



NATIONAL GUILD OF
AUSTRALIAN THERAPISTS
NURTURE - GROW - FLOURISH

Code Of Compliance and Record Keeping
National Guild of Australian Therapists

Preamble

- a The National Guild of Australian Therapists (NGAT) has been established to;
- i. Provide an inclusive environment for the exploration of what being in private practice means.
 - ii. Provide an industry based Guild for practitioners engaged in, or wanting to be in, therapeutic private practice.
 - iii. Provide an industry based Guild for students who wish to pursue their goal of private practice.
 - iv. Monitor, maintain, set and improve professional standards in therapeutic private practice.
 - v. Be a self-regulatory body to provide for registration of members, and to provide a mechanism for dealing with complaints about members.
 - vi. Provide advice, information, support and guidance to practitioners wanting to commence their own practice.
 - vii. Provide relevant training and ongoing professional development.
 - viii. Inform practitioners of the many ways private practice can be developed.
 - ix. Nurture, support, encourage, empower and educate members about private practice.

- x Membership of the National Guild of Australian Therapists commits members to adhere to the NGAT Code Of Compliance and Record Keeping.
- b This Code applies to therapists work related activities and practice management. It includes the clinical or therapeutic practice as well as research, teaching, supervision of trainees and other activities that relate to the overall general training and employment within the therapeutic profession.
- c The Code Of Compliance and Record Keeping is intended to provide standards of professional conduct that can be applied by the National Guild of Australian Therapists.
- d Depending upon the circumstances, compliance or noncompliance with the Code Of Compliance and Record Keeping may be admissible in some legal proceedings.
- e Depending on the circumstances, a breach of this Code may result in the practitioner's membership being suspended or wholly cancelled at the discretion of the NGAT.

Definitions:

“Client” refers to an individual, couple, family, group or organisation receiving a service from a member practitioner.

“Guild” refers to the National Guild of Australian Therapists.

“Guild Member” means a practitioner or student who has a current membership of NGAT.

“Practitioner” refers to any NGAT Member using their skills and knowledge to work with clients or colleagues in the mental health field, health education services, welfare, counselling, or social work services, and/or any alternative health care fields not mentioned here but accepted by the Guilds insurer.

“Record / File” means any document or process used within the practice for a specific client and includes, but is not limited to just clinical notes.

“Reportable Breach” means an ethical breach by a Guild Member, which involves:

- Practising while intoxicated by alcohol or drugs;
- Sexual misconduct with a client or close family member of a client;
- Placing the public at risk of substantial harm because of an impairment (i.e. a health issue);
- Placing the public at risk because of a significant departure from accepted professional standards; or
- Any other serious misconduct that could result in de-registration by NGAT.

Code Of Compliance and Record Keeping

The retention and destruction of client records is a sensitive issue and requires a high level of privacy and protection on the part of the practitioner. Each state and territory has their own legislation regarding retention and destruction of records, and where such legislation either does not

exist, or is not specific, then the Victorian Health Records Act 2001 shall inform each practitioner as to their rights, responsibilities and obligations.

- 1 Practitioners must comply with relevant privacy laws
- 2 Practitioners must comply with the relevant legislation of the State or the Commonwealth relating to his or her clients' health information, including the *Privacy Act 1988* of the Commonwealth and the *Health Records and Information Privacy Act 2002*, and the *Victorian Health Records Act 2001*.
- 3 Practitioners are to keep appropriate records as outlined in the Victorian Health Records Act 2001.
- 4 A health practitioner must maintain accurate, legible and contemporaneous clinical records for each client consultation.
- 5 Health practitioners are to keep appropriate insurance.
- 6 A health practitioner should ensure that appropriate indemnity insurance arrangements are in place in relation to his or her practice.
- 7 The Commonwealth Privacy Act and National Privacy Principles do not stipulate a specific timeframe in which medical records can be destroyed. The guidelines suggest that legal requirements of individual States must be followed regarding retention of health information by health service providers. For example:
 - a **New South Wales** - Regulation 7 of the Medical Practice Regulation 2003 (NSW) provides that: For adults - The record must be kept for at least **7 years from the date the patient was last provided with medical services or treatment. For children (less than 18 years old) - The record must be kept until the patient attains or has attained the age of 25 years.**
 - b **Victoria and ACT** - *The Health Privacy Principles of the Health Records Act 2001 (Victoria) and the Health Records (Privacy and Access) Act 1997 (ACT) provide a similar timeframe as set out above for NSW.*
 - c **South Australia** - In South Australia there is no legislation and no specified timeframe in relation to the retention of medical records. According to the current law in South Australia you are expected to make an objective assessment of the need for the notes to be retained on an individual patient basis rather than adopting a broad-axe approach based solely on time.
 - d ***For clarity, the Guild follows the NSW and Victorian timeframes for the retention and destruction of all files, including for children who are less than 18 years old.***
- 8 Practitioners must not destroy documents with a view to preventing any file note or record from being used in legal proceedings.
- 9 Practitioners will comply with all relevant State and Federal laws in relation to tax and other financial matters.
- 10 Practitioners must be committed to the above Code of Compliance and Record Keeping and recognise that procedures for withdrawal of membership will be implemented for reportable breaches determinations.

- 11 Practitioners agree to, and understand, that these policies and procedures may be updated from time to time, and that it is the responsibility of each practitioner to maintain awareness of the updating of any such policy, notwithstanding any formal notification of policy update.

Membership of the National Guild of Australian Therapists requires each member to sign and declare his or her commitment to adhering to the Code of Compliance and Record Keeping.

I, _____ being a member of the National Guild of Australian Therapists, do willingly declare that I will abide by the above written Code of Compliance and Record Keeping, and further state that I have read and understood the document I am signing, and understand that breaches may result in my membership being cancelled.

Signed _____

Date: / /

Date://