

## **CODE OF CONDUCT:**

### **GUIDELINES FOR PROFESSIONAL MISCONDUCT**

Naturopathic Physicians are expected to adhere to standards of practice in carrying out their professional responsibilities. These standards are the reasonable expectations placed on a naturopathic physician by the College of Naturopathic Physicians of British Columbia ("CNPBC" or "the College"), and by the profession to ensure responsible, safe, and adequate care to patients.

Professional misconduct by naturopathic physicians with their patients, coworkers or employees is unacceptable to the College and all complaints of this nature are taken very seriously.

### **PROFESSIONAL SERVICES**

The breach of any of the following shall be deemed to be misconduct unbecoming a member of the College. Professional misconduct includes, but is not limited to:

1. Standard of care
  - a. Practicing outside the Scope of Practice for the profession;
  - b. Failure to maintain the standard of practice of the profession;
  - c. Practicing in a negligent or incompetent manner
  
2. Professional Integrity
  - a. Committing an act or omission that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonorable or unprofessional;
  - b. Conduct unbecoming a naturopathic physician;
  - c. Practising the profession while impaired;
  - d. Sexual misconduct, including sexual abuse and harassment;
  - e. Having a conflict of interest
  
3. Professional Practice
  - a. Failure to fulfill the terms of an agreement for professional services with a patient
  - b. Refusal to provide professional services for a reason which would contravene the Human Rights Code of BC
  - c. Refusal to perform a medically necessary service unless payment of the whole or part of the fee is received in advance of the service being rendered;
  - d. Failure to advise a patient that a physician's moral or religious convictions prevent the provision of a treatment that may be appropriate and failing to advise the patient of the consequence of not receiving such treatment;
  - e. Providing any professional service or services that would reasonably be regarded by members as being excessive in volume, or in relation to other professional services provided by the physician, that is not justifiable on any reasonable grounds;
  - f. Performing a professional service which has not been duly authorized by the patient or his or her legal representative;
  - g. Guaranteeing that satisfaction or a cure will result from the performance of professional services;
  - h. Improper use of the authority to prescribe, sell or dispense a medical product;
  - i. Making a misrepresentation respecting a remedy, treatment, procedure or device
  - j. Failure to use scientifically accepted barrier precautions and infection control practices;
  - k. Permitting, counseling or assisting a person who is not a member of the College to perform acts which should be performed only by a member; and

- I. Failure to comply with the Employment Standards Act, the Human Rights Code of British Columbia, and all other applicable legislation of the federal, provincial, and municipal governments.

## **PATIENT RELATIONS**

### **4. Respect for the Patient**

- a. In the professional care of a patient, displaying a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates that the member is unable to continue to practice or that the member's practice should be restricted;
- b. Failure to display reasonable availability and diligence with respect to a patient;
- c. Willfully harassing, abusing, or intimidating a patient either physically, verbally or sexually;
- d. Interfering, either directly or indirectly with the patient's freedom of choice of a naturopathic physician or a patient's right to consult another naturopathic physician or other profession; and
- e. Influencing a patient to change his or her will or other testamentary instrument in any manner that would directly or indirectly benefit a member.

### **5. Privacy and Confidentiality**

- a. Breach of privacy or confidentiality laws: and
- b. Giving information concerning the identity of a patient, the condition of a patient or any services rendered to a patient to a person other than the patient or his or her authorized representative except with the consent of the patient or his or her authorized representative or as required by law.

### **6. Communication, Decision Making, Consent**

- a. Failure to share necessary information with a patient or other professional;
- b. Requesting that a patient, or any other person release, exempt, or otherwise limit the naturopathic physician's liability resulting from professional negligence or error; and
- c. Performing without consent a professional service for which consent is required.

### **7. Choice of Patients, Continuity of Care, Withdrawal**

- a. Discrimination against any patient on any grounds contrary to the Human Rights Code of BC;
- b. Discontinuing professional services unless the patient requests the discontinuation: alternative services are arranged, or the patient is given a reasonable opportunity to arrange alternative services; and
- c. Abandoning or neglecting a patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a naturopathic medical practice, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care of patients.

### **8. Professional Fees**

- a. Stipulating, charging or accepting any fee that is not fully disclosed, fair and reasonable;
- b. Charging a fee that is excessive in relation to the services performed;
- c. Charging a fee for services not performed. However a member may charge for the cancellation of an appointment in accordance with any prior notice given to the patient;

- d. Knowingly submitting a false or misleading account or false or misleading charges for services rendered to a patient;
- e. Failing to issue a statement or receipt or to itemize an account for professional services when requested by a patient or his or her authorized representative;
- f. Exercising undue influence on a patient, including the promotion of the sale of services, treatments, goods or remedies in such manner as to exploit the patient for the financial gain of the member or of a third party;
- g. Sharing fees with a person who has referred a patient or receiving fees from any person to whom a member has referred a patient or requesting or accepting a rebate or commission for the referral of a patient; and
- h. Permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice medicine, or a legally authorized trainee practicing under the supervision of a member.

#### 9. Records and Documents

- a. Failure to maintain the records and accounts required with respect to the practice;
- b. Failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient;
- c. In the member's professional capacity, willfully falsifying, signing or issuing a document or record that the member knows or ought to know is false or misleading;
- d. Failure, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member to the patient or his or her authorized representative within a reasonable time after the patient or his or her authorized representative has requested such a report or certificate; and
- e. Failure to complete forms or reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such forms or reports, but prior payment for the professional services to which such forms or reports relate may not be required as a condition for making such forms or reports available.

### **PROFESSIONAL RESPONSIBILITIES**

#### 10. To the Profession

- a. Failure to meet legal/professional obligations;
- b. Failure to abide by the terms, conditions or limitations of the member's license or certificate of registration;
- c. Use of a term, title or designation other than one authorized, or using a term, title or designation that is prohibited by Act or Regulation;
- d. Use of a personal name other than the member's name as set out in the register in the course of providing or offering to provide services within the scope of practice of the profession;
- e. Failure to report to the College the commencement of any proceedings concerning or related to the member's provision of medial services;
- f. Failure to report to the College any information concerning a member, or former member or action taken against a member, or former member, from whatever source, which suggests, if the information is true, that the member, or former member, may be guilty of any act or conduct which could constitute professional misconduct under the Act or bylaws, or for any act or conduct that could lead to a finding under the Act or bylaws that the member is incapacitated or unfit to practice; and
- g. A willful or grossly negligent failure to comply with substantial provisions of federal, provincial, territorial, or municipal laws, rules or regulations if,
  - (a) the purpose of the law, by-law or rule is to protect public health, or
  - (b) the contravention is relevant to the member's suitability to practice.

## 11. To the CNPBC

- a. Contravention of the Health Professions Act of the CNPBC bylaws, policies, and rules and regulations;
- b. Failure to comply with reporting obligations;
- c. Failure to respond appropriately or within a reasonable time to a written inquiry from the College, Registrar, a committee of the College, or their agents;
- d. Obtaining a license fraudulently;
- e. A member shall be deemed to have committed an act of professional misconduct if a duly authorized health professional disciplinary agency in another jurisdiction, has found the member guilty of professional incompetence or misconduct, and the finding is based on facts which would, in the opinion of the College be grounds for a finding in this jurisdiction; and
- f. Practising in any manner or by any means in another jurisdiction without being licensed or otherwise authorized to do so by the appropriate naturopathic regulatory authority for that jurisdiction.

### **GUIDELINES FOR SEXUAL MISCONDUCT**

Professional sexual misconduct includes both sexual assault and sexual harassment. It is defined as the acting out of any inappropriate and/or abusive verbal and/or nonverbal behaviors of a sexual nature, initiated and/or maintained by the professional toward a patient, third party, associate, or subordinate in a clinical setting or otherwise. Sexually harassing verbal behavior does not need to be specifically directed at the victim to constitute sexual misconduct.

There is a wide range of behaviors that amount to sexual misconduct.

Sexual misconduct is behavior that exploits the physician-patient relationship in a sexual manner. Sexual or romantic interactions between naturopathic physicians and patients detract from the goals of the relationship, may exploit the vulnerability of the patient, maybe obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well being. During the continuity of the naturopathic physician-patient relationship, consent of the patient is no defense to an allegation of sexual conduct.

Complaints from patients claiming that naturopathic physicians have engaged in professional misconduct of a sexual nature often arise from misunderstandings regarding 'boundaries' and miscommunications between naturopathic physicians and patients. Even though most of the complaints pertain to behavior that is intended by naturopathic physicians to be perfectly appropriate, allegations of sexual impropriety can be among the most damaging made against a naturopathic physician. They are, at a minimum, very embarrassing and may ultimately pose a threat to a naturopathic physicians' license and career. The fact that the conduct in question often occurs outside the presence of any witnesses other than the naturopathic physician and the patient, makes the problem potentially more difficult to defend.

Sexual misconduct of any kind by a naturopathic physician is always unethical and unprofessional, and constitutes professional misconduct.

The CNPBC believes that education is an effective way to prevent physician sexual misconduct. It encourages naturopathic medical schools, clinical programs and naturopathic physicians to provide education regarding sexual misconduct, its harm to patients, and what behaviors are inappropriate. The CNPBC is committed to promoting education of the public regarding naturopathic physician sexual misconduct by a naturopathic physician. It is also the duty of a registrant to report sexual misconduct by another.

## **CODE OF ETHICS**

The Code of Ethics will outline qualities in Naturopathic Physicians that define their professional behavior. Broadly defined, these include the characteristics of a Naturopathic Physician.

A Naturopathic Physician's primary purpose is to prevent disease, to promote health, and to restore, maintain and optimize health and well-being through individualized patient care and public education. It is the primary duty of every Naturopathic Physician to abide by federal, provincial and local statutes, which establish the privileges of practicing naturopathic medicine as well as the basic moral obligations imposed by this Code of Ethics.

### **Practice According to the Principles of Naturopathic Medicine:**

The Naturopathic Physician will practice the art, science and spirit of the profession to the best of his/her ability and judgment while following these principles of naturopathic medicine.

The Naturopathic Physician:

1. Shall endeavor to first, do no harm; to provide the most effective health care available with the least risk to his/her patients at all times. (Primum Non Nocere)
2. Shall recognize, respect and promote the self-healing power of nature inherent in each individual human being. (Vis Medicatrix Naturae)
3. Shall strive to identify and remove the causes of illness, rather than to merely eliminate or suppress symptoms. (Toll Causum)
4. Shall educate his/her patients, inspire rational hope and encourage self-responsibility for health. (Doctor as Teacher)
5. Shall treat each person by considering all individual health factors and influences. (Treat the Whole Person)
6. Shall emphasize the condition of health to promote well-being and to prevent disease for the individual, each community and our world. (Health Promotion, the Best Prevention)

### **Qualities of a Naturopathic Physician**

7. Shall conduct her/his practice and professional activities with honesty, integrity and responsibility for individual judgment and action.
8. Shall acknowledge the worth and dignity of every person.
9. Shall practice in a manner that is above reproach and will take neither physical, emotional, sexual or financial advantage of the patient.
10. Shall safeguard the patient's right to privacy and only disclose confidential information when either authorized by the patient or mandated by law.
11. Shall act judiciously to protect the patient and the public when health care quality and safety are adversely affected by the incompetent or unethical practice of any person.
12. Shall maintain competence in naturopathic medicine and strive for professional excellence through assessment of personal strengths, limitations and effectiveness, and by advancement of professional knowledge.
13. Shall strive to participate in professional activities to advance the standards of care, body of knowledge and public awareness of naturopathic medicine.
14. Shall respect all ethical, qualified health care practitioners and cooperate with other health professions to promote health for the individual, the public and the global community.

The Naturopathic Physician shall strive to exemplify personal well-being, ethical character and trustworthiness as a health care professional.

## **Responsibilities to the Patient**

### **The Naturopathic Physician:**

#### **Standard of Care:**

15. Will practice the science and art of Naturopathic Medicine to the best of his/her ability.
16. Will maintain competence in naturopathic medicine and strive for professional excellence through constant assessment of personal strengths, limitations and effectiveness, and by the advancement of professional knowledge.

#### **Respect for the Patient**

17. Will practice in a manner that is above reproach and will take neither physical, emotional or financial advantage of the patient.

#### **Protecting Patient Rights**

18. Will scrutinize his/her professional limitations, and when indicated, recommend to the patient that additional opinions and/or services to be obtained.
19. Will agree that a patient has the right to accept or reject any health care recommended.
20. Will safeguard a patient's right to privacy and only disclose confidential information when either authorized by the patient or mandated to do so by law.
21. Will ensure, when acting on behalf of a third party, that the patient understands the naturopathic physician's legal responsibilities to the third party before proceeding with the examination.
22. Will recommend only diagnostic procedures and treatment believed necessary for the well-being of the patient and will provide such information to enable the patient to reach a decision.
23. Will, upon a patient's request, supply the information that is required to enable a patient to receive any benefits to which the patient may be entitled.
24. Will be considerate of the anxiety of the patient's next-of-kin and cooperate with them in the patient's interest.

#### **Choice of Patients**

25. Will recognize the responsibility to render care to any person without discrimination under the Human Rights Code of BC.
26. Will, except in an emergency or as required by law, have the right to refuse to accept a person as a patient.
27. Will render all possible assistance to any patient where urgent need for naturopathic care exists.
28. Will, when the patient is unable to give consent and an agent of the patient is not available to give consent, render such therapy as the naturopathic physician believes to be in the patient's best interest.
29. Will limit treatment of immediate family members to minor or emergency situations

#### **Continuity of care**

30. Will, if absent, ensure the availability of care to his/her patients if possible.
31. Will, once having accepted a patient, continue to provide services until they are no longer required or until arrangements have been made for the services of another suitable practitioner.
32. May withdraw from the responsibility for the care of a patient provided that the patient is given adequate notice of that intention.

#### **Patient Discharge**

33. A doctor may legally and ethically decide not to continue seeing a patient, as long as the patient is not acutely in need of immediate care and has been given enough notice to find another doctor.

To ensure the effective ending of the doctor-patient relationship, the College suggests that Physicians:

- a. Ensure that the decision is clearly communicated to the patient;
- b. Give the patient a reasonable amount of time to find another doctor (this time will obviously vary according to a physician's location and circumstances);
- c. Provide the patient with reasonable help to find another physician;
- d. Send the patient a registered letter, with a return receipt requested, confirming the termination;
- e. Put a copy of the letter and postal receipt in the patient's medical record along with a terminating entry in the record.

### **Conscience and Morality**

34. Will inform the patient when personal morality or religious conscience prevents the naturopathic physician from recommending some forms of therapy.

### **Research**

35. Will ensure, before initiating clinical research involving humans, that proper ethical protocol is followed.

### **Patient Fees**

36. Will consider, in determining professional fees, both the nature of the service provided and the ability of the patient to pay, and will be prepared to discuss the fee with the patient.

### **Responsibilities to the Profession**

#### **The Naturopathic Physician:**

##### **Professional Conduct**

37. Will recognize that the profession demands integrity and dedication from all its members.
38. Will strive to participate in professional activities at the national, provincial and local level in order to advance standards of care, body of knowledge and the public awareness of naturopathic medicine.
39. Will recognize that self-discipline of the profession is a privilege and that each physician has a continuing responsibility to merit the retention of that privilege.
40. Will behave in a way that's beyond reproach.
41. Will report to the appropriate professional body any conduct of a colleague which might generally be considered unbecoming to the profession.
42. Will avoid comments or actions that will damage the reputation of any registrant of the College.

##### **Professional Contracts**

43. Will enter into a n association with other naturopathic physicians on the terms that the Code of Ethics is adhered to by all parties.
44. Will enter into a contract only when the naturopathic physician rendering the service controls the fees.
45. Will enter in to a contract with an organization only if it will allow maintenance of professional integrity.

### **Communication of Medical and Scientific Information**

46. Will recognize a responsibility to give the generally held opinions of the profession when interpreting knowledge of a scientific nature of the public.
47. Will, when professing an opinion which is contrary to the generally held opinion of the profession, indicate this and avoid any attempt to inappropriately enhance his/her own professional reputation.
48. Will communicate medical or scientific research with colleagues through appropriate scientific channels to help determine its merits.

### **Advertising**

49. Will build a professional reputation based on ability and integrity and will only advertise professional services or make professional announcements as permitted by legislation or by the CNPBC.
50. Will avoid the use of secret remedies.
51. Will be able to offer products from multi-level marketing sources, but will not solicit the patient to sell multi-level marketing products.

### **Professional Referrals and Consolutions**

52. Will request the opinion of, or delegate the patient's care to, an appropriate practitioner acceptable to the patient when the patient requests it.
53. Will, when consulted by a colleague, report all relevant findings and give recommendations to the referring physician.
54. Will, having requested the opinion of a colleague, make available all relevant information and providing the patient consents, indicate clearly if the consultant is to continue with the care of the patient.
55. Will cooperate with those individuals who, in the opinion of the naturopathic physician, may assist in the care of the patient.
56. Will make available to appropriate practitioners, upon request of the patient, a report of the pertinent findings and treatment of the patient.

### **Relationship with the CNPBC**

57. Shall display courtesy and good faith in all communications with the board, or the officers, employees and agents of the CNPBC.
58. Shall respond promptly and appropriately to any written communications from the board, inquiry committee, or the officers, employees and agents of the CNPBC.
59. Shall promptly notify the Registrar of any change of address of the member or the location of his/her practice.
60. Shall promptly notify the Registrar as to the disposition of all patients records upon termination of practice.

### **Relationship with Employees**

61. Shall not delegate the performance of any duty or procedure to a person who is not qualified by training or experience to perform such duty or procedure.
62. Shall comply with the Employment Standards Act, the Human Rights Code of British Columbia, and all other applicable legislation of the federal, provincial and municipal governments in regard to employees.
63. Shall refrain from any conduct which may reasonably be regarded as sexual harassment of an employee.

## **Responsibilities to Society**

### **The Naturopathic Physician:**

64. Will strive to improve the standards of naturopathic medical care and promote health and safety for the individual, the public and the global community.
65. Will recognize the responsibility as a witness to assist the court in arriving at a just decision.
66. Will support other physicians in obtaining increased personal scope of practice according to their personal and professional qualifications.