



## **Code of Ethics and Professional Conduct**

### **A. Introduction**

All patients are entitled to expect high standards of practice and conduct from their Ayurvedic professionals. 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 NAMACB to provide guidance for 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 board certified professional, the Ayurvedic professional agrees to be bound by this code. The NAMACB Ethics and Disciplinary Review Panel has been entrusted with the task of monitoring any ethically unacceptable behaviour that breaches this code and reflects negatively on the practice of Ayurveda or on NAMACB. Any allegations against board certified professionals will be examined by the NAMACB Ethics and Disciplinary Review Panel, which will recommend a course of action to the NAMA Board for final disposition of the claims.

This Code of Ethics and Professional Conduct cannot list every possible situation that an Ayurvedic professional may face in practice. It therefore aims to provide general guidelines that clarify the minimum requirements for meeting the accepted standards of ethical conduct that Ayurvedic professionals should apply in their practice to ensure that the public interest and the needs of their patients come first at all times. In addition to protecting the well-being of patients and the public, the purpose of this code is to promote the well-being of the Ayurvedic professional, his or her colleagues, and the profession itself. An Ayurvedic professional's ability to follow these principles will demonstrate his or her level of competence and fitness to practice.

For additional guidance or clarity, board certified professionals are advised to consult the NAMACB Ethics and Disciplinary Review Panel.

## **B. General Duties and Responsibilities of Ayurvedic Professionals**

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

Board certified professionals are therefore expected to adhere to the following standards of behaviour:

- Always practice in compliance with the philosophy and principles of Ayurveda
- Put the well-being of their patients before all other considerations
- Cultivate and promote their own personal development, well-being, and self-respect alongside their patients' welfare
- Be responsible for maintaining their own health and well-being
- Be honest and trustworthy and never abuse their professional position
- Cause no harm to patients and protect them from any risk of harm
- Treat all patients equally, regardless of their religion, nationality, race, culture, sex, politics, disability, sexual orientation, or social standing
- Refuse to engage in or tolerate any form of discrimination, harassment or micro-aggression
- Respect the dignity, individuality, and privacy of patients
- Listen attentively to patients and respect their point of view
- Take the time to explain their findings and treatments to patients and to ensure, to the fullest extent possible, that patients understand what they've been told
- Respect the right of patients to take part in decisions about their care and actively involve them in their Ayurvedic plan
- Respect the autonomy of patients and encourage their freedom of choice
- Ensure that their personal beliefs do not interfere with the care that they provide to their patients
- Respect and protect confidential information
- Recognize and always work within the limits of their professional competence
- Refer every patient whose condition is beyond their expertise to an appropriate health care practitioner or to a primary care doctor
- Be willing to consult and cooperate with colleagues both within the field of Ayurveda and in other health care disciplines
- 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 have not been 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.

## **C. 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 requires the professional to listen attentively to patients, respect their point of view, and refrain from allowing his or her own beliefs and values to adversely influence the therapeutic relationship.

### **1. Consent**

The Ayurvedic professional must respect the right of patients to be fully involved in decisions about their care. Patients are entitled to accept or refuse the professional's advice or treatment.

Before examining or treating a patient, the Ayurvedic professional must ensure that there has been informed consent to such activity. Informed consent occurs when communications between the Ayurvedic professional and the patient result in the patient's authorization or agreement to the specific activity being proposed (or the consent of the patient's health care surrogate if the patient lacks decision-making capacity, or declines to participate in decision making). Conversations regarding informed consent and the patient's decision should be documented in some manner in the patient record. As part of the informed consent, the Ayurvedic professional should assess the patient's ability to understand the information presented and make an independent, voluntary decision. The Ayurvedic professional should present relevant information accurately and sensitively, and with respect to the patient's preferences for receiving health care information. The Ayurvedic professional should advise the patient of (a) the diagnosis (when known); (b) the nature and purpose of the proposed activity; (c) the burdens, risks and expected benefits of the proposed activity; and (d) options to the proposed activity (including foregoing treatment).

Ayurvedic professional must understand and follow the informed consent laws of the state(s) in which they practice. Consent of a parent or legal guardian may be required prior to the treatment of a minor or developmentally disabled individual. Additionally, it may be necessary for the parent or the legally authorized guardian to be present throughout any examination or treatment.

### **2. Maintaining Trust**

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

- Be courteous and truthful
- Respect the privacy and dignity of patients

- Respect patients' right to decline to take part in teaching or research, and ensure that a patient's refusal to participate does not adversely affect the patient-practitioner relationship
- Respect the right of patients to a second opinion
- Ensure that patients have clear information about his or her practice arrangements and how they can contact him or her.

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

#### **a. Ethical Boundaries**

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

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

Practitioners must ensure that their behaviour in dealing with patients is professional at all times and not open to misunderstanding or misinterpretation. Gestures, behaviour, 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 or her Ayurvedic care provider, that provider should discourage the patient's involvement and, if necessary, end the professional relationship. It may be in the Ayurvedic professional's best interest to report such matters to the NAMACB Ethics and Disciplinary Review Panel or to seek advice from a colleague, while maintaining the anonymity of the patient.

Professionals whose patients are required to undress for examination or treatments must show regard for their patients' bodily privacy and must also demonstrate concern for patient dignity and comfort by keeping enough clean gowns or blankets on hand for every patient.

#### **b. Confidentiality**

The relationship of trust that underlies all health care requires that professionals observe the rules of confidentiality in their 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. This duty of confidentiality, which survives a patient's death, also extends to anyone whom

professionals may employ in their practice. Such information may be released only with the explicit consent of the patient. Confidential information must not be revealed even to members of the patient's family, except when it concerns a person who lacks sufficient decision-making capacity, in which case, the information should be shared with the patient's parent or guardian.

In some cases, the patient's right to confidentiality may conflict with the professional's overarching ethical and legal obligations. State and federal reporting laws as well as widely accepted codes of practice for health care define specific circumstances in which this right may be outweighed by the professional's commitment to the patient's well-being or to public health and safety. These include:

- Situations that involve child abuse<sup>1</sup>
- Cases in which patients clearly present a danger to themselves or others<sup>2</sup>

In circumstances where a breach of confidentiality may be warranted and legally permissible, the professional must first make every reasonable effort to mitigate those circumstances without violating patient confidentiality. For instance, the professional should try to persuade patients who are engaging in hazardous behaviour to change that behaviour and to voluntarily disclose it to others who may be affected by it as well as to third parties who can support the patient's efforts toward behavioural change. In particular, adolescents with certain personal issues (e.g., substance abuse, mental health concerns) that state and federal law deem confidential but that pose a serious threat to their well-being should be strongly urged to disclose those issues to their parents or guardian. If these efforts to maintain confidentiality fail, the professional should alert the appropriate persons after first seeking legal advice. The professional must be able, if necessary, to justify his or her actions.

The limits of confidentiality imposed by reporting laws should be included in a professional's patient consent form. In the case of a minor or intellectually disabled adult, the limits of confidentiality should be explained in language that he or she can understand.

When professionals are required or asked to give evidence or disclose patient information to a court or other tribunal, they should do so with care. Whatever evidence they share, they must speak from an independent and impartial perspective.

### **c. Good Communication**

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

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<sup>1</sup> All states require notification of child protection services in such cases.

<sup>2</sup> While all states require professionals to take action when others are at risk of being harmed by the patient, the specifics of the professional's obligation vary from state to state; in circumstances where the risk of harm applies to the patient, many states allow disclosure of confidential information, but few require it.

- 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 caregivers, if the patient has given the professional consent. When a patient lacks the capacity to 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 his or her actions or recommendations, the professional should act immediately to take responsibility and provide an explanation.

If the patient is an adult who lacks the capacity to understand the situation, the explanation should be given to a person with responsibility for the patient, unless the professional has reason to believe the patient would object 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.

## **D. Relationship with Colleagues**

### **1. Communication with Other Health Care Practitioners**

Professionals should work in cooperation with other health care practitioners, such as primary care physicians, specialists, and psychotherapists, to obtain best results for each individual patient. At times this may simply be a matter of communication between two professionals regarding their mutual care of the patient, or if the patient's condition is outside the Ayurvedic professional's competence, he or she may want to refer the patient to another health care practitioner.

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's consulting the provider who prescribed the medication.

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

If an Ayurvedic professional's patient decides to transfer to another health care practitioner, the professional who first treated the patient must share all records and details of treatment, including herbs used, with the practitioner taking over care, after the patient has given consent.

An Ayurvedic professional must never attempt to persuade other practitioners' patients to seek his or her services. If professionals treat the patient of another health care

provider 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.

## **2. Honorable Conduct**

Professionals must at all times conduct themselves in an honorable manner in their relations with colleagues and other health care practitioners. It is inappropriate to openly criticize treatment prescribed or administered by another health care provider. 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 voicing malicious or unfounded criticism of colleagues. If professionals hear such criticism from 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 poses a threat to patients, they have a responsibility to act to protect patients' safety. Professionals are advised to report any such concerns to the NAMACB Ethics and Disciplinary Review Panel or, if necessary, to a relevant legal authority.

## **E. Relationship with the Public**

### **1. Honorable Conduct**

Professionals must conduct themselves at all times in an honorable manner in their relationship with the public. Public communication may include advertising, contact through the media (e.g., newspapers and other publications, television, radio, the Worldwide Web) and through public talks and individual 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 their competence.

### **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 sustains 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, they must make it clear that, while they are entitled to use the doctor title, they are not a medical doctor.

## **F. Health Problems of Professionals**

The interests and safety of clients must come first at all times. If professionals know that they have a serious illness, 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 seek 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.

These caveats also apply to professionals who have become dependent on alcohol or any other drug, prescribed or otherwise, to an extent that may affect their practice.

## **G. 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.

### **1. Staff**

Professionals must ensure that their staff is 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 practice where they are employed.

### **2. Treatment**

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

All herbal remedies should come with clear instructions on how the patient should use them 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 that include 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 the patient's progress



Professionals serve as custodian of their patients' records. In practices where they work with colleagues, they 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 the professional retires or otherwise ceases practicing at any particular address, appropriate arrangements must be made for the safe custody of records.

## **H. Financial and Commercial Dealings**

### **1. Financial Dealings**

When a patient consults a professional, he or she is entering into a contractual relationship. Professionals must be honest and open in any financial arrangements with patients. In particular, they should set their fees and disclose their billing practices in a way that 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, 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 that 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.

### **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 solely for the purpose of making a profit is highly unethical. If professionals sell or recommend any product or service to a patient, they must be satisfied that it will benefit the patient and that they are appropriately qualified to make such a recommendation.

Before selling or recommending a product or service, professionals must disclose to the patient whether they have a financial interest in that product or service. Professionals must ensure that they can differentiate between the prescribing of a product and the marketing of a product.

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

Infringement of this Code of Ethics may render professionals liable to disciplinary action with subsequent loss of the privileges and benefits of board certification, as applicable.

*Thanks to the APA upon whose work this code is based.*