

Code of Ethics for Occupational Therapists



Occupational Therapy Board of NZ
Kaihaumanu Tūroro o Aotearoa

Introduction

This Code of Ethics presents standards of conduct expected of all occupational therapists registered to practise in New Zealand.

The purposes of the Code are:

- to inform and protect current and potential consumers of occupational therapy services; and
- to protect the integrity of the occupational therapy profession.

The Code adheres to the provisions, spirit, and intent of Te Tiriti o Waitangi/The Treaty of Waitangi.

The Code exemplifies core professional values and behaviours underpinning the most commonly encountered ethical considerations in practice, but is not intended to address every ethical issue. Occupational therapists are expected to use a process of ethical reasoning (refer to www.otboard.org.nz for an example) to guide and reconcile these, and to make careful judgements about the primacy of ethical principles operating when a conflict arises.

The Code should be read in conjunction with other relevant legislation, policies, procedures, and standards defining professional practice and conduct, including the Board's Competencies for Registration as an Occupational Therapist (2000).



Section A

Relationship with Recipients of Occupational Therapy Services

1. Occupational therapists shall respect the autonomy of consumers receiving their service, acknowledging the consumers' roles in family/whanau and society, and sharing power and decision-making wherever practically possible. Occupational therapists shall:
 - 1.1 have the needs of the consumer as the focus of their practice.
 - 1.2 work with consumers to determine goals and priorities, involving family/whanau/ significant others if this is the consumer's choice. Situations in which consumer choice is overridden, e.g., for reasons of safety, should be clearly documented, including a transparent reasoning process.
 - 1.3 work in ways that are compatible with consumers' culture to assist them to achieve desired outcomes.

2. Occupational therapists shall ensure that people receiving their services feel safe, accepted, and are not threatened by actions or attitudes of the therapist. Occupational therapists shall:
 - 2.1 accept referrals for which they have the professional skills and resources to meet the consumers' need. The reason for non-acceptance of any referral will be explained. (See also Section C1.2.)
 - 2.2 not enter into or continue with any relationships (personal or professional) with consumers or their carers that will, or have the potential to, exploit or harm the consumer and/or their family/whanau.
 - 2.3 respect the consumer's right of refusal for services, involvement in research, or educational activities.
 - 2.4 protect the confidential nature of consumer information gained through professional contact, within the limits prescribed by the Privacy Act 1993, and in accordance with local policies and procedures.



Section A

3. Occupational therapists shall demonstrate that the dignity, privacy, safety, health and concerns of people receiving their services are important and respected. Occupational therapists shall:
 - 3.1 acknowledge the holistic nature of each individual and practise with due care and respect for diverse consumer culture, needs, values and beliefs.
 - 3.2 ensure consumers are able to make informed choices and give informed consent* in writing, except where any enactment, the Code of Health and Disability Services Consumers' Rights, or common law provides otherwise, before commencement of any occupational therapy intervention/service, or consumer participation in studies or research. In situations where consumers have diminished competence, the occupational therapist shall be guided by the Code of Health and Disability Services Consumers' Rights. In relevant situations, the occupational therapist shall seek consent from the family/whanau prior to the commencement of occupational therapy interventions or participation in studies or research.
 - 3.3 base intervention on the best available information, both current and historical.
 - 3.4 accurately record/report consumer information and interventions to facilitate the care, treatment and support of consumers, relevant to the context.
 - 3.5 ensure all care is taken to maintain confidentiality of records, including electronic communication.
 - 3.6 protect consumers by ensuring that duties assigned or delegated to other occupational therapy personnel are commensurate with their qualifications and experience.
 - 3.7 ensure formal supervision is provided for other occupational therapy personnel (including registered occupational therapists, occupational therapy assistants/instructors and students) for whom she or he is responsible.
 - 3.8 receive effective professional supervision* relevant to the work setting.
4. Occupational therapists shall prioritise the allocation of available resources to achieve the best possible outcome for consumers. Occupational therapists shall:
 - 4.1 use a coherent, robust, and transparent rationale to prioritise the allocation of service and resources.
 - 4.2 advise key personnel (e.g., managers, other service providers, consumers, and their family/whanau) when resources are insufficient to allow for safe and adequate service provision.
 - 4.3 document unmet needs, and actions taken to address these.



Section B

Relationship with Society and Potential Consumers

1. Occupational therapists shall accurately represent their skills and competencies. Occupational therapists shall:
 - 1.1 accurately represent their skills and areas of competence to potential consumers (including employers), whether those services are to be provided directly or indirectly. An area of competence will be supported by demonstrable training, knowledge, experience and skill.
 - 1.2 only provide services and use techniques in which they are qualified and competent.
2. Occupational therapists shall ensure their fee structure is fair and reasonable. Occupational therapists shall:
 - 2.1 charge fees which are a fair reflection of services delivered both to individual consumers and organisations with whom they have contracts for service.



Section C

Relationship with Colleagues and the Profession

1. Occupational therapists shall practise within the boundaries of their experience, training, and competence. Occupational therapists shall:
 - 1.1 accurately represent their experience, training, and competence to colleagues
 - 1.2 identify when consumer needs fall outside their scope of competence, and take appropriate action e.g. consult with other persons/access other resources when additional knowledge and expertise are required, refer consumers to other team members or to other services available.
2. Occupational therapists shall support the maintenance of occupational therapy standards of practice. Occupational therapists shall:
 - 2.1 be responsible for actively maintaining and developing their personal professional competence.
 - 2.2 practise according to documented standards relevant to their work area.
 - 2.3 recognise when personal psycho-emotional and/or physical health may compromise their service to consumers, and take appropriate remedial action.
3. Occupational therapists shall not bring the profession or other health practitioners into disrepute. Occupational therapists shall:
 - 3.1 uphold and foster the values, integrity, and ethics of the profession.
 - 3.2 identify and report any breach of this Code of Ethics to the Occupational Therapy Board for investigation.
 - 3.3 take due care, and act with integrity not to undermine or defame another health practitioner's professional reputation.
 - 3.4 disclose any affiliation that may pose a conflict of interest or interfere with good practice. In a situation where a conflict of interest is identified, the occupational therapist will ensure the conflict is satisfactorily addressed.
 - 3.5 refrain from using, or participating in the use of, any form of communication that contains false, fraudulent, deceptive or unfair statements or claims.
 - 3.6 if offered tokens such as favours, gifts or hospitality from consumers, their families or commercial organisations, always respond in a manner commensurate with contextual guidelines and accepted practice, the intent of the donor, and best therapeutic outcome.



Section C

4. Occupational therapists shall acknowledge and respect other colleagues.
Occupational therapists shall:
 - 4.1 acknowledge and support other colleagues whose culture, values and beliefs may be different from their own.
 - 4.2 respect the needs, practices, special competencies and responsibilities of their own and other professions, institutions and statutory and voluntary agencies that constitute their working environment.



Glossary

belief: a principle or idea which is accepted as true or real, by the person, possibly in the absence of proof.

informed consent: consent given by the consumer after intended practices, procedures and possible outcomes are explained and understood by him/her. This must also be obtained to collect and release information relevant to the consumer's involvement in the service to others.

good practice: practice in which the knowledge, skills and competencies of the therapist are used to support consumers in the achievement of their goals.

occupational therapist: a person who, having completed a recognised course of training, is registered under the Health Practitioners Competence Assurance Act 2003 and holds a current practising certificate.

professional supervision: a structured intentional relationship within which a practitioner reflects critically on her/his work, and receives feedback and guidance from a supervisor, in order to deliver the best possible service to consumers. Professional supervision may incorporate any aspect of professional role e.g., clinical, managerial, or cultural, and be one to one, one to group, or take the form of peer review.

supervisor: a person who has sufficient self-awareness, inter-personal competence, and knowledge of processes relevant to the area of practice of the supervisee to facilitate that person's professional development.



Relevant Legislation

Acts of Parliament and Regulations which directly or indirectly affect the professional practice of occupational therapy at present include the:

- Health Practitioners Competence Assurance Act 2003
- Health and Disability Commissioner Act (1994)
- The Code of Health and Disability Services Consumers Rights (1996)
- Fair Trading Act 1986
- Consumer Guarantees Act 1993
- Injury Prevention, Rehabilitation and Compensation Act (2001)
- Privacy Act (1993) and Health Information Privacy Code (1994)
- Health and Disability Services Act (1993)
- Health and Disability Services (Safety) Act 2001
- Health and Safety in Employment Act 1992
- Health (Retention of Health Information) Regulations (1996)

This Code of Ethics is to be read in conjunction with-

- Competencies for Registration as an Occupational Therapist (2nd edition 2000)
- Relevant national and local standards
- Local policies and procedures
- Occupational Therapy Board website application guide



Reporting Obligations

Occupational Therapist:

Competence

If an occupational therapist has reason to believe that another occupational therapist or health professional may pose a risk of harm to the public by practising below the required standard of competence, the therapist may give the registering authority written notice of the reasons on which that belief is based.

Mental and Physical fitness

If an occupational therapist has reason to believe that another occupational therapist or health practitioner is unable to perform the functions required for the practice of his or her profession because of some mental or physical consideration, the person must promptly give the Registrar of the responsible authority written notice of all the circumstances.

Convictions

Courts

The courts must notify the Board if an occupational therapist is convicted of an offence which is punishable by imprisonment of three months or more.

It is also the occupational therapist's professional responsibility to notify the Board of any convictions recorded against their name.

Employer:

Competence:

If an employee resigns or is dismissed for reasons related to competence, the employer is required to notify the Board.

Mental and physical fitness

If an employer of an occupational therapist or other health professional has reason to believe that the occupational therapist is unable to perform the functions required for the practice of his or her profession because of some mental or physical consideration, the person must promptly give the Registrar of the Occupational Therapy Board written notice of all the circumstances.



Reporting Obligations

Occupational Therapy Schools

The person in charge of the occupational therapy programme must promptly notify the Board if they have reason to believe that a student who is completing a course would be unable to perform the functions required for the practice of occupational therapy because of some mental or physical condition.

NOTE: No civil or disciplinary proceedings lie against any person in respect of the above notifications, provided that person has acted in good faith.

Occupational Therapy Board

If the Board has reason to believe that the practice of an occupational therapist may pose a risk of harm to the public, the Board must promptly notify the Accident Compensation Corporation, the Director-General of Health, the Health and Disability Commissioner, and the employer of the therapist.

Any person who is concerned about an occupational therapist's practice should contact either:

The Registrar

Occupational Therapy Board
of New Zealand

PO Box 10-202
Wellington

Tel: (04) 474 0709
Fax: (04) 472 2350

OR

The Health and Disability Commissioner

PO Box 1791
Auckland

Tel: 0800 11 22 33