



CODE OF PROFESSIONAL CONDUCT

Effective May 1, 2014

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ARTICLE 1 GENERAL

The Code of Professional Conduct (the “Code”) establishes standards of professional conduct for registrants of the College and Association of Acupuncturists of Alberta (the “CAAA”). The primary purpose of the Code is to ensure the protection of the public and to provide guidance for registrants’ professional practice.

This Code is binding on all registrants of the CAAA. Although it cannot address every potential situation, it provides general principles that govern all conduct. Registrants of the CAAA must endeavor to follow the letter and the spirit of this Code. Breaches of this Code may result in disciplinary proceedings.

This Code shall be interpreted in a manner consistent with applicable legislation, regulation and bylaws of the CAAA.

ARTICLE 2 ETHICAL PRACTICE

- 2.1 Acupuncture has been a regulated profession in Alberta since 1988. It is a privilege to be authorized to provide treatments within the specified scope of practice for the health benefits of the public. Registrants must act with integrity, honesty, respect and fairness in all dealings with patients, other registrants of their own profession, other health care providers and the public.
- 2.2 Registrants must comply with applicable legislation, regulation and the bylaws established by the CAAA, as well as any other applicable professional standards.
- 2.3 Registrants shall conduct themselves in a manner that enhances the integrity and reputation of, and inspires public confidence in the profession.
- 2.4 Registrants, in rendering professional services, shall not discriminate against, refuse to advise or provide treatment to patients on such grounds as age, gender, race, national or ethnic origin, or socio-economic status.
- 2.5 If registrants have reasonable grounds to believe that other registrants have engaged in illegal, unprofessional or unethical conduct, the registrant shall report such conduct to the CAAA or other appropriate authority.

ARTICLE 3 COMPETENCE

- 3.1 Generally, competence is the combined knowledge, skills, attitudes, experiences and judgement required for providing professional services. Registrants have an obligation to maintain competence throughout their career and to comply with the continuing

education requirements of the CAAA. All registrants shall keep up-to-date on their knowledge of their profession and practice in accordance with currently applicable professional standards.

- 3.2 Registrants must practice within the scope of permitted modes as defined by the *Acupuncture Regulation*. Registrants must not provide any advice or treatment for which the registrant does not possess the necessary degree of training, skill, knowledge and experience to provide the advice or treatment in an appropriate and safe manner.
- 3.3 Registrants, having undertaken the care of patients, will not discontinue that care where continued care is appropriate without first having given notice of that intention. If a registrant determines, insofar as patient's well-being and best interest is concerned, that a patient requires services from other healthcare providers, a referral should occur in a timely and appropriate manner. Patients should be informed of the need for such a referral, and registrants shall endeavor to facilitate consultations with an appropriately trained and experienced practitioner.
- 3.4 The current Registration Certificate must for each registrant be clearly visible in the practitioner's clinic.
- 3.5 Registrants may experience medical or behavioral impediments to professional practice. Registrants shall inform the CAAA when a serious injury, medical condition, or any other condition has either immediately affected, or may affect over time, their ability to practise safely and competently.

ARTICLE 4 INFORMED CONSENT TO TREATMENT

- 4.1 Registrants shall discuss treatment plans with patients including diagnosis, prognosis and significant risks, as well as reasonable alternatives and associated costs to allow patients to make informed treatment decisions unless the condition of the patient makes it impossible to do so and the need for consent is otherwise addressed. Registrants must not, either by statement or implication, make unsupportable statements as to the effect of any treatment. The written consent to treatment shall be placed in patient's file.
- 4.2 Before initial treatment, a registrant must conduct an intake, history and examination of the patient, and must advise the patient of findings and recommendations in a professional and responsible manner, including a reasonable estimate of the form, frequency and duration of the treatment required to favourably address a particular condition. A registrant must scrupulously avoid protracted or unnecessary care that is unlikely to result in a favourable outcome for the patient.

- 4.3 Registrants must inform patients if the proposed treatment is not of a form, frequency or duration generally recognized or accepted by the profession as essential to management of the patient's health.

ARTICLE 5 PATIENT RECORDS

- 5.1 Registrants must maintain complete and accurate patient records for a period of at least five (5) years after the patient receives treatment from or consults with the practitioner.
- 5.2 All information acquired during intake, including medical history or other professional referral, diagnosis, treatment plan shall be placed in patient's file.
- 5.3 For each treatment session, the selection of acupuncture points, use of other permitted mode of practice, as well as subjective/objective responses to treatment shall be noted in patient's record.
- 5.4 The practitioners own patient records, unless it is otherwise stipulated. Patients own the information. If a patient requests a copy of his or her patient record for a legitimate reason, the practitioner shall comply with the request no later than 45 days.
- 5.5 Patient information and record, verbally, written, or electronically acquired and retained by registrants, shall be kept in strict confidence except as required by law or as authorized by patients.

ARTICLE 6 FEES & COMPENSATION FOR SERVICES

- 6.1 Registrants must provide patients with itemized invoices that are accurate and complete. Information provided to patients on an invoice must include:
- (a) business name, address, phone number; name of the person who provided the service and registration number;
 - (b) the invoice date and, if different, the date the services were provided;
 - (c) the invoice number;
 - (d) identification of the person receiving services from the registrant;
 - (e) services provided;
 - (f) where applicable, the quantity of the services (where the invoice represents payment for several different service dates, all dates should be indicated); and

(g) the billed amount for the services.

- 6.2 Professional integrity shall not be compromised by profit motive. Registrants should not enter into an arrangement with another registrant or person whereby he/she gives or receives part of the fee paid to the other, or gives or receives any compensation or anything of value for the referral of patients.

ARTICLE 7 INSURANCE & THIRD PARTY BENEFITS

- 7.1 Where registrants submit claims to a third party on behalf of a patient, such registrants must ensure that the claims are accurate statements of the services rendered to such patients, with failure to do so being a breach of this Code.
- 7.2 Registrants that determine treatment plans or fees to be charged, or increase or decrease fees to patients, based solely on the existence or absence of third party benefit plans are in breach of this Code.
- 7.3 Registrants that recommend and perform unnecessary services or procedures based solely on the existence of third party benefit plans are in breach of this Code.
- 7.4 Registrants that submit claims to third parties which report incorrect patient information (e.g. treatment dates, procedure codes, fees charged, etc.) for the purpose of assisting patients in obtaining benefits under third party benefit plans, which benefits would otherwise be disallowed, are in breach of this Code and may be engaging in criminal conduct.
- 7.5 Registrants that incorrectly describe on third party claim forms performance of procedures in order to receive greater payment or reimbursement, or incorrectly make non-covered procedures appear to be covered procedures on such claim forms are in breach of this Code and may be engaging in criminal conduct.
- 7.6 Where a patient has a question about benefit plan coverage, registrants must direct the patient to the relevant benefit plan provider. Registrants must not provide advice to a patient about the patient's benefit plan coverage, unless the registrant has first contacted the benefit plan provider to obtain current information with respect to coverage for the specific patient, and has done so only on the request of the patient.
- 7.7 Registrants that accept third party payments under co-payment plans as payment in full without disclosing to third parties that the patient's payment portion will not be collected, are in breach of this Code and may be in engaging in criminal conduct.

ARTICLE 8 ADVERTISING & PROMOTIONAL ACTIVITIES

- 8.1 Registrants should strive to build their reputation on their professional competence and integrity. Registrants shall conduct any advertising and promotional activity in accordance with applicable legislation, regulation, professional standards and this Code.
- 8.2 Registrants shall not engage in advertising or any sort of promotional activities that may harm the dignity and honour of the profession.
- 8.3 Registrants shall not engage in advertising or any form of promotional activity which:
- (a) is false, misleading, or deceptive;
 - (b) may create unreasonable expectations in patients or potential patients about the results that registrants can achieve;
 - (c) is insensitive to culture, race, religious practices, economic status and education of any person; or
 - (d) is incapable of objective verification.

ARTICLE 9 HARASSMENT & ABUSE

- 9.1 Registrants must refrain from any conduct that does or could result in the harassment and abuse, including physical, emotional, verbal, sexual or financial, of patients.

For the purposes of the foregoing, “emotional abuse” includes any verbal or non-verbal behaviour which demonstrates disrespect for the patient. Such verbal and non-verbal behaviours can include: (i) sarcasm, retaliation, intimidation, manipulation, teasing or taunting; (ii) consciously deciding to withhold information which could contribute to the patient’s well-being.

For the purposes of the foregoing, “sexual abuse” includes: (i) sexual intercourse or other forms of physical sexual relations between the registrant and the patient, (ii) touching of a sexual nature, and (iii) behaviour or remarks of a sexual nature. It does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided and the setting.

For the purposes of the foregoing, “verbal abuse” includes remarks that are rude, sarcastic demeaning, sexually or otherwise, seductive, exploitive, insulting, derogatory or humiliating that tend to demoralize the patient.

- 9.2 Registrants are obligated to become familiar with the signs of harassment and abuse, and

shall at all times act professionally in dealing with patients.

ARTICLE 10 CONFLICTS OF INTEREST

10.1 A conflict of interest is deemed to exist in any situation where a registrant has a personal interest in a matter that may be reasonably seen to influence their professional advice, decision-making and/or conduct.

For the purposes of the foregoing, a “personal interest” includes, but is not limited to financial, professional, family and other personal relationships, and includes those situations in which a family member or associate of the registrant has a significant interest in a matter.

10.2 Registrants must ensure that they avoid any situation that may give rise to a conflict of interest or to an appearance of conflict of interest.

10.3 If a registrant discovers that he or she is in a conflict of interest situation, he or she must take immediate steps to remove the conflict of interest.

ARTICLE 11 TERMINATION OF PROFESSIONAL RELATIONSHIP

11.1 Registrants may terminate or sever the professional relationship with their patients only if such a termination or severance will not be inappropriate or harmful to the patient and is not done for an improper purpose.

ARTICLE 12 RESPONSIBILITIES TO CAAA

12.1 It is the duty of registrants to comply with all requests of the CAAA, its officials, committees, and other authorized entities to enable them to fulfill their responsibilities.

12.2 Registrants shall respond promptly to any communication from the CAAA where a response is requested or otherwise required.

12.3 Registrants are, as a condition of membership, obligated to comply with all decisions of the CAAA.