



## Code of Ethics and Professional Conduct

### 1. Introduction

All patients are entitled to expect high standards of practice and conduct from their Ayurvedic practitioners. Essential elements of these standards are professional competence, good relationships with patients and colleagues, and observance of professional ethical obligations.

In the light of the above, this Code of Ethics and Professional Conduct has been established and will be regularly reviewed and updated by NAMA to provide guidance for the Ayurvedic professionals and protection for their patients. It also serves to explain to people outside the profession the high standards under which an Ayurvedic professional operates.

By becoming a professional member of the NAMA, the Ayurvedic professional agrees to be bound by this code. The NAMA Professional Ethics Committee has been entrusted with the task of monitoring any ethically unacceptable behavior that breaches this code and reflects negatively upon the practice of Ayurveda or upon NAMA. Any allegations against NAMA professional members will be examined by the NAMA Professional Ethics Committee which will recommend a course of action to the NAMA Board for final disposition.

This Code of Ethics and Professional Conduct cannot list every possible situation that an Ayurvedic professional may face in practice. It only sets out the minimally accepted standards of ethical professional conduct that should be applied in professional practice to ensure that public interest and the needs of your patients come first at all times. Beyond the well-being of the patient and the public, this code promotes the well-being of the Ayurvedic professional, colleagues, and the profession itself. An Ayurvedic professional's ability to follow these principles will demonstrate their level of competence and fitness to practice.

For additional guidance or clarity, Professional Level members are advised to consult the NAMA Professional Ethics Committee.

### 2. General Duties and Responsibilities of Ayurvedic Practitioners

Patients expect that they can trust their wellbeing to their Ayurvedic practitioner. In order to justify that trust, Ayurvedic professionals have a duty to maintain high standards of practice and care and to show utmost respect for life in all its aspects.

Professional members of NAMA you are therefore expected to:

- Always practice in compliance with the philosophy and principles of Ayurveda
- Put the well-being of your patients before all other considerations
- Cultivate and promote your own personal development, wellbeing and self-respect alongside your patients' welfare
- Be responsible for maintaining their own health and well being
- Be honest and trustworthy and never abuse your professional position
- Cause no harm to patients and protect them from any risk of harm
- Treat all patients equally; regardless of religion, nationality, race, culture, sex, politics, disability, sexual orientation or social standing
- Respect the dignity, individuality and privacy of your patients
- Listen attentively to your patients and respect their point of view
- Take the time to explain your findings and treatments to your patients and to ensure, as far as possible, that they understand what you tell them
- Respect the right of your patients to take part in decisions about their care and actively involve them in their Ayurvedic plan
- Respect the autonomy of your patients and encourage their freedom of choice
- Ensure that your personal beliefs do not interfere with your care of patients
- Respect and protect confidential information
- Recognize and always work within the limits of your professional competence
- Refer every patient whose condition is beyond your expertise to an appropriate health care practitioner or to a primary care doctor
- Be willing to consult and cooperate with colleagues both within Ayurveda and other health care professions
- Respond promptly and constructively to any criticism or complaint from any source
- Continue to update their professional knowledge and skills in accordance with standards currently being developed
- Make no claim for the cure of any specific illness or disease
- Refrain from using any titles or descriptions suggesting medical, academic or educational qualifications that the professional has not officially acquired
- Comply with all applicable state and federal laws that affect their practice

Ayurvedic professionals must be familiar with all laws or regulations relevant to the practice of Ayurveda in the locality of their practice and to remain aware of any legal changes that may affect their practice

### **3. Relationship with Patients**

The relationship between an Ayurvedic professional and the patient is a professional relationship based on trust. To establish and maintain that trust, the professional must be polite, considerate and honest. Good communication is paramount and involves listening attentively to patients, respecting their point of view, and never allowing your own beliefs and values to adversely influence the therapeutic relationship.

#### Consent

The Ayurvedic professional must respect the right of patients to be fully involved in decisions about their care. It is their entitlement to accept or refuse your advice or treatment. Before you provide treatment or investigate a patient's condition, it must be ensured, that the patient has understood what is proposed to be done and why.

Any physical examination requires the patient's consent, or the consent of the person legally responsible for the interests of the patient. For any examination of genitalia there must be an offer for the presence of a third party as a chaperone, whatever the sex of the patient or the professional. In case of treatment of a patient who is under the age of 16 or who is developmentally disabled, the informed consent of the parent or guardian or the person legally responsible is necessary. To attend to such a patient, a parent or the legally authorized guardian must be present throughout the whole of the examination and treatment. No other person may perform this role without the explicit written consent of the parent or the legally authorized guardian.

In case you are treating a patient, who is under the age of 16 or who is developmentally disabled, the informed consent of the parent or guardian or the person legally responsible is necessary. If you attend to such a patient, a parent or the legally authorized guardian must be present throughout the whole of the examination and treatment. No other person may perform this role without the explicit written consent of the parent or the legally authorized guardian.

### 3.1. Maintaining Trust

Trust in a patient-practitioner relationship is an essential part of the healing process. To establish and maintain trust you must:

- Be courteous and truthful
- Respect the privacy and dignity of your patients
- Respect your patients' right to decline to take part in teaching or research, and ensure that their refusal does not adversely affect your relationship with them
- Respect the right of patients to a second opinion
- Ensure that patients have clear information about your practice arrangements and how they can contact you.

Other important aspects of establishing and maintaining trust are ethical boundaries, confidentiality and good communication:

#### 3.1.1. Ethical Boundaries

Professionals must not allow their personal relationships to undermine the trust that patients place in them. They may find yourself called upon to treat professionally someone who is a friend, or a client may become your friend. This is acceptable, provided both parties understand a clear distinction between the social and the professional relationship.

In particular you must never use your professional position to establish or pursue a sexual relationship with a patient or someone close to the patient. If a professional realizes that he/she is becoming romantically or sexually involved with a patient, the professional relationship should end and the patient should be recommended to an alternative source of appropriate care.

Professionals must ensure that your behavior in dealing with patients is professional at all times and not open to misunderstanding or misinterpretation. Non-physical gesture, behavior, unnecessary physical contact, verbal suggestion or innuendo can easily be construed as abusive or harassing.

If a patient shows signs of becoming inappropriately involved with his/her Ayurvedic professional, the professional should discourage him or her and, if necessary, end the professional relationship. In the professional's own interest, he/she may wish to report such matters to the NAMA Professional Ethics Committee or seek advice from a colleague, whilst maintaining the anonymity of the patient.

Professionals must allow your patients privacy, if patients are required to undress for examination or treatments, and the professional must also ensure that you provide adequate clean gowns or blankets for every patient's use.

### 3.1.2. Confidentiality

The relationship of trust that underlies all health care requires that professionals observe the rules of confidentiality in your dealings with patients. Unless professionals do this, patients will be reluctant to give them the information needed to provide good care.

All information, medical or otherwise, concerning a patient is confidential. Such information may only be released with the explicit consent of the patient. Confidential information must not be revealed even to members of the patient's family, except in the case of minors or developmentally disabled, to parents or persons legally responsible for the patient's interests. This duty of confidentiality, which survives a patient's death, also extends to anyone professionals' may employ in their practice.

Disclosures without consent may be necessary in the public interest, i.e. when professional's duty to society overrides their duty to their patients. This will usually happen when such patients put themselves or others at serious risk, for example by the possibility of a violent or criminal act. Even then, the professional must first make every reasonable effort to persuade the patients to change their behavior and to disclose information themselves. If the professional cannot persuade them to do this, the professional should disclose the information to an appropriate person or authority, taking legal advice first. The professional must be able, if necessary, to justify their actions.

Ayurvedic professionals may disclose confidential information without consent, according to the reporting laws of their state, if for example:

- Child abuse is involved, requiring notification of child protection services
- Patient clearly presents a danger to themselves or others

Limits of confidentiality, according to the reporting laws of the state should be included in a professional's patient consent form. In case the case of a minor, limits of confidentiality should be explained to the minor in language accessible to them.

In case professionals are required or requested to give evidence or disclose information to a court or other tribunal, they should do so with care. Whatever evidence is given, they must be independent and impartial.

### 3.1.3. Good Communication

Good communication between professionals and their patients is essential for effective care and relationships of trust. Good communication involves:

- Listening attentively to your patients and respecting their views and beliefs
- Giving patients all possible information about their condition and your treatment plan in language they can understand
- Sharing information with a patient's partner, close relatives or care givers, if the patient has given the professional consent. When a patient cannot give consent, professionals should share the information with those close to the patient that need or want to know, except when professionals have reason to believe that the patient would object if able to do so.

If a person under the professional's care has suffered harm as a result of their actions or recommendations, they should act immediately to take responsibility and provide an explanation.

If the patient is an adult who lacks understanding capacity, the explanation should be given to a person with responsibility for the patient, unless the professional has reason to believe the patient would have objected to the disclosure. In the case of children, the situation should be explained honestly to those with parental responsibility and to the child, if the child has the maturity to understand the issues.

#### **4. Relationship with Colleagues**

##### **4.1. Communication with other Health Care Professionals**

Professionals should work in cooperation with other health care professionals such as the primary care physician, specialists and psychotherapists to obtain best results for each individual patient. At times this may simply be a matter of communication in your mutual care of the patient, or if the patient's condition is outside your competence, they may want to transfer the patient to another professional.

Although Ayurvedic treatment may at times reduce the requirement for conventional medication or its dosage, the prescriptions issued by medical doctors must never be changed without the patient consulting his or her provider.

When communication with another health care professional is indicated, professionals should inform their patient of the reasons for this and discuss the matter. Whatever the type of communication with the other health care professionals (e.g. telephone, fax, letter etc.), a copy of all communication should be made and kept in your patient's file or a file dedicated to professional case correspondence. A copy of such correspondence should be made available to your patient on request.

If a patient decides to transfer from you to another practitioner, the first professional must share all records and details of treatment including herbs used with the professional taking over care, after the patient has given consent.

Professionals must never attempt to persuade the patient of another professional to seek treatment with you. If professionals treat the patient of another health care professional because of holiday, illness or any other reason, they must not attempt to solicit the patient, either directly or by default, to continue treatment with them.

## **4.2. Honorable Conduct**

Professionals must at all times conduct themselves in an honorable manner in your relations with other colleagues and health care practitioners. It is inappropriate to openly criticize treatment prescribed or administered by another health care professional. Differences of opinion are to be expected, and opinions should always be presented in an unambiguous and tactful manner.

Professionals must not undermine a patient's trust in the care or treatment they receive, or in the judgment of those treating them, by making malicious or unfounded criticism of colleagues. If professionals hear such criticism voiced by patients or colleagues, they must act with the utmost discretion and professionalism and be extremely cautious about voicing any critical opinion, even if they hold such views.

If professionals have evidence or are reliably informed that another practitioner's conduct, health or professional work pose a threat to patients, they have a responsibility to act to protect the patients' safety. Professionals are advised to report your concerns to the NAMA Professional Ethics Committee or, if necessary, to a relevant legal authority.

## **5. Relationship with the Public**

### **5.1. Honorable Conduct**

Professionals must conduct yourself at all times in an honorable manner in your relationship with the public. Public communication may include advertising, contact through the media (newspapers and other publications, television, radio, world-wide-web), talks to the public and discussions with enquirers. In all these instances, professionals are required to conduct themselves in a manner congruent with this Code of Ethics and Professional Conduct, and to avoid making misleading claims about curing disease or in any way implying abilities beyond your competence.

### **5.2. Advertising**

Professionals should provide patients, colleagues and other professionals with good quality, factual information about their professional qualifications, the services they provide and their practice arrangements. Professionals should do this in a way that puts patients first and preserves their trust.

Professionals must not mislead a patient into believing that they are a medical doctor, unless they are legally recognized as such within the country in which they practice. If professionals possess doctorates in other subjects, you must make it clear that, whilst being able to use the doctor title, they are not a medical doctor.

## **6. Problems with Your Health**

The interests and safety of clients must come first at all times. If professionals know that they have a serious condition, which they could transmit to patients, or that their judgment or performance could be significantly affected by a condition or illness, or its treatment, then they must take and follow advice from a consultant in occupational health or another suitably qualified colleague on whether, and in what ways, they should modify their clinical practice. Professionals should not rely on their own assessment of the risk they pose to patients.

The above paragraph also applies, if professionals have become dependent on alcohol or any other drug, prescribed or otherwise, to an extent, which may affect their practice.

## **7. Practice Management**

If professionals work alone in their own home or other premises, they should be aware of the need for caution, particularly when seeing a patient for the first time. It may be necessary sometimes to take sensible precautions, such as asking another person to be on the premises during a session.

### **7.1. Staff**

Professionals must ensure that their staff are capable of performing the tasks for which they are employed. Professionals are responsible for the actions of their staff, including students or colleagues. Staff should be aware of the relevant parts of this Code of Ethics and Professional Conduct that relate to their activity within your practice

### **7.2. Treatment**

At the outset of consultation, professionals need to be clear about the cost of their consultation and the possible cost and duration of any treatments.

All herbal remedies should carry clear instructions to the patient as to how remedies are to be used and when they should be taken. Herbs should be clearly labeled with the content, the patient's name, and the practitioner's name and contact details.

Professionals must keep accurate, comprehensive, easily understood and legible case notes including the following details:

- Patient's name, address, date of birth and telephone number
- Date of each consultation
- Presenting symptoms
- Relevant medical and family history
- Clinical findings
- Record of the patient's consent to treatment
- Treatments and advice given on initial and subsequent visits
- Details of your patient's progress.

Professionals serve as custodian of your patients' records. In practices where you work with other colleagues, you should enter into an agreement on the ownership and hence the responsibility for these records. On no account should records be transferred to another practice without the authorization of the patient. A request for such transfer should be dealt with promptly.

Patient records must be kept secure and confidential at all times.

If you retire or otherwise cease practice at any particular address, appropriate arrangements must be made for the safe custody of records.

## **8. Financial and Commercial Dealings**

### **8.1. Financial Dealings**

When a patient consults a professional, this involves entering into a contractual relationship. Professionals must be honest and open in any financial arrangements with patients. In particular, they should charge fees responsibly and in a way which avoids bringing themselves or the profession into disrepute.

Their fee structure must be clearly defined and available to review if requested and should be available to the patient prior to the appointment.

If a patient does not pay a fee, the professionals still have a duty to apply the standard of care expected of an Ayurvedic professional.

Professionals must not exploit patients' vulnerability or lack of medical knowledge when making charges for treatment or services. Professionals must not encourage their patients to give, lend or bequeath money or gifts, which will directly or indirectly benefit them.

Professionals must not put pressure on patients or their families to make donations to other people or organizations.

Professionals must be honest in financial and commercial dealings with employers, insurers and other organizations or individuals. They must keep sound financial records and comply with all relevant legislation.

## 8.2. Commercial Activities

Professionals must make a clear distinction between their practice and any commercial activity in which they may be involved. Professionals must ensure that none of their business affairs influence the care of the patients.

To promote a product to patients for no good reason other than profit is highly unethical. If professionals sell or recommend any product or service to a patient, they must be satisfied this will be of benefit to the patient and that they are appropriately qualified to offer such products or advice.

Before selling or recommending such a product or service, professionals must declare to the patient that they have such an interest. Professionals must ensure that they can differentiate between the prescribing of a product and the marketing of a product.

## **9. Infringement of the Code of Ethics and Professional Conduct**

Infringement of this Code of Conduct may render professionals liable to disciplinary action with subsequent loss of the privileges and benefits of NAMA professional membership. Ultimately, we will therefore require a Code of Disciplinary procedure.

Thank you to the APA upon whose work this code is based.