts and other requirements, and legislation either Local, State or of the Commonwealth Government.

This Code of Practice will be revised from time to time to meet changing needs and prevailing conditions in the practice of Myotherapy. Acceptance and observance of the Code is a condition of membership of the Association and members are required to adhere with both the letter and the spirit of the Code.

Complaints concerning alleged breaches of the Code will be dealt with in accordance with the procedures shown in this Code. Such complaints will be considered in accordance with the Complaints Resolution Procedure and pursuant to clause 9 of the Association's Rules of Association. Failure to comply with the Code may result in sanctions being applied by the Board of Directors of the Association including suspension or expulsion from membership of the Association.

The objectives of this Code are:

- *to enhance the standard of treatment offered to patients by MA Myotherapists;*
- *to set the required minimum standards of ethical behaviour for all MA members;*
- *to maintain at all times the highest standard of professional competence.*

01. DEFINITIONS

In this Code of Practice, unless the contrary appears –

- 01.01 'Association' means Myotherapy Association Australia (MA).
- 01.02 'Board' means the Directors of the Committee of Management of the Association elected in accordance with the Rules of Association of the Association.
- 01.03 'Code' means the Code of Practice of the Myotherapy Association Australia (MA) as amended from time to time.
- 01.04 'Association' means Myotherapy Association Australia (MA).
- 01.05 'MA' means Myotherapy Association Australia.
- 01.06 'MA Myotherapist/s' means a member of the Association and as defined by its Rules and subject to rules 4 & 7 herein.
- 01.07 'Member/s' means MA Myotherapist/s who are members of the Association and as defined by its Rules and subject to rules 4 & 7 therein.
- 01.08 'Ordinary member of the Board' means a member of the Board who is not an executive officer of the Association.
- 01.09 'Patient' means a person who attends the practice of an MA Myotherapist.
- 01.10 'Practising Certificate' means a practising certificate issued to a member by the Board on an annual basis in accordance with the provisions of Rule 29 of the Rules of the Association.
- 01.11 'Rule/s' means the Rules of Association of Myotherapy Association Australia (MA).

02. APPLICATION

- 02.01 All MA Myotherapists agree to be bound by the Association's Code of Practice and agree to adhere to the Complaints Resolution and Disciplinary Procedures as set out in this Code and the Rules of the Association.
- 02.02 All MA Myotherapists agree that they will display the Code of Practice in a prominent location in their premises.

03. PROFESSIONAL CONDUCT

- 03.01 Must respect at all times the rights and dignity of the patient, and provide the best treatment of which he/she is capable.
- 03.02 Maintain at all times the highest standard of professional competence, and strive continually to update and extend professional knowledge and skill.
- 03.03 Ensure information about the treatment to be provided is specified and understood and that consultation, assessment and subsequent treatment is only carried out with the informed consent of the patient.

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- 03.04 Upon referral of a patient by a medical practitioner, scrupulously carry out the instructions given at the time of referral.
 - 03.05 Refer to the appropriate health professional, any person who presents with a problem or condition which is outside the member's competence and professional expertise.
 - 03.06 Recognise the extent and limitations of his/her competence, and undertake only those activities which are within the scope of their professional expertise.
 - 03.07 Accept the responsibility of confirming with the patient whether or not he/she is currently receiving treatment from another health practitioner.
 - 03.08 Not to state or present misleading information with regard to skills or qualifications which the member does not possess.
 - 03.09 Not enter into an intimate or sexual relationship with a patient under his/her care.
 - 03.10 Co-operate with members of the health care and related professions so that the best interests of the community are served.
 - 03.11 Be aware of his/her legal responsibilities.
 - 03.12 Not to act in a way that would be detrimental to the myotherapy profession, or in any way bring the profession into disrepute.
 - 03.13 Not to denigrate the name of the Association, its Board of Directors, or any member of the Association.
 - 03.14 Adhere to this Code when undertaking clinical research.

04. HYGIENE

- 04.01 Members must maintain a high level of personal hygiene including clean hands, appropriate and clean clothing and will ensure any broken skin on hands or arms is covered with an appropriate dressing and in accordance with accepted practices as determined by Health Regulations.
- 04.02 Members premises must be kept in a state of general repair, comfortably warm, well lit and ventilated and maintained to a high standard of cleanliness and in accordance with any Council Regulations or By- Laws.
- 04.03 The patient should have access to a toilet and hand basin and members must ensure that this area is kept in a clean and tidy condition at all times.
- 04.04 All linen should be appropriately stored to prevent possible soiling and any soiled linen must be laundered or disposed of in an appropriate and acceptable manner.
- 04.05 Any equipment that comes into direct contact with the patient must be thoroughly cleaned after each and every patient.

05. CONFIDENTIALITY AND CLIENT RECORDS

- 05.01 MA Myotherapists must maintain at all times professional confidentiality of all personal information entrusted to them by the patient, except where the patient consents to inter professional communication.
- 05.02 Information obtained from or about a patient will not be disclosed unless consent has first been provided in writing, and then only to the extent of the agreed disclosure, or in situations where such disclosure is required by law.
- 05.03 Members will maintain detailed patient records which will also include an account of any correspondence and/or conversations, practice and/or clinical notes between the member, client and/or other health practitioners.
- 05.04 Patients have the right to access or receive a copy of their records on request providing such request is in writing and signed by the patient.
- 05.05 Patients under the age of 16 years must have written consent from either a parent or guardian for disclosure of information or to access or receive a copy of their records.

06. ADVERTISING

- 06.01 Members must only advertise their services honestly and will not under any circumstances advertise information that is misleading with regard to skills or qualifications which the member does not possess.
- 06.02 Members will not use the title "Doctor" or initials "Dr." on statement of their own name, business address, card, letterhead or published article, unless entitled to do so by virtue of the award of a medical degree, Doctor of Philosophy, or equivalent degree.
- 06.03 Information concerning fees charged for services will be clearly displayed in the member's premises and must be brought to the attention of the patient prior to treatment.
- 06.04 Where a fee is stated in an advertisement, it must be an accurate statement of the set fee and any conditions attached to the set fee must be fully disclosed.
- 06.05 Members must first obtain the approval of the Association before speaking or acting on behalf of the Association.
- 06.06 The member shall be entitled to use the initials MA, the name of the Association in full, and the approved logo of MA in advertising as an MA Myotherapist in a manner as approved by the Board of Directors.

07. INSURANCE

07.01 In order to comply with the rules of the Association and the Code, a member must take out professional indemnity insurance in a form approved by the Association for the period covered by the practicing certificate.

08. FIRST AID

08.01 In order to maintain full membership of the Association members must hold and maintain a current Workplace Level 2 (Senior)/Sports Trainers First Aid Certificate in addition to maintaining Cardio-Pulmonary Resuscitation (CPR) qualifications every twelve months and to the satisfaction of the Board as it may determine from time to time.

09. COMPLAINTS RESOLUTION PROCEDURE

09.01 Breaches of the code or conduct considered by the Board to be unbecoming a member, or prejudicial to the interests of MA by a member may incur suspension or termination of membership with MA.

09.02 That upon receipt of a complaint alleging breach of the Code or conduct unbecoming a member or prejudicial to the interest of MA by a member, the Secretary shall within 14 days of receipt of the complaint refer it to the Board of Directors who shall convene a special meeting for the purpose of examining the complaint.

09.03 Where the Board of Directors is of the view that a complaint may have substance, it shall serve upon the member notice of the subject of the complaint by registered mail together with a notice giving at least seven days notice of a meeting convened in accordance with Rule 09.03 of the Association's Rules of Association for the purpose of considering and determining the complaint.

09.04 The notice referred to in herein shall advise the member of the subject of the complaint, that he/she shall have an opportunity of being heard at that time, or alternatively, of providing written submissions to the Board of Directors.

09.05 The Board of Directors shall determine the complaint having regard to the evidence presented before them and, where appropriate, with regard to inquiries made by them, and put to the member (the subject of the complaint).

09.06 Should the Board of Directors determine that the member has breached the Code of Practice and/or has been guilty of conduct unbecoming to a member or prejudicial to the interest of MA and is accordingly to be subject to a penalty the member shall be so advised and the Secretary must convey the decision of the Board to the member by registered mail within seven days of the meeting held by the Board.

09.07 Any member who withdraws or is suspended or expelled or ceases to act or carry out business as an MA Myotherapist or as a member of the Association must: -

- (a) surrender and deliver to the Association's registered place of business all documents, stationery, used or unused, stamps and insignia, transfers and signs pertaining to membership and;
- (b) cease to represent that he/she is a member of the Association and shall cease to use any insignia, transfers and signs pertaining to a member of the Association.

10. APPEALS PROCEDURE

- 10.01 A member may within fourteen days of receipt of notice from the Secretary pursuant to Rule 09.05 of the Association's Rules give notice in writing of appeal to the Association in general meeting against the determination of the Board.
- 10.02 Where a member exercises the right of appeal pursuant to Rule 09.06 of the Association's Rules the Secretary shall convene a general meeting of the Association upon fourteen days notice within seven days of receipt of the Notice of Appeal from a member.
- 10.03 The meeting of the Association convened in accordance with Rule 09.07 of the Association's Rules shall be a special meeting and no other business other than the question of the appeal shall be transacted at that meeting.
- 10.04 The Board may place before the meeting convened pursuant to Rule 09.07 of the Association's Rules details of the grounds of the complaint and the reasons for its decision including evidence on which it has relied. A member may make a submission in writing or personally to the meeting. A member may be represented by another member but shall not have legal representation. The members present shall vote by secret ballot on the question of whether the decision of the Board should be confirmed or revoked.
- 10.05 Unless in the reasonable opinion of the Board extreme detriment would be caused to the Association or members of the public by delay in implementing the decision of the Board made pursuant to Rule 09.02 of the Association's Rules the operation of any penalty prescribed by the Board shall be suspended pending the decision of the Board pursuant to Rule 09.09 of the Association's Rules where the member requests an appeal pursuant to Rule 09.06.
- 10.06 The resolution of the general meeting of members to consider the resolution of the Board shall be passed by a majority of a least two thirds of those present and voting on the resolution. Otherwise the resolution shall be declared lost and the member shall retain the former status of membership without penalty.