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Submission to the Chiropractic Board of Australia
Consultation Draft Code of Conduct for Chiropractors,

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I acknowledge the work that the CBA has done to prepare this second draft Code of Conduct. I still have major concerns about the content and intent of this proposed document. Much of the original document has been changed, however new wording, clauses, proposed regulations, restrictions, demeaning tone, possible personal committee bias and repetition still remain.

Of further concern is the very short time that members of the profession have had to review and reply to the two drafts of this Code, and the lack of individual notification from the CBA to the chiropractors of Australia.

I also note that there is no mention of the review process or right of appeal when a chiropractor may want to challenge a decision by the CBA.

I am uncertain why this committee appears to draw upon other documents from other areas and jurisdictions that will have a very negative and containment nature on the practice of chiropractic in Australia. Whether this is due to personal bias or practice mode, it has no place in this document. By using the many clauses in this document, it will lead to unwarranted, intrusive overregulation of the members of this profession.

With respect, much in this document needs to be altered or deleted to be acceptable.

There are several references at the end of the document of the Board’s guidelines on advertising found on their website, however as of the date of this document I was unable to find that reference.

Areas needing change

1. Page 1, “Overview” “ethical framework” this is inappropriate.

2. Page 2, 1.1 Use of the Code, “ethical framework” as will be noted in my submission, this is the first example of many repeated and demeaning clauses that need to be deleted

3. Page 2, 1.2 Professional values and qualities, third paragraph, “chiropractors have a responsibility to protect…” this is repeated from the Overview. It needs to be deleted.

4. Page 3, section 1.3 "There are many ways to practise chiropractic in Australia. Chiropractors have critical roles in caring for people who are unwell, assisting people to recover and seeking to ensure people stay well."

While this is true, this Code focuses only on the symptomatic areas of practice and appears to lack any knowledge of the benefits of ongoing wellness care. It would be appropriate if the document reflected this, which in it's current form it does not.

5. Page 3, section 2.1(e), and 2.2 (a), this is repetition again and is not necessary, and is demeaning and obvious to health professionals.

6. Page 4, section 2.2 (n) and (o), personal views of the chiropractor are paramount to individualized care of a patient and there are many areas in health care where lack of evidence does not indicate evidence of lack. This would give the board multiple grounds to prosecute chiropractors who are helping many patients that have health problems where no current studies have been done. This needs to be removed.

7. Page 4, Section 2.6(d), this is demeaning. It assumes we provide unnecessary services and needs to be removed.

Section 2.6 (e), "keeping chiropractors and staff safe". This whole paragraph is absurd and needs to be removed.

8. Page 4, Section 3.2 (a to f), this is all repeated information, is covered elsewhere and unnecessary.

9. Page 5, Section 3.3 (c), "and need for all aspects of their clinical care" this should read "all aspects of their chiropractic clinical care".

Section 3.3 (d), this whole sentence is overly onerous as to "reasonable alternatives wherever they exist" this would allow the board to prosecute for the most ridiculous circumstances and needs to be removed.

10. Page 5, Section 3.4 "Confidentiality and privacy". This entire section should consist of point (c) and the remainder removed. It is again repetitive, overly wordy and unnecessary and needs to be removed.

11. Page 6, Section 3.5(b) and Section 3.6 (g and h), as per my previous submission where I elaborated on the necessity to provide patients with information on the duration and cost of care, the board proposes to continue to insert a limitation that every 3 months or 12 visits, whichever is greater, that the recommendations are reviewed. Members in our profession, (i.e. accepted clinical practice) realize that many patients require longer treatment plans due to clinical experience. These clauses further indicate the biased view of symptomatic treatment only and contradict previous statements in this document, see point 4 above.

Where is the evidence for 3 months or 12 visits? These requirements need to be removed.

Section 3.5 (f), is demeaning and needs to be removed.

12. Page 8, Section 3.13 "Ending a professional relationship, facilitating arrangements for the continuing care of the patient". Chiropractors should not be responsible for dictating what a patient should do for further care unless requested, and the chiropractor is able to provide that request. This needs to be changed to reflect this.

13. Section 3.14 "Personal relationships". This is all self evident and obvious, and is not necessary. A further example of the verbosity of the document. It needs to be removed.

14. Page 8, Section 4.2 (a) "Use of diagnostic tools…" A diagnosis is necessary for condition/symptomatic treatment but does not address wellness care. This code should also acknowledge chiropractic Subluxation as a valid diagnosis, or what is the purpose of this profession? This should be inserted here.

Section 4.2 (d) This paragraph allows the Code to have a level of interpretation that is too wide and subject to personal bias, and does not allow for new innovative technologies to be used before acceptance. It needs to be altered and reworded to allow this.

15. Page10, Section 6.1 and 6.2. Chiropractic is not part of the Australian Health Care System. Where did the Board get these recommendations from? They do not apply here in Australia and need to be removed.

16. Page 10, Section 7.1, 7.2, 7.3. Once again, repetition and regulation overload. It needs to be deleted.

17. Page 11, Section 9.2 (c). The words "may be" should be inserted instead of "are often" before the word "inappropriate". This would depend on the circumstances.

Section 9.2 (d). A chiropractor's personal beliefs will dictate his clinical approach and it is his obligation to provide this to patients fairly, even if it causes them distress. Point (d) should be removed.

18. Page 12, Section 9.4 (a). Keeping records of information given to patients, medication and other management is once again regulation overload, and would provide the regulatory body with undue prosecution strength and should be deleted.

19. Page 12, Section 9.8 (a) and (b). It is not necessary to stipulate "being honest and not misleading" and "verifying content". This code continues to be demeaning and derogatory towards chiropractors. This inference needs to be deleted.

20. Page13, Section 9.9 " Curriculum vitae". Same comments as above, point # 19.

21. Page 13, Section 9.11 "Conflicts of interest". Again stating the obvious and demeaning. It should be edited and condensed.

22. Page 13, Section 9.12 (b). "Not encouraging patients to bequeath money or gifts that will benefit a chiropractor directly or indirectly". What about the example of patients donating money to ASRF? This would benefit our profession indirectly. As in other examples in this Code, many sections are over regulatory, unnecessary and defy common sense. This needs to be altered or removed.

Section 9.12 (c). "Making a file note or informing a colleague re patient gifts". Once again over regulatory, totally unnecessary and implies that chiropractors do not have good judgement in accepting gifts from thankful patients. Once again, this needs to be removed.

23. Page 14, Section 10.2 (a) and (b). "Chiropractor health". As in my previous submission, chiropractors are also members of the general public and have the right to make their own health care decisions. This does not belong in the document and must be removed.

Section 10.2 (c). "Understand principles of immunisation…" What is the intent of this? If there is an intent it should be spelled out clearly, not subversively implied. This would allow the CBA far too much power to review a chiropractor for suggesting that immunisation may not be in the best interest of the patient. For example, further immunisation of a child who already had an adverse reaction to a previous immmunisation shot. This definitely needs to be removed.

24. Page 18, Appendix 2: "Introduction". "Chiropractors use radiography for several purposes…" The obvious diagnostic and pathology reasons are stated and as chiropractors it should be apparent that this document must reflect and include "chiropractic analysis, and biomechanical considerations etc", as a valid reason.

25. Page 20, Appendix 3: "Guideline in relation to Duration and Frequency of Care".

The Code states that care should be "consistent with accepted standards of care by the profession." The majority of this profession believes that chiropractic care extends beyond the removal of symptoms; yet this document repeatedly implies as evidenced by clauses in this whole section that justification and "balanced advice" in the absence of symptoms must be provided to the patient. Where is the patient's right of choice in the biased clauses of this code of conduct?

I do not object to provide accurate information, however members of the CBA by including these regulations seem to be at odds with the members of the profession.

The purpose of this entire document favours the biased opinion of symptomatic care only, and allows the regulations to unfairly prosecute and accuse those chiropractors who believe ongoing care just might be good for the patient in the absence of symptoms.

This in itself would violate the basic tenets of chiropractic philosophy.

This whole section needs to be reworded and revised to reflect respect for ongoing chiropractic care and eliminate board bias.

I respectfully submit that the Chiropractic Board of Australia amends the revised code to reflect the changes I have suggested.

Yours sincerely,

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