



NEW ZEALAND COUNCIL OF HOMEOPATHS

P O Box 51-195 Tawa, Wellington Ph 027-640 0792 www.homeopathy.co.nz

RULES OF PRACTICE

The Homeopath and Practice

1. Homeopaths must practise Homeopathy according to the principles laid down in the *Organon of Medicine* by Samuel Hahnemann.
2. A: Homeopaths must at all times be familiar with and observe all the laws, regulations and relevant local bylaws of New Zealand relating to the practice of medicine and the rights of clients. The following must be strictly observed:
 - The current Code of Health and Disability Services Consumers' Rights
 - The Health and Disability Services (Safety) Act 2001
 - New Zealand Public Health and Disability Act 2000 – *includes awareness, recognition & respect for the Treaty of Waitangi principles as per Part 1 Section 4 & Part 1 Section 3, sub clause 3.*
 - The Health and Disability Commissioner Act 1994; No.88 and Amendment 2003 No. 49.
- B: Homeopaths treating people must abide with:
 - The Medicines Act 1981
 - The Health Practitioners Competence Assurance Act (HPCAA) 2003
 - The Health & Safety in Employment Act 1992 (amended in 2002)
 - The Privacy Act 1993
 - The Consumer Guarantees Act 1994
 - The Human Rights Act 1993 / The Human Rights Amendment Act 2001This includes all subsequent amendments to the aforementioned Acts.

C: Homeopaths treating animals must abide with:

- All the above Acts of Parliament (as in A and B above)
- The ACVM Act 1997 and accompanying regulations July 2001.

NB: for Acts of Parliament, Statutes, Regulations and By-laws go to www.legislation.govt.nz/browse

3. The clinic/premises of the Homeopath must be maintained to a satisfactory standard and must be kept, along with all equipment, in a serviceable and hygienic manner in adherence with local bylaws. Premises may be inspected by a NZCH Representative if required.
4. Records / case notes:
 - a. Complete client's records must be kept for a period of at least 10 years.
 - b. Any communication with the client (telephone conversation, cell phone text, answer phone message, e-mail, letter etc.) must be diligently documented with the dated record / transcript of those included in the client's case notes. When computer note-taking is practiced, a footnote should be inserted stating the originality of the case notes.
 - c. The grounds for prescribing the medicines itemised must be noted.
5. The use of the title "RCHom" (registered with the NZ Council of Homeopaths) or 'a registered Homeopath' is only permitted if the Homeopath is a full member of NZCH.
6. All intern homeopaths are permitted and obliged to use the title NZCH Intern.
7. All NZCH practising members are obliged to display their annual practising certificates (RCHom and Intern respectively).
8. The use of the title "Doctor/Dr." by a practising Homeopath is only permitted if the Homeopath:
 - a. Is a New Zealand Registered Medical Practitioner (as per section 7 of Health Practitioners Competence Assurance Act 2003) and holds a current practicing certificate; or
 - b. Has a recognised university PhD or doctorate; or
 - c. Has obtained a BHMS or DHMS outside New Zealand.Practising Homeopaths who fulfil the criteria of b. and c. above and who choose to use the title Dr. must make it clear to the public that they are not a New Zealand Registered Medical Practitioner. The public must be notified by way of:
 - i. Placing a notice in the waiting room stating that the Homeopath is not a qualified NZ Medical Doctor (as per above); and
 - ii. Describing the qualification permitting the use of the title of Dr., e.g. Dr. (PhD Theology) or Dr. (BHMS India) in all advertising.

9. The use of the title “Registered Nurse” or “Midwife” by a practising Homeopath is only permitted if the Homeopath is on the New Zealand Nursing or Midwifery Council Register. Any RCHom or NZCH Intern who has a background in either nursing or midwifery and uses these titles in advertising without holding a current “Practising Certificate”(in accordance with the provisions of the Health Practitioners Competence Assurance Act 2003) must make this known to clients. This clause also applies to the use of the title “nurse” for any persons assisting a Homeopath.
10. Medicines prescribed by a Homeopath must have the following information clearly written on the label/s:
 - Name of client
 - Name and potency of the Homeopathic medicine (Humans), or Homeopathic preparation (Animals)
 - Expiry Date (optional)
 - Administration instructions (may be on a separate sheet)
 - Date of issue
 - Name, address and/or phone number of Homeopath.
11. On commencement of the treatment the client shall be informed of their rights, scope and possible duration of their treatment.
12. All reasonable effort to provide and continue treatment of clients who request it must be made. If the Homeopath feels it is not in the client’s best interest to treat or continue to treat them, then they may say so. It may be necessary to provide a locum (see guidelines for locum arrangements) for periods of absence longer than one week.
N.B. Homeopaths are advised to make arrangements for client files, in the event of the Homeopath’s early demise. (Please note 4a above).
13. In certain circumstances a Homeopath may decline to provide or conclude treatment.
14. Behaviour harmful, or potentially harmful, that may bring NZCH or the profession of Homeopathy into disrepute, may be subject to NZCH’s inquiry and disciplinary procedures even if the behaviour is not specifically described in NZCH’s Rules of Practice and Code of Ethics.

The Homeopath and Colleagues

15. Where treatment is beyond the capacity or skill of the Homeopath, the client must be advised and referred to another Homeopath or appropriate person or service. Homeopaths treating beyond the scope of their registration category must refer to, or take supervision from, a suitably registered practitioner.

16. In cases of referral to other non-homeopathic therapists while under homeopathic care, close rapport through e-mail, letter or telephone with the respective medical providers is paramount for the client's optimal benefit.
17. While under homeopathic care, self-medication and / or seeking second opinion / using other modalities by the client (without prior agreement / arrangement with the client's homeopath) may interfere with their prescription remedy / treatment plan.
18. Homeopaths having clients referred by a colleague for a second opinion or temporary treatment (e.g. locum practitioners or others) must not attempt to secure the future care of that client and must return such clients to the original Homeopath / practitioner when the specified treatment is completed.
19. Homeopaths must not denigrate or disparage a fellow NZCH member and must support and assist each other in practice.
20. Homeopaths must not knowingly interfere with any ongoing treatment instigated by another practitioner (homeopathic or other) while the client is under that practitioner's care.
21. On deciding to move or retire from practice a Homeopath must inform all current clients and NZCH of his / her intention and of any arrangements being made in regards to his / her practice. The Homeopath must, if necessary, arrange secure storage of records.
22. A written request from a client that a copy of their case notes be sent to another Homeopath / practitioner shall be dealt with promptly. (Original case notes are to be kept by the Homeopath who took the case).

Advertising

23. Advertising shall be of a professional character and all printed material of a professional standard. Any advertising or printing which is deemed unsuitable by NZCH must be withdrawn from use promptly.
24. Any advertising will not contravene the Commerce Act 1986, the Fair Trading Act 1986, section 58 of the Medicines Act 1981, and must be in compliance with current Code for Therapeutic Advertising of the Advertising Standards Authority.
25. All full NZCH members are obliged to display their RCHOM title after their name in any advertising.
26. All Intern or student NZCH members are obliged to display their titles 'NZCH Intern' or 'NZCH student' respectively, after their name in any advertising.
27. The NZCH Logo can only be used by full financial members (RCHom) of NZCH.

28. The “*b*” Trademark can be used by any financial member (i.e. RCHom, Intern, Student).
29. Reproduction of the NZCH Logo and “*b*” Trademark from other than the NZCH approved provider must be requested in writing to the Executive. Photocopying or reproduction of either the Logo or Trademark without prior permission will result in the member being subject to disciplinary action from the NZCH Executive (see 27 & 28 above).

Client’s Consent / Confidentiality

Use of Cases Notes & Recordings (audio and audio-visual) for Educational (conferences, seminars, peer group discussions, registration etc.), Research & Supervision Purposes.

30. All records, medical and personal information a practitioner obtains from client shall be confidential, between the client and practitioner, except when required by law or where failure to take action would constitute harm to the client or another member of the community.
31. When a client is not legally or medically competent to give consent to disclosure of information, the consent may be obtained from the client’s legal representative / parent / guardian.
32. All clients’ records must be stored in safekeeping and must not be accessible to the public.
33. While records (written or electronic) relating to a client’s treatment are the property of the Homeopath, the client is entitled to copies of the information on those records. The Homeopath should keep the original notes.
34. The client must be informed of the purpose/s of the electronic recording or any other use of their case notes. Written permission must be obtained from the client / their legal guardian - prior to any electronic recording of them or any other use of their case notes. The client, having given informed consent, has the right to revoke it at any time either during the recording or at any time afterwards, without the need to justify their decision. If so, written confirmation must be given that the recording has been deleted.
35. Written informed consent must be obtained from the client before any recording is played or case notes used in the presence of any other person except the Homeopath.
36. If the recording is played or the case notes used in the company of anyone but the Homeopath, the client’s name, address and any other identifying details, must be omitted from the start of the recording or while case details are discussed, and must not be used as a label for the cassette. The client must not be referred to by their name during any discussion of the case, and their identity will be protected.

37. The original recording medium, case notes or any of their respective copies must not leave the possession of the Homeopath. They are not to be lent, sold, viewed or discussed outside the control of the Homeopath.
38. Students must have signed an undertaking that they will keep confidential all the information contained in the video films or case notes, and any ensuing discussion unless this is covered by the Code of Ethics of the Homeopathic College concerned.
39. When an audio or audio-visual recording is played or case notes presented at a peer discussion group, lecture, seminar or a conference, the audience must be reminded of the requirement of confidentiality.
40. Electronic recordings (videos, DVDs, audio tapes, CDs etc.) must be deleted once their purpose has been fulfilled.
41. On the death or retirement from practice of the person who took the original case notes or made the recording and obtained the client's consent for it to be played to or discussed in front of a wider audience, the consent shall be considered to have lapsed and the recordings must be deleted.

Continuing Education Requirement

42. NZCH members are required to complete Continuing Professional Development requirements (an ongoing education) as per NZCH guidelines.

The Patient/Practitioner Relationship

43. To ensure that the patient is always able to make informed choices with regard to their healthcare, registered and student clinical members must give full and clear information about their services when commencing homeopathic treatment. This will include written information about the nature of the treatment, charges, availability for advice, confidentiality and security of records.
44. To ensure that the patient or their authorised representative is able to give informed consent with regard to healthcare, registered and student clinical members must give clear and sufficient information about the nature of homeopathic treatment, its scope and its limitations, before treatment begins and as appropriate during treatment.
45. Registered and student clinical members may also be in a position to offer other conventional/ CAM/ integrative health therapies/complementary therapies. Where another therapy is offered, they must inform the patient prior to treatment about the other therapy and indicate their relevant qualifications, registration with any relevant registering body and adherence to a separate Code of Conduct (see clarity of contract)

(and provide the client with a brochure/information on this therapy) . And gain informed consent prior to this treatment being commenced.

CODE OF ETHICS

1. Homeopaths shall be of good character and practise their profession with integrity and dignity in all circumstances. The highest standard must be maintained in conduct and professional ethics.
2. Homeopaths shall recognise an obligation towards clients and must act in their best interests at all times. They must be honest with the client and shall have regard to their wishes. The client's safety and welfare shall have priority.
3. The information acquired from a client during consultation or in the course of professional treatment shall not be divulged to anyone without the client's / their legal guardian's / representative's written consent except where required by law or where failure to take action would constitute harm to the client or another member of the community.
4. Homeopaths shall not give guarantees regarding the results of treatment and shall not misuse their position to exploit clients in any way being mindful of their professional responsibility towards the client.
5. Homeopaths shall not exploit their professional relationships with clients sexually or otherwise.
6. It is advisable that a chaperone be present when conducting a physical examination on a client. Children under the age of 16 yrs must be examined in the presence of a parent / authorised caregiver / legal guardian.